



Number 31 of 2023

Domestic, Sexual and Gender-Based Violence Agency Act 2023



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DOMESTIC, SEXUAL AND GENDER-BASED VIOLENCE AGENCY ACT 2023

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Number 31 of 2023

DOMESTIC, SEXUAL AND GENDER-BASED VIOLENCE AGENCY ACT 2023

An Act to provide for the establishment of a body to be known as An Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe and to provide for its functions; to provide for the transfer of certain functions, staff, rights and liabilities and records of the Child and Family Agency to the said body and for those purposes to amend the Child and Family Agency Act 2013; to amend the National Archives Act 1986; and to provide for related matters. [28th November, 2023]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Domestic, Sexual and Gender-Based Violence Agency Act 2023.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—

“Act of 2013” means the Child and Family Agency Act 2013;

“Agency” has the meaning assigned to it by *section 5(1)*;

“annual business plan” has the meaning assigned to it by *section 32(1)*;

“annual report” means an annual report as laid under *section 33(5)*;

“Board” has the meaning assigned to it by *section 7(1)*;

“chairperson” means the chairperson of the Board;

“chief executive” has the meaning assigned to it by *section 16(1)*;

“child” has the same meaning as it has in the Children Act 2001;

“committee of the Board” has the meaning assigned to it by *section 15(1)*;

“confidential information” includes—

- (a) information that is expressed by the Agency to be confidential either as regards particular information or as regards information of a particular class or description, or
- (b) proposals of a commercial nature or tenders submitted to the Agency by any person;

“education and training board” has the same meaning as it has in the Education and Training Boards Act 2013;

“enactment” has the same meaning as it has in the Interpretation Act 2005;

“establishment day” means the day appointed under *section 4*;

“Irish Prison Service” means the prison service of the Department of Justice, which is charged with the management of prisons;

“local authority” has the same meaning as it has in the Local Government Act 2001;

“Minister” means the Minister for Justice;

“policy directives” has the meaning assigned to it by *section 38(5)*;

“prison” means a place of custody (other than a Garda Síochána station) administered by or on behalf of the Minister and includes a place—

- (a) provided under section 2 of the Prisons Act 1970, and
- (b) specified under section 3 of the Prisons Act 1972;

“Probation Service” means those officers of the Minister assigned to perform functions in the part of the Department of State for which the Minister is responsible, commonly known by that name;

“public service body” means—

- (a) a Department of State,
- (b) the Child and Family Agency,
- (c) the Health Service Executive,
- (d) An Garda Síochána,
- (e) the Courts Service,
- (f) the Irish Prison Service,
- (g) the Probation Service,
- (h) An tÚdarás um Ard-Oideachas,
- (i) the Legal Aid Board,

- (j) the National Council for Curriculum and Assessment,
- (k) An tSeirbhís Oideachais Leanúnaigh agus Scileanna (Solas),
- (l) a local authority,
- (m) an education and training board,
- (n) a designated institution of higher education within the meaning of the Higher Education Authority Act 2022,
- (o) the Central Statistics Office, and
- (p) a body designated under *section 42* as a public service body;

“service provider” has the meaning assigned to it by *section 40(1)*;

“victim” means a person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an act of domestic, sexual or gender-based violence against that person or, where that person is a child, against a parent or guardian of that person.

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

AGENCY

Establishment day

4. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Agency

5. (1) There shall stand established on the establishment day a body which shall be known as An Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe (in this Act referred to as the “Agency”) to perform the functions conferred on it by or under this Act.
- (2) The Agency shall be a body corporate with perpetual succession and an official seal, and with the power—
 - (a) to sue and be sued in its corporate name, and

- (b) to acquire, hold and dispose of land, an interest in land, or any other property with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (3) The Agency shall provide itself with a seal as soon as practicable after the establishment day and the seal shall be authenticated by—
 - (a) the signatures of both the chief executive and a member of the Board authorised by the Board to act in that behalf, or
 - (b) the signatures of both—
 - (i) such member of the staff of the Agency as is authorised by the chief executive to act in that behalf, and
 - (ii) a member of the Board authorised by the Board to act in that behalf.
- (4) Judicial notice shall be taken of the seal of the Agency and any document purporting to be an instrument made by the Agency, and to be sealed with the seal of the Agency authenticated in accordance with *subsection (3)*, shall, unless the contrary is shown, be evidence of that instrument without further proof.
- (5) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Agency by any person authorised by the Agency in that behalf.

Functions of Agency

6. (1) The Agency shall have the following functions:
- (a) to plan, coordinate and monitor the development of refuge accommodation for victims of domestic, sexual or gender-based violence;
 - (b) to provide support to service providers, including financial assistance, for the provision by them of—
 - (i) services delivered in refuge accommodation and other services for victims and persons at risk of domestic, sexual or gender-based violence, and
 - (ii) programmes with the purpose of preventing, and reducing the incidence of, such violence;
 - (c) where so requested by the Minister, to prepare, and submit for the approval of the Minister, standards for the provision of the services referred to in *paragraph (b)(i)* and the programmes referred to in *paragraph (b)(ii)*;
 - (d) to monitor adherence by service providers to the standards referred to in *paragraph (c)*;
 - (e) to compile and publish information regarding the availability of the refuge accommodation referred to in *paragraph (a)* and the services and programmes referred to in *paragraph (b)*;

- (f) to develop and implement public campaigns, and provide advice or support in relation to the development of public campaigns by public service bodies and other persons, for the purposes of—
 - (i) increasing awareness of domestic, sexual and gender-based violence and the associated risk factors, and
 - (ii) reducing the incidence of such forms of violence;
 - (g) where requested by the Minister, to provide him or her with—
 - (i) such assistance as he or she may require in the development or evaluation of strategies and plans in relation to domestic, sexual or gender-based violence, and
 - (ii) in such form and frequency as the Minister may specify, reports on the implementation of such strategies and plans;
 - (h) to coordinate, oversee and provide advice and support, as appropriate, in relation to the implementation by public service bodies of the strategies and plans referred to in *paragraph (g)*;
 - (i) to undertake, commission, assist or collaborate in research (including the collection, compilation and assessment of statistical data) to support the evaluation of policies, strategies and services relating to domestic, sexual or gender-based violence and to support generally the effective performance by the Agency of its other functions under this Act or any other enactment;
 - (j) such additional functions as are conferred on it under *subsection (5)*.
- (2) In performing its functions, the Agency shall—
- (a) collaborate with any person that the Agency considers appropriate in relation to any matter connected with the functions of the Agency,
 - (b) engage with, and consider recommendations from, public service bodies, international bodies, persons with expertise in the area of domestic, sexual or gender-based violence, persons in receipt of the services or programmes referred to in *subsection (1)(b)* and the general public,
 - (c) have regard to the diverse circumstances and needs of victims and persons at risk of domestic, sexual or gender-based violence (including children and young persons),
 - (d) have regard to the policies and objectives of the Minister and the Government in so far as those policies and objectives may affect, or relate to, the functions of the Agency, and
 - (e) have regard to the resources available to the Agency and the need to secure the most beneficial, effective and efficient use of those resources.
- (3) The Agency shall act through, and its functions shall be performed in the name of the Agency by, the chief executive.

- (4) The Agency shall have all such powers as are necessary or expedient for the performance by it of its functions.
- (5) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, by order confer on the Agency such additional functions connected with its existing functions as the Minister considers to be appropriate, subject to such conditions (if any) as may be specified in the order.
- (6) An order under *subsection (5)* may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or appropriate for the purposes of giving full effect to the conferral of additional functions on the Agency.
- (7) An order made by the Minister under *subsection (5)* 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 21 days on which the 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 thereunder.

Establishment and membership of Board

7. (1) The Agency shall have a Board (in this Act referred to as the “Board”) consisting of the following members:
 - (a) a chairperson;
 - (b) 6 ordinary members.
- (2) The chairperson and the ordinary members of the Board shall be appointed by the Minister from among persons who, in the opinion of the Minister, have experience and expertise in—
 - (a) policy implementation, service delivery, advocacy, research, education or training in relation to domestic, sexual or gender-based violence,
 - (b) organisational governance, management or public administration, or
 - (c) other matters relevant to the functions of the Agency,sufficient to enable them to make a substantial contribution to the effective and efficient operation of the Agency.
- (3) The Minister may appoint one of his or her officers as an ordinary member of the Board under *subsection (2)*.
- (4) The Minister shall, in so far as practicable, endeavour to ensure that among the members of the Board there is an equitable gender balance.
- (5) Subject to *subsection (6)*, the chairperson of the Board shall be appointed by the Minister from among the members of the Board.
- (6) The Minister may, before the coming into operation of this section, designate a person to be appointed as the first chairperson of the Board.

- (7) Where, immediately before the coming into operation of this section, a person stands designated under *subsection (6)*, that person shall, on such coming into operation, stand appointed as the first chairperson of the Board.
- (8) The Minister may, before the coming into operation of this section, designate persons (including one of his or her officers) to be appointed as the first ordinary members of the Board.
- (9) Where, immediately before the coming into operation of this section, a person stands designated under *subsection (8)*, the person shall, on such coming into operation, stand appointed as an ordinary member of the Board.

Functions of Board

8. (1) The Board shall have the following functions:
 - (a) to provide strategic direction to the Agency;
 - (b) to adopt the annual report;
 - (c) to oversee the implementation by the chief executive of the corporate plan as laid under *section 31(1)* and the annual business plan;
 - (d) to provide guidance and advice to the chief executive where requested under *section 19*;
 - (e) to promote high standards of corporate governance in the Agency;
 - (f) to advise, or make recommendations to, the Minister in relation to the policies of the Minister and the Government relating to or affecting the functions of the Agency.
- (2) The Board shall have all such powers as are necessary or expedient for the performance of its functions.
- (3) The Board, in the performance of its functions under this Act, shall have regard to the policies and objectives of the Minister and the Government in so far as those policies and objectives may affect, or relate to, the functions of the Agency.
- (4) The Board shall be responsible to the Minister for the performance of its functions and shall inform the Minister in writing of any matter that it considers requires his or her attention.

Terms of appointment and conditions of office of Board members

9. (1) Subject to *subsection (2)*, a member of the Board shall hold office, unless the member sooner resigns, dies, becomes disqualified or is removed from office, for such period, not exceeding 4 years from the date of his or her appointment, as the Minister shall determine.
- (2) Of the ordinary members of the Board that are first appointed under this Act—

- (a) such 3 members as are determined by the Minister shall hold office for a period of 3 years from the date of their respective appointments as ordinary members, and
 - (b) the remaining 3 members shall hold office for a period of 4 years from the date of their respective appointments as ordinary members.
- (3) Subject to *subsection (4)*, a member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment to the Board.
- (4) A person who is reappointed to the Board in accordance with *subsection (3)* shall not hold office for periods the aggregate of which exceeds 7 years.
- (5) The chairperson and ordinary members of the Board shall—
- (a) hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined by the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, and
 - (b) be paid out of moneys at the disposal of the Agency.
- (6) A member of the Board may resign from office by notice in writing addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice, or, if a date is specified in the notice and the Minister agrees to that date, on that date.

Casual vacancies

10. (1) If a member of the Board resigns, dies, ceases to hold office (otherwise than by effluxion of time), ceases to be qualified to hold office or is removed from office, the Minister shall, as soon as practicable, appoint, consistent with the provisions of *sections 7 and 9*, a person to fill the casual vacancy so arising.
- (2) A person appointed under *subsection (1)* shall hold office for the unexpired period of his or her predecessor's term of office or such other period (which shall not be less than such unexpired period but which shall not exceed 4 years) as the Minister may determine.
- (3) A person appointed under *subsection (1)* is eligible for reappointment to the Board on the expiry of the unexpired period or other period, as appropriate, referred to in *subsection (2)* but shall not hold office for more than 2 further consecutive terms and in any event shall not hold office for periods the aggregate of which exceeds 7 years.

Ineligibility for appointment, disqualification from office, cessation of membership

11. (1) A person shall not be eligible to be appointed as a member of the Board if the person is—
- (a) a member of either House of the Oireachtas,

- (b) entitled under the rules of procedure of the European Parliament to sit in that Parliament,
 - (c) a member of a local authority, or
 - (d) a member of staff of the Agency.
- (2) A person shall be disqualified from holding, and shall cease to hold, office as a member of the Board if he or she—
- (a) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (b) is convicted on indictment of an offence,
 - (c) is convicted of an offence involving fraud or dishonesty,
 - (d) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
 - (e) is subject or is deemed to be subject to a disqualification order (within the meaning of Chapter 4 of Part 14 of the Companies Act 2014) whether by virtue of that Chapter or any other provision of that Act, or
 - (f) is removed by a competent authority for any reason (other than failure to pay a fee) from a register established for the purpose of registering members of a profession in the State or another jurisdiction.
- (3) Where a member of the Board is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament, or
 - (d) elected or co-opted as a member of a local authority,
- he or she shall thereupon cease to hold office as a member of the Board.

Removal of member of Board

- 12.** The Minister may, at any time, remove from office a member of the Board if, in the opinion of the Minister—
- (a) the member has become incapable through ill-health or otherwise of effectively performing his or her functions,
 - (b) the member has committed stated misbehaviour,
 - (c) the removal of the member is necessary for the effective and efficient performance by the Board of its functions,

- (d) the member has contravened, or failed to discharge a duty imposed by, a provision of the Ethics in Public Office Acts 1995 and 2001 that, by virtue of a regulation under section 3 of the Ethics in Public Office Act 1995, applies to him or her, or
- (e) the member, in performing his or her functions under this Act, has not complied with a code of conduct under section 10(3) of the Standards in Public Office Act 2001.

Removal of all members of Board

13. (1) The Minister may remove all the members of the Board from office if—
- (a) the Board fails to achieve a quorum for 3 consecutive meetings,
 - (b) the Board does not comply with a judgment, order or decree of any court,
 - (c) the Board does not comply with a direction of the Minister or any other requirement imposed on it by or under this Act or any other enactment, or
 - (d) the Minister is of the opinion that the Board's functions are not being performed in an effective and efficient manner.
- (2) Before removing all the members of the Board from office under *subsection (1)(d)*, the Minister may appoint a person—
- (a) to conduct an independent review of any matter giving rise to his or her opinion that the Board's functions are not being performed in an effective and efficient manner, and
 - (b) to submit a report to the Minister of the findings of the review.
- (3) The Board and the chief executive shall cooperate with a review under *subsection (2)* and give the person conducting the review all reasonable assistance, including access to such premises, equipment and records as the person may require for the purposes of the review.
- (4) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine the remuneration and allowances for expenses (if any) payable to a person appointed under *subsection (2)*.

Meetings and procedures of Board

14. (1) The Board shall hold such and so many meetings as may be necessary for the due performance of its functions.
- (2) The Minister shall fix the date, time and place of the first meeting of the Board.
- (3) The chairperson may call a meeting of the Board at any reasonable time.
- (4) Subject to *subsection (6)*, at a meeting of the Board—
- (a) the chairperson shall, where present, chair the meeting, or

- (b) where and so long as the chairperson of the Board is not present or where that office is vacant, the other members of the Board who are present shall choose one of their number to chair the meeting.
- (5) Any 5 or more members of the Board may call a meeting of the Board where the chairperson—
 - (a) refuses to call a meeting after being presented with a requisition for that purpose signed by not fewer than 5 members of the Board, or
 - (b) without refusing to call a meeting, does not call one within 7 days after being presented with the requisition.
- (6) The members present at a meeting called under *subsection (5)* shall choose one of their number to chair the meeting.
- (7) The quorum for a meeting of the Board shall, unless the Minister otherwise directs, be 4.
- (8) Each member of the Board present at a meeting of the Board shall have a vote.
- (9) Every question at a meeting of the Board shall be determined by a majority of the votes of those members of the Board present and voting on the question and, in the case of an equal division of votes, the person chairing the meeting shall have a second or casting vote.
- (10) Subject to *subsection (7)*, the Board may act notwithstanding one or more vacancies among its members.
- (11) The Board may hold or continue a meeting—
 - (a) with all participants physically present, or
 - (b) with the use of any means of communication by which all the participants can hear and be heard at the same time (in this section referred to as a “remote meeting”).
- (12) A member of the Board who participates in a remote meeting shall be taken for all purposes to have been present at the meeting.
- (13) Subject to this Act, the Board shall regulate its own procedures.

Establishment of committees of Board

- 15.** (1) The Board may establish such and so many committees (in this Act referred to as a “committee of the Board”) as it thinks fit to assist and advise it in relation to the performance of any of its functions.
- (2) A committee of the Board—
- (a) shall consist of such number of members of the Board as the Board may determine, and
 - (b) may include persons who are not members of the Board.

- (3) In appointing members of a committee of the Board, the Board shall have regard to the knowledge and experience necessary for the proper and effective performance of the functions of the committee.
- (4) The chairperson of a committee of the Board shall be appointed by the Board from among the members of the committee.
- (5) There may be paid by the Agency to members of a committee of the Board such allowances for expenses (if any) as the Minister, with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may determine.
- (6) The Board may at any time remove a member of a committee of the Board from office for stated reasons.
- (7) The Board may determine the terms of reference and regulate the procedure of a committee of the Board.
- (8) The acts of a committee of the Board shall be subject to confirmation by the Board unless the Board otherwise determines.
- (9) A committee of the Board shall provide the Board with such information in respect of the committee's activities as the Board may require for the purposes of the performance by the Board of its functions.
- (10) The Board may at any time dissolve a committee of the Board.

Chief executive

16. (1) The Minister shall appoint a person recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005 to be the chief executive of the Agency (in this Act referred to as the "chief executive").
- (2) The chief executive shall be a civil servant of the Government.
- (3) The Minister shall, other than in the case of the person appointed to be the first chief executive, consult with the Board prior to appointing a person to be the chief executive.
- (4) A person appointed as the chief executive shall hold office on such terms and conditions (including those relating to term of office, remuneration, allowances and superannuation) as may be determined by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (5) The chief executive shall not hold any other office or position without the consent of the Minister.
- (6) Where, before the establishment day, a competition has been held under section 47 of the Public Service Management (Recruitment and Appointments) Act 2004 for the purpose of appointing a chief executive of the Agency, the Minister may designate the

successful candidate as the person to be appointed to be the first chief executive of the Agency.

- (7) Where, immediately before the establishment day, a person stands designated under *subsection (6)*, the person shall, on that day, stand appointed as the first chief executive.
- (8) Where the term of office of the chief executive expires by the effluxion of time, the Minister, having consulted with the Board, may extend the term for a period to be determined by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (9) The chief executive may resign from office by giving notice in writing of his or her resignation to the Minister and copied to the Board, and the resignation shall take effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to that date, on that date.

Functions of chief executive

17. (1) Without prejudice to *section 6(3)*, the functions of the chief executive are—
 - (a) to implement the corporate plan as laid under *section 31(1)* and the annual business plan,
 - (b) to manage and control generally the staff, administration and business of the Agency,
 - (c) at the request of the Board, to provide it with such information (including financial information) as the Board may require in relation to the performance of the functions of the chief executive,
 - (d) to provide the Minister with such information relating to the performance of the functions of the chief executive and the implementation of the Minister's policies and priorities as the Minister may require, and
 - (e) to assist and provide the accounting officer of the Department of Justice with such information (including financial information and records) relating to the functions of the accounting officer within such period as the accounting officer may require.
- (2) The chief executive shall be responsible to the Minister for the performance of his or her functions and for the implementation of the corporate plan as laid under *section 31(1)* and the annual business plan.
- (3) The chief executive shall not be a member of the Board or a committee of the Board, but he or she may, in accordance with procedures specified by the Board or the committee of the Board concerned, attend meetings of the Board or a committee of the Board and may speak, and give advice, at such meetings.

Delegation of functions of chief executive

- 18.** (1) The chief executive may delegate any function of the Agency to such member of staff of the Agency as the chief executive may authorise for that purpose and that member of staff shall be responsible to the chief executive for the performance of the functions so delegated.
- (2) The person to whom a function is delegated under *subsection (1)* shall perform the function under the general direction and subject to the general control of the chief executive and in accordance with such (if any) limitations as may be specified in the delegation in relation to the area or period in which or the extent to which he or she is to perform the function.
- (3) Any delegation under this section may relate to the performance generally of a function or to the performance of a function in a particular case or class of case.
- (4) Any function, when performed by a person to whom it has been delegated under this section, shall be deemed to have been performed by the chief executive and the chief executive shall be responsible to the Minister for the performance of that function.
- (5) The chief executive may revoke a delegation made under *subsection (1)* at any time either generally or in relation to a particular case or class of case.

Consultation by chief executive with Board

- 19.** (1) The chief executive may consult with, or request the guidance and advice of, the Board on any matter relating to the performance of a function of the Agency.
- (2) The chief executive shall consult with, and request the guidance and advice of, the Board when he or she is preparing a corporate plan.
- (3) The chief executive shall have regard to any guidance and advice of the Board pursuant to a request under this section before performing any function to which the guidance and advice relates.

Acting chief executive

- 20.** (1) The Minister may appoint a person (in this section referred to as the “acting chief executive”) to perform the functions of the chief executive during—
- (a) any period or periods during which the chief executive is absent from duty or from the State or is, for any other reason, unable to perform the functions of chief executive,
- (b) any period of suspension from office of the chief executive, or
- (c) subject to *subsection (2)*, any vacancy in the office of chief executive.
- (2) An acting chief executive shall not be appointed for a period exceeding 12 months during a vacancy in the office of chief executive.
- (3) The Minister may at any time terminate an appointment under this section.

- (4) Where a person is appointed under this section as an acting chief executive, references in this Act or in any instrument made under this Act to the chief executive shall be construed as references to the person so appointed.

Staff of Agency

- 21.** (1) The Minister may appoint such and so many of his or her officers as he or she may determine to be members of staff of the Agency.
- (2) The terms and conditions of service of a member of staff of the Agency shall be such as may be determined by the Minister with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (3) There shall be paid by the Minister to the members of staff of the Agency such remuneration and allowances as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.
- (4) A member of staff of the Agency shall be a civil servant of the Government.
- (5) The members of staff of the Agency shall perform their functions under the direction and control of the chief executive.
- (6) Appointments under this section shall be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005.
- (7) The Agency may make arrangements with—
- (a) a public service body, or
 - (b) any other person,
- for the engagement with the Agency on a temporary basis of a person in the service of, or employed by, such public service body or person.
- (8) A person who is engaged on a temporary basis with the Agency pursuant to an arrangement under *subsection (7)* shall be under the direction and control of the chief executive during the period of engagement.

Transfer of certain employees of Child and Family Agency

- 22.** (1) Such persons as the Minister for Children, Equality, Disability, Integration and Youth may (having consulted with the Minister) designate in writing for the purposes of this section and who are employees of the Child and Family Agency, shall, on such day or days as the Minister for Children, Equality, Disability, Integration and Youth may (having consulted with the Minister) specify, be transferred to and become members of staff of the Agency.
- (2) Before exercising the power under *subsection (1)*, the Minister for Children, Equality, Disability, Integration and Youth shall—
- (a) notify in writing any recognised trade union or staff association concerned of his or her intention to do so, and

- (b) consider, within such time as may be specified in the notification under *paragraph (a)*, any representations made by that trade union or staff association in relation to the matter.
- (3) Subject to *subsection (4)*, a person who is transferred under *subsection (1)* and who is designated in writing by the Minister for the purposes of this section shall, on being so transferred, become a civil servant of the Government.
- (4) Before exercising the power under *subsection (3)*, the Minister shall—
 - (a) notify in writing any recognised trade union or staff association concerned of his or her intention to do so, and
 - (b) consider, within such time as may be specified in the notification under *paragraph (a)*, any representations made by that trade union or staff association in relation to the matter.
- (5) Except in accordance with any enactment or a collective agreement negotiated with any recognised trade union or staff association, a person transferred to the Agency under *subsection (1)* shall not be subject to less beneficial terms and conditions of service (including those relating to tenure of office), remuneration or superannuation than the terms and conditions of service, remuneration or superannuation to which he or she was subject immediately before that day.
- (6) In relation to a person transferred to the Agency under *subsection (1)*, previous service with the Child and Family Agency shall be reckonable for the purposes of, but subject to any exceptions or exclusions in the following:
 - (a) the Redundancy Payments Acts 1967 to 2022;
 - (b) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
 - (c) the Unfair Dismissals Acts 1977 to 2015;
 - (d) the Maternity Protection Acts 1994 to 2022;
 - (e) the Terms of Employment (Information) Acts 1994 to 2014;
 - (f) the Adoptive Leave Acts 1995 and 2005;
 - (g) the Organisation of Working Time Act 1997;
 - (h) the Parental Leave Acts 1998 to 2023;
 - (i) the Carer’s Leave Act 2001;
 - (j) the Protection of Employees (Part-Time Work) Act 2001;
 - (k) the Protection of Employees (Fixed-Term Work) Act 2003;
 - (l) the Paternity Leave and Benefit Act 2016;
 - (m) the Parent’s Leave and Benefit Act 2019;
 - (n) the Work Life Balance and Miscellaneous Provisions Act 2023.

- (7) In this section, “recognised trade union or staff association” means a trade union or staff association recognised by the Minister for Children, Equality, Disability, Integration and Youth or the Minister for the purposes of negotiations which are concerned with the remuneration or conditions of employment of employees.

Consultants and advisers

- 23.** (1) The chief executive may engage such consultants and advisers as he or she considers necessary for the performance of any or all of his or her functions or the functions of the Agency.
- (2) The chief executive shall comply with any directions concerning the appointment of consultants or advisers which may be given to him or her by the Minister.
- (3) Any fees due to a consultant or adviser engaged under this section shall be paid by the Agency, having regard to any guidelines issued by the Minister for Public Expenditure, National Development Plan Delivery and Reform, out of moneys at its disposal.

Transfer of functions to Agency

- 24.** (1) On the establishment day, the functions vested in the Child and Family Agency by section 8(3)(b) of the Act of 2013 shall, in so far as they correspond to the functions specified in *paragraphs (a), (b), (c) and (d) of section 6(1)*, stand transferred to the Agency.
- (2) The administration and business in connection with the performance of any of the functions transferred by *subsection (1)* are transferred, on the establishment day, to the Agency.

Transfer of rights and liabilities

- 25.** (1) All rights and liabilities of the Child and Family Agency in respect of a function transferred to the Agency under *section 24(1)* subsisting immediately before the establishment day and arising by virtue of any contract or commitment (expressed or implied), shall on that day stand transferred to the Agency.
- (2) Every right and liability transferred by *subsection (1)* to the Agency may, on and after the establishment day, be sued on, recovered or enforced by or against the Agency in its own name, and it shall not be necessary for the Agency to give notice to the person whose right or liability is transferred by that subsection of such transfer.

Preservation of contracts

- 26.** (1) Subject to *subsection (2)*, every contract, agreement or arrangement made between the Child and Family Agency and any other person, which is in force immediately before the establishment day and relates to a function transferred to the Agency under *section 24(1)*, shall continue in force on and after that day and shall be construed and

have effect as if the name of the Agency were substituted therein for that of the Child and Family Agency and shall be enforceable by or against the Agency.

- (2) Where a contract, agreement or arrangement relates to a service required in connection with the performance of a function transferred under *section 24(1)* and also relates to a service required in connection with the performance of a function which, after the establishment day, remains a function of the Child and Family Agency—
 - (a) the Agency and the Child and Family Agency may agree in writing that such contract, agreement or arrangement shall continue in force as if the name of the Agency were included therein with that of the Child and Family Agency or, as may be appropriate, its trustee or agent, and
 - (b) where *paragraph (a)* applies, the contract, agreement or arrangement concerned shall be enforceable by or against the Agency in so far as the service the subject matter of the contract, agreement or arrangement is required in connection with the performance of a function transferred under *section 24(1)* and by or against the Child and Family Agency in so far as the service the subject matter of the contract, agreement or arrangement is required in connection with the performance of a function of the Child and Family Agency.

Pending legal proceedings

27. Any legal proceedings pending immediately before the establishment day to which the Child and Family Agency is a party, that relate to a function transferred to the Agency under *section 24(1)*, shall, on and after that day, be continued with the substitution in the proceedings of the Agency, in so far as they so relate, for the Child and Family Agency, and the proceedings shall not abate by reason of such substitution.

Records

28. Each record held by the Child and Family Agency immediately before the establishment day in so far as that record relates to a function transferred to the Agency under *section 24(1)* shall, on that day, stand transferred to the Agency and shall, on and after that day, be the property of the Agency and be regarded as being held by the Agency.

Provisions consequent upon transfer of functions, rights and liabilities

29. (1) Anything commenced and not completed before the establishment day by or under the authority of the Child and Family Agency may, in so far as it relates to a function transferred to the Agency under *section 24(1)*, be carried on or completed on or after the establishment day by the Agency.
- (2) Every instrument made under an enactment and every document (including any certificate) granted or made by the Child and Family Agency, if and in so far as it was operative immediately before the establishment day and relates to a function transferred to the Agency under *section 24(1)*, shall have effect on and after that day as if it had been granted or made by the Agency.

- (3) A reference to the Child and Family Agency in the memorandum of association or articles of association of any company, where it relates to a function transferred to the Agency under *section 24(1)*, shall, on and after that day, be construed as a reference to the Agency.
- (4) A certificate signed by the Minister that any right or liability has or, as the case may be, has not vested in the Agency under *section 25* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

PART 3

GOVERNANCE AND ACCOUNTABILITY

Corporate plan

- 30.** (1) The chief executive shall, having consulted with the Board in accordance with *section 19(2)*, within 6 months after the establishment day and not later than the expiration of each subsequent 3 year period, prepare and submit to the Minister a corporate plan for the Agency in respect of the period of 3 years immediately following the year in which the plan is so submitted.
- (2) A corporate plan shall—
- (a) be prepared in such form and manner and contain such information as may be in accordance with any directions issued by the Minister,
 - (b) specify in relation to the period to which the plan relates—
 - (i) the main objectives of the Agency and how the Agency will apply its resources to each such objective,
 - (ii) the strategies that will be pursued in order to achieve the main objectives,
 - (iii) where reasonably practicable, the outcomes by which the achievement of the main objectives may be measured, and
 - (iv) any other information connected with the functions of the Agency which the chief executive considers appropriate,
- and
- (c) except in the case of the first such plan, include a review and evaluation of the work of the Agency in the performance of its functions under this Act in the previous 3 years.
- (3) The chief executive shall, before preparing a corporate plan, consult with the Minister and with such other persons as the chief executive considers appropriate.
- (4) In preparing a corporate plan, the chief executive shall have regard to—
- (a) the policies and objectives of the Minister and the Government in so far as those policies and objectives may affect, or relate to, the functions of the Agency,

- (b) any policy directives issued by the Minister under *section 38*,
 - (c) the views of the Board as may be provided following consultation under *section 19(2)*,
 - (d) the views of the Minister and such other persons referred to in *subsection (3)* as may be provided following consultation with them under that subsection, and
 - (e) the resources reasonably and prudently expected to be available to the Agency for the period to which the corporate plan relates and the need to ensure the most effective and efficient use of those resources.
- (5) The Minister shall, within 2 months of receiving a corporate plan submitted to him or her under *subsection (1)*—
- (a) approve the plan without amendment, or
 - (b) issue to the chief executive such directions regarding amendments to the plan as the Minister considers necessary.
- (6) Where the Minister has issued directions under *subsection (5)(b)*, the chief executive shall submit an amended plan to the Minister not later than 4 weeks after the receipt by the chief executive of the directions.
- (7) The Minister, within 4 weeks of receiving a corporate plan submitted to him or her under *subsection (6)*—
- (a) where the plan is amended in accordance with any directions given by the Minister under *subsection (5)(b)*, shall approve it, or
 - (b) where the plan is not amended in accordance with any directions given by the Minister under *subsection (5)(b)*, may refuse to approve it.
- (8) A corporate plan may be amended—
- (a) by the Minister at any time, or
 - (b) by the chief executive, where—
 - (i) the chief executive submits an amendment to the plan to the Minister for his or her approval, and
 - (ii) the amendment is approved by the Minister.
- (9) *Subsections (2) to (4)* shall apply with the necessary modifications in respect of an amendment to a corporate plan by the chief executive under *subsection (8)(b)* as it applies to a corporate plan.

Publication and implementation of corporate plan

- 31.** (1) The Minister shall cause a copy of a corporate plan to be laid before each House of the Oireachtas as soon as practicable—
- (a) after the plan is approved by the Minister under *subsection (5)(a)* or *(7)* of *section 30*,

- (b) where the plan is amended by the Minister in accordance with *section 30(8)(a)*, after such amendment, and
 - (c) where the plan is amended by the chief executive in accordance with *section 30(8)(b)*, after such amendment is approved by the Minister under *subparagraph (ii)* of that section.
- (2) The chief executive shall ensure that, as soon as practicable after a copy of a corporate plan is laid before each House of the Oireachtas, the plan, as laid, is published on a website maintained by or on behalf of the Agency or in such other manner as the Minister may specify.
- (3) The chief executive shall provide the Minister with a report on the implementation of the corporate plan as laid under *subsection (1)*—
- (a) as part of the annual report, and
 - (b) in such other manner and at such other intervals as the Minister may direct.

Annual business plan

- 32.** (1) The chief executive shall, having consulted with the Board, before the expiry of the specified period in any year, prepare and submit to the Minister a business plan (in this Act referred to as the “annual business plan”) for the following year.
- (2) An annual business plan shall—
- (a) be prepared in such form and manner and contain such information as may be in accordance with any directions issued by the Minister,
 - (b) outline the proposed activities of the Agency for the period to which the annual business plan relates and the performance targets relating to those activities,
 - (c) be prepared in accordance with the policies and objectives of the Minister and the Government in so far as those policies and objectives may affect, or relate to, the functions of the Agency,
 - (d) be consistent with any corporate plan as laid under *section 31(1)* and with any directions given or policy directives issued by the Minister under *section 38*, and
 - (e) contain such other information as may be specified by the Minister.
- (3) When preparing an annual business plan, the chief executive shall have regard to such views of the Board as may be provided following consultation under *subsection (1)*.
- (4) The chief executive shall implement the annual business plan prepared in accordance with *subsection (2)* unless the Minister, within 28 days of the submission to him or her of the plan, directs the chief executive in writing to amend the plan if, in the opinion of the Minister, the plan—
- (a) does not contain the information required under *subsection (2)*,
 - (b) does not comply in some other respect with that subsection, or

- (c) has been prepared without sufficient regard to any views of the Board provided following consultation under *subsection (1)*.
- (5) The Agency shall comply with a direction under *subsection (4)* within the period, if any, specified in the direction.
- (6) *Subsections (2) to (5)* shall apply, with any necessary modifications, to the preparation of the amended annual business plan as they apply to an annual business plan prepared under *subsection (1)*.
- (7) The chief executive shall, in the annual report under *section 33* and at such other intervals as the Minister may direct, inform the Minister of the measures taken with regard to the activities and the performance targets outlined in the annual business plan and of the outcome of those measures.
- (8) In this section, “specified period”, in relation to a year, means—
 - (a) the period ending 42 days after the date of publication by the Government of the Estimates for Public Services (within the meaning of section 17 of the Ministers and Secretaries (Amendment) Act 2011) for that year, or
 - (b) such other later period as the Minister may allow.

Annual report

- 33.** (1) The chief executive shall, not later than 4 months after the end of each year, prepare and submit to the Minister a report of the activities of the Agency and the performance of its functions during the preceding year.
- (2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year.
 - (3) An annual report shall not be submitted to the Minister unless it has been adopted by the Board.
 - (4) An annual report shall, in respect of the year to which it relates, include, in addition to the matters specified in *sections 31(3)(a)* and *32(7)*—
 - (a) a general statement of the activities undertaken by the Agency,
 - (b) particulars in relation to financial statements of the Agency,
 - (c) a report on the implementation of any policy directives issued by the Minister under *section 38(5)*, and
 - (d) such other matters as the chief executive or the Board thinks fit or that the Minister may request the chief executive to include.
 - (5) Subject to *subsection (6)*, the Minister shall, as soon as practicable after a copy of the annual report is submitted to him or her under *subsection (1)*, cause a copy of it to be laid before each House of the Oireachtas.

- (6) The Minister may exclude from the copy of the annual report to be laid before each House of the Oireachtas under *subsection (5)* any matter that, in his or her opinion, would disclose confidential information.
- (7) The chief executive shall ensure that, as soon as practicable after a copy of the annual report is laid before each House of the Oireachtas, the report as laid is published on a website maintained by or on behalf of the Agency or in such other manner as the Minister may specify.

Accounts and audit

- 34.** (1) The Agency shall keep in such form and in respect of such accounting periods as the Minister may specify with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, all proper and usual accounts and records of all moneys received and expended by the Agency, including an income and expenditure account and a balance sheet.
- (2) The accounts of the Agency shall be submitted to the Comptroller and Auditor General for audit not later than 2 months after the end of the accounting period to which the accounts relate.
- (3) A copy of the accounts and the report of the Comptroller and Auditor General on the accounts shall be presented to the Board and the Minister within one month of the audit certificate being issued by the Comptroller and Auditor General, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.

Accountability of chief executive to Public Accounts Committee

- 35.** (1) The chief executive shall, whenever required in writing by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee in relation to—
- (a) the regularity and propriety of the transactions recorded, or required to be recorded, in any book or other record of account that the Agency is required by this Act to prepare and which is subject to audit by the Comptroller and Auditor General,
 - (b) the economy and efficiency of the Agency in the use of its resources,
 - (c) the systems, procedures and practices employed for the purpose of evaluating the effectiveness of the operations of the Agency, and
 - (d) any matter affecting the Agency referred to—
 - (i) in any special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or

- (ii) in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.
- (2) In giving evidence under this section, the chief executive shall not question or express an opinion on the merits of—
- (a) any policy of the Government or a Minister of the Government, or
 - (b) the objectives of such a policy.

Accountability of chief executive to other Oireachtas committees

- 36.** (1) Subject to *subsection (2)*, the chief executive shall, at the request in writing of a committee, attend before it to give account for the general administration of the Agency.
- (2) The chief executive shall not be required to give account before a committee for any matter which is, or has been or may at a future time be, the subject of proceedings before a court or tribunal of inquiry in the State.
- (3) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give account before a committee is a matter to which *subsection (2)* applies—
- (a) he or she shall, as soon as practicable, inform the committee of the opinion and the reasons for it, and
 - (b) unless the information is conveyed to the committee at a time when the chief executive is before it, the information shall be conveyed in writing.
- (4) Where the chief executive has informed a committee of his or her opinion in accordance with *subsection (3)* and the committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to a matter the subject of that opinion—
- (a) the chief executive may, not later than 21 days after being informed by the committee of its decision not to withdraw the request, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or
 - (b) the chairperson of the committee, on behalf of the committee, may make such an application,
- and the High Court shall determine the matter.
- (5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the committee to give account for the matter that is the subject of the application.
- (6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the committee shall withdraw the request referred to in *subsection (1)*, but if

the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the committee to give account for the matter.

- (7) In giving evidence under this section, the chief executive shall not question or express an opinion on the merits of—
- (a) any policy of the Government or of a Minister of the Government, or
 - (b) the objectives of such a policy.
- (8) In this section, “committee” means a committee appointed by either House of the Oireachtas, a committee appointed jointly by both Houses of the Oireachtas or a subcommittee of either such committee, other than—
- (a) the Committee on Members’ Interests of Dáil Éireann,
 - (b) the Committee on Members’ Interests of Seanad Éireann, and
 - (c) the Committee referred to in *section 35*.

Prohibition on unauthorised disclosure of confidential information

37. (1) Subject to *subsection (2)*, a person shall not disclose confidential information obtained while performing functions as—
- (a) a member of the Board or a committee of the Board,
 - (b) a person appointed under *section 13(2)*,
 - (c) the chief executive,
 - (d) a member of the staff of the Agency (including a person who is such a member by virtue of *section 21(7)*),
 - (e) a person engaged under *section 23*,
 - (f) an employee of a person referred to in *paragraph (b)* or *(e)*, or
 - (g) a person engaged under a contract for services by the Agency or a member of staff of such person.
- (2) *Subsection (1)* shall not operate to prevent the disclosure of confidential information by a person referred to in that subsection where—
- (a) the Board authorises the disclosure,
 - (b) the disclosure is made to the Board, the chief executive or a member of the staff of the Agency,
 - (c) the disclosure is made in the performance of the functions of the Agency,
 - (d) the disclosure is made by or on behalf of the Agency to the Minister,
 - (e) the disclosure is made in compliance with a requirement of this Act or is otherwise required by law,

- (f) the disclosure is made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
 - (g) the disclosure is a protected disclosure (within the meaning of the Protected Disclosures Act 2014), or
 - (h) the disclosure is made to a member of An Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence.
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.

Power of Minister to give direction and issue policy directives

- 38.** (1) The Minister may at any time give to the Agency a direction in writing for any purpose relating to this Act concerning—
- (a) any matter or thing referred to in this Act,
 - (b) the implementation of any policy or objective of the Minister or the Government, or
 - (c) the performance by the Agency of any functions conferred on it by or under this Act or any other enactment.
- (2) The Agency shall comply with a direction under *subsection (1)* within such time period as may be specified in the direction.
- (3) The chief executive shall, within the time specified in a direction under *subsection (1)*, inform the Minister of the measures taken by the Agency to comply with the direction.
- (4) The Minister may, by direction, in writing, amend or revoke a direction given under this section including a direction under this subsection.
- (5) The Minister may issue to the Agency in writing such general directives as to policy (in this Act referred to as “policy directives”) as he or she considers necessary in relation to the functions of the Agency.
- (6) The Agency shall, in performing its functions, comply with a policy directive under *subsection (5)*.

Reports and information to Minister

- 39.** (1) The chief executive shall, when so requested by the Minister, provide such reports and information to the Minister, in such form and manner and at such times as the Minister may specify, on any matter related to the performance of the functions of the chief executive or the functions of the Agency.
- (2) The chief executive shall, with regard to the functions of the Agency—

- (a) monitor and keep under review occurrences and developments concerning such functions, and
- (b) without delay, give the Minister information regarding—
 - (i) any such occurrence or development that, in the opinion of the chief executive, the Minister is likely to consider significant for the performance of his or her functions (whether under this Act or otherwise),
 - (ii) any matter likely to give rise to substantial public concern,
 - (iii) any matter relevant to the accountability of the Government to the Houses of the Oireachtas, and
 - (iv) any other matter that, in the opinion of the chief executive, should be brought to the attention of the Minister.
- (3) The chief executive shall—
 - (a) provide the Board with a copy of any reports provided to the Minister under *subsection (1)*, and
 - (b) keep the Board informed of any information given to the Minister under *subsection (1)* or *(2)(b)*.

PART 4

SERVICE PROVIDERS

Arrangements with service providers

- 40.** (1) Subject to *subsection (2)*, the Agency may, subject to its available resources and having regard to the objectives identified in the corporate plan as laid under *section 31(1)*, the activities and performance targets identified in the annual business plan and any relevant directions and policy directives issued by the Minister under this Act, enter into an arrangement with a person (in this Act referred to as a “service provider”) to provide financial assistance to that person for the provision of a service referred to in *subparagraph (i)*, or a programme referred to in *subparagraph (ii)*, of *section 6(1)(b)*.
- (2) Before entering into an arrangement with a person under *subsection (1)*, the Agency—
 - (a) shall determine, in respect of a financial year of the Agency, the maximum amount of funding that it proposes to make available during the course of that year under such an arrangement and the level of service it expects to be provided for that funding, and
 - (b) may request from the person any information that the Agency considers material to the provision of the service or programme concerned.
 - (3) A person shall comply with a request made to him or her under *subsection (2)(b)*.

- (4) Where a person fails to comply with a request under *subsection (2)(b)*, the Agency may decide not to enter into an arrangement under *subsection (1)* with that person.
- (5) Subject to *subsection (7)*, a service provider shall—
 - (a) keep in such form as may be approved by the Agency in accordance with any policy directive issued by the Minister, all proper and usual accounts and records of income received and expenditure incurred by it,
 - (b) submit such accounts annually for audit, and
 - (c) supply a copy of the audited accounts and the auditor's certificate and report on the accounts to the Agency within such period as may be specified by the Agency.
- (6) A service provider shall be liable for any expenses arising from an audit of accounts referred to in *subsection (5)(b)*.
- (7) The Agency may exempt from the requirements of *subsection (5)* in respect of a particular financial year a service provider that, in that financial year, receives from the Agency, in respect of services provided pursuant to an arrangement entered into under *subsection (1)*, a total amount of funding that does not exceed such amount as may be determined by the Minister for the purposes of this subsection.
- (8) The Agency shall, having consulted with the Board and subject to any direction given or policy directive issued by the Minister under *section 38*, make such arrangements as it considers appropriate to monitor—
 - (a) the expenditure incurred in the provision of services or programmes by service providers (including service providers exempted under *subsection (7)*), and
 - (b) the provision of services or programmes by such service providers.
- (9) A service provider shall facilitate arrangements made by the Agency under *subsection (8)*.
- (10) The Minister may, in writing, specify requirements in respect of—
 - (a) the expenditure incurred by the Agency in relation to the provision of services and programmes by service providers, and
 - (b) the provision by service providers of such services and programmes.

Provision of information by service provider to Agency

- 41.** (1) The Agency may request from a service provider such information as it considers to be material to the provision of a service or programme by the service provider concerned.
- (2) A service provider shall comply with a request under *subsection (1)*.
 - (3) Where a service provider fails to comply with a request under *subsection (1)*, the Agency may terminate the arrangement with the service provider entered into under *section 40(1)*.

- (4) When requested to do so by the Minister, the Agency shall supply the Minister with any information obtained in response to a request under *subsection (1)*.

PART 5

MISCELLANEOUS

Designation of public service body

- 42.** (1) Subject to this section, the Minister may by order designate a body, whether created by or under any enactment or not, as a public service body for the purposes of this Act.
- (2) The Minister may make an order under *subsection (1)* where he or she is satisfied that some or all of the functions of the body concerned relate to—
- (a) increasing awareness and understanding of domestic, sexual or gender-based violence, or
 - (b) protecting or supporting victims and persons at risk of such violence.
- (3) The Minister shall not make an order under *subsection (1)* in respect of a body for which a Minister of the Government other than the Minister has responsibility and in whom functions, whether statutory or otherwise, in respect of the body are vested, other than with the consent of that Minister.

Cooperation for performance of functions

- 43.** (1) A public service body shall—
- (a) when requested by the Agency to do so, cooperate with the Agency for the purpose of the performance of a function of the Agency, and
 - (b) when requested by another public service body to do so, cooperate with that body for the purpose of the performance of a function of that body that relates to—
 - (i) increasing awareness and understanding of domestic, sexual or gender-based violence, or
 - (ii) protecting or supporting victims and persons at risk of such violence.
- (2) In this section, “cooperate” includes sharing of documents and information (including statistical information).

Amendment of Act of 2013

- 44.** The Act of 2013 is amended—
- (a) in section 8, by the insertion of the following subsection after subsection (3):

“(3A) The reference in subsection (3)(b) to the provision by the Agency of care and protection shall be construed as a reference to the provision by the Agency of care and protection other than such provision as shall be made by An Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe in the performance of its functions under *paragraphs (a), (b), (c) and (d) of section 6(1) of the Domestic, Sexual and Gender-Based Violence Agency Act 2023.*”

- (b) in section 13(2)(f)(ii), by the substitution of “, the Minister for Education and the Minister for Justice” for “and the Minister for Education”, and
- (c) in section 41(3), by the substitution of “, the Minister for Education or the Minister for Justice” for “or the Minister for Education”.

Amendment of Schedule to National Archives Act 1986

45. The Schedule to the National Archives Act 1986 is amended by the addition of “An Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe”.