

Report to the

Committee on Standing Orders and Dáil Reform

on

Amendments to Standing Orders relating to Committees

17 September 2020

## Contents

AMENDMENTS TO STANDING ORDERS RELATING TO COMMITTEES.....	3
Introduction .....	3
(i) Remit - Joint Committee on the Irish Language, the Gaeltacht, the Islands and the Irish-speaking Community:.....	3
(ii) Review of remit – Instruction to the Joint Committee on Public Petitions .....	4
(iii) Joint Committee on Key Issues affecting the Traveller Community .....	5
(iv) Joint Committee on Disabilities .....	5
(v) Report to Dáil .....	6
(vi) Seanad Standing Orders.....	6
Appendix 1: J.C. Irish Language, Gaeltacht and the Irish-speaking Community - Standing Order 123 ..	7
Appendix 2: Joint Committee on Public Petitions – motion of instruction .....	9
Appendix 3: Joint Committee on Key Issues affecting the Traveller Community (draft Orders of Reference).....	10

# AMENDMENTS TO STANDING ORDERS RELATING TO COMMITTEES

## Introduction

This is the latest reporting of amendments required to Standing Orders in relation to Committees in the 33<sup>rd</sup> Dáil. This report is required to give effect to the Reviews carried out by the Committees' secretariat on two committees of the 32<sup>nd</sup> Dáil, namely, the Joint Committee on the Irish Language, the Gaeltacht, the Islands and the Irish-speaking Community; and the Joint Committee on Public Petitions. This report also proposes the re-establishment of the Joint Committee on Key Issues affecting the Traveller Community; and the establishment of a Joint Committee on Disability Matters, as proposed in the Programme for Government.

The amendments being proposed in this document will give greater clarity in relation to the remit of various committees.

### (i) Remit - Joint Committee on the Irish Language, the Gaeltacht, the Islands and the Irish-speaking Community:

- (a) This committee, when it was established in the 32<sup>nd</sup> Dáil, included within its remit "the Islands". While Gaeltacht islands fall under the umbrella of Gaeltacht and are rightly within the remit of the committee, non-Gaeltacht islands are under the responsibility of the Department of Community and Rural Affairs and the Islands and consequently should fall under the responsibility of the Oireachtas committee dealing with that Department. This report proposes the deletion of "the Islands", where it occurs, from Standing Order 123.
- (b) Legislation: There is some understandable crossover between the Joint Committee on the Irish Language and the Joint Committee on the Media, Tourism, Arts, Culture, Sport and the Gaeltacht. Retaining the specific power of the Joint Committee on the Irish Language to deal with legislation will facilitate it undertaking both pre-legislative scrutiny and its consideration of the Committee Stage of Bills. This is particularly appropriate in relation to legislation that deals with aspects of the committee's functions specifically referred to in Standing Order 123.
- (c) Estimates: While the Dáil Select Committee had a role in relation to the programme sub-heads of the relevant Departmental Estimate, it never exercised this role in practice in the 32<sup>nd</sup> Dáil. Departmental Estimates fall naturally within the domain of the sectoral committee established to oversee that line department. Thus, responsibility for considering

Estimates should lie with the committee dealing with the public affairs of the Department, namely, the Dáil Select Committee on the Media, Tourism, Arts, Culture, Sport and the Gaeltacht. This change will result in the deletion of sub-paragraph (b) from Standing Order 123(3). While this change will mean that the Irish Language committee will have no remit in relation to the formal disposal of estimates (which is reserved to the sectoral committee), it does not preclude the Committee from more generally considering expenditure matters in the context of its policy brief and it retains a specific value for money and a review of public moneys function in its terms of reference (Standing Order 123(3)(b)).

## (ii) Review of remit – Instruction to the Joint Committee on Public Petitions

The Joint Committee on Public Petitions was first established in the 31<sup>st</sup> Dáil in 2012 as the Joint Committee on Public Service Oversight and Petitions with a tri-partite role as follows:

- (1) Consideration of petitions,
- (2) Oversight of public service delivery, and
- (3) Oversight of Ombudsmen, including motions of appointment and reports.

In 2016, the terms of reference of the Committee were reviewed as part of the reform agenda in the 32<sup>nd</sup> Dáil. The Committee was renamed as the Public Petitions Committee and its remit was re-focussed primarily on the petitions role, with an additional remit to consider matters of general public concern or interest related to the legislative powers of the Houses or an issue of public policy (subject to consultation with the relevant sectoral Committee).

The oversight role in relation to Ombudsmen was assigned to sectoral committees by amending their terms of reference. However the Public Petitions Committee was permitted under Standing Orders to examine a report of Ombudsmen if the relevant sectoral committee had not considered the report within a period of two months from the laying of the report in the Library.

In the wake of the removal of the Ombudsman oversight function from the Committee, correspondence was received from the Irish Ombudsman Forum collectively signed by eight Ombudsmen expressing their disappointment at the lack of a centralised oversight committee.

In light of the history of changes to the terms of reference of the Committee, it is recommended that a review should be undertaken by the Petitions Committee of its role under DSO 125. Preparatory work has been undertaken by the secretariat over the past months.

It is further recommended that an instruction motion require the Committee to report to the Dáil on its review within 3 months. The text of the motion to give effect to these recommendations is contained in Appendix 2.

### (iii) Joint Committee on Key Issues affecting the Traveller Community

This committee was established in the 32<sup>nd</sup> Dáil and it had undertaken a significant body of its planned work when the Dáil was dissolved. It's re-establishment, with a defined timeframe of 6 months, will allow the new committee to complete the work undertaken during the last Dáil. The Orders of Reference outlined in Appendix 3 almost replicate the previous orders of reference but notably they acknowledge the work undertaken by the previous committee and the need to complete the task. The draft Orders of Reference are included in Appendix 3.

### (iv) Joint Committee on Disabilities

The Programme for Government provides for the establishment of a Joint Committee to assist in monitoring and implementing the provisions in the Convention on the Rights of People with Disabilities (UNCRPD). Feedback suggests that there is some demand for a permanent Committee to consider disability matters more generally while avoiding overlapping with the work of the relevant sectoral Committees. Separately, the Secretariat has not yet had any input from the relevant Department on potential Terms of Reference. To enable the Committee to become operational and to avoid any delay, the following draft Terms of Reference are proposed as an interim arrangement. Specifically, the Committee is asked to engage with the Minister for Children, Disability, Equality and Integration and relevant stakeholders to consider and recommend its own Terms of Reference.

Draft Orders of Establishment:

- (1) That a Select Committee consisting of 9 Members be appointed to be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Disability Matters to consider all disability matters including monitoring the implementation (by Ireland) of the Convention on the Rights of People with Disabilities.
- (2) The Joint Committee shall consider and make recommendations in relation to its Terms of Reference and report accordingly not later than 31 December 2020.
- (3) For the purposes of paragraph (2) the Joint Committee shall engage with the Minister for Children, Disability, Equality and Integration and relevant stakeholders.

(4) The Joint Committee shall have the powers defines in Standing Order 96, other than paragraphs (3) to (9) inclusive thereof.

(5) The Chairman of the Dáil Select Committee shall also be Chairman of the Joint Committee.

#### (v) Report to Dáil

Amendments to Standing Orders and Orders of Reference agreed by the Committee is hereby reported to the Dáil.

#### (vi) Seanad Standing Orders

On adoption of these Standing Orders by the Dáil, the Report should be sent to the Seanad Committee on Procedure and Privileges requesting that appropriate changes be made to Seanad Standing Orders to enable the establishment of Joint Committees.

## Appendix 1: J.C. Irish Language, Gaeltacht and the Irish-speaking Community - Standing Order 123

### 123.

1. There shall stand established following the reassembly of the Dáil subsequent to a General Election, a Standing Committee which shall be joined with a similar Committee of the Seanad to constitute the Joint Committee on the Irish Language, Gaeltacht and the Irish-speaking Community, to perform the functions set out in this Standing Order, other than those set out at paragraph (3) which shall be performed by the Dáil Standing Committee.
2. The Joint Committee shall consider policy matters relating to the Irish language, Gaeltacht and the Irish-speaking Community generally within the remit of Government Departments and associated public bodies and, in particular, shall consider—
  - (a) strategy in relation to the Irish language, including the 20 Year Strategy on the Irish Language 2010-2030 and future strategies, and the promotion of the Irish language in general,
  - (b) Irish language literature, music, culture and related matters,
  - (c) the promotion of the wider use of Irish in the proceedings of both Houses of the Oireachtas, their Committees and in the environs of both Houses,
  - (d) the promotion of the Irish language across the civil and public service, including progress in the implementation of Irish Language Schemes in public bodies,
  - (e) reports of An Coimisinéir Teanga and related matters,
  - (f) matters relating to An Foras Teanga, both in relation to Foras na Gaeilge and the Ulster Scots Agency,
  - (g) the teaching of Irish and education in Irish,
  - (h) the statutory responsibilities of Raidió Teilifís Éireann and the Broadcasting Authority of Ireland in relation to the Irish language,
  - (i) matters relating to Irish language broadcasters, including TG4, Raidió na Gaeltachta, Raidió na Life and Raidió Rí-Rá, and

- (j) any other matters relating to the Irish language, Gaeltacht and the Irish-speaking Community.
- 3 The Dáil Standing Committee shall consider such—
- (a) Bills relating to the Irish language, Gaeltacht and the Irish-speaking Community;
  - (b) Other related matters, as shall be referred to it by the Dáil; and
  - (c) such Value for Money and Policy Reviews and annual output statements, including performance, efficiency and effectiveness in the use of public moneys on the Irish language, Gaeltacht and the Irish-speaking Community as the Committee may select.
4. The Dáil Standing Committee shall consist of nine members of Dáil Éireann, of whom three shall constitute a quorum. The quorum of the Joint Committee shall be four, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Dáil Standing Committee shall also be the Chairman of the Joint Committee.
5. The Dáil Standing Committee shall have the powers defined in Standing Order 96(1) and (2).
6. The Joint Committee shall, in respect of its remit, have the powers defined in Standing Order 96, other than paragraph (6).
7. The Joint Committee may consider —
- a. the general scheme or draft heads of any Bill relating to the Irish language, Gaeltacht, and the Irish-speaking Community pursuant to Standing Order 173;
  - b. any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill relating to the Irish language, Gaeltacht and the Irish-speaking Community enacted by the Houses of the Oireachtas pursuant to Standing Order 197; and
  - c. provided the relevant sectoral committee has consented thereto.
8. The provisions of Standing Orders 98, 100 and 106 shall apply to the Dáil Standing and Joint Committee as appropriate.
9. The Joint Committee shall be defined as the “Joint Oireachtas Committee” for the purposes of the Broadcasting Act 2009 insofar as it relates to TG4.



## Appendix 2: Joint Committee on Public Petitions – motion of instruction

**Text of instruction motion to the Committee on Public Petitions – the Seanad will also have to pass a similar motion.**

“That the Joint Committee on Public Petitions be instructed to review its Terms of Reference as set out in Standing Orders and to lay a report before both Houses of the Oireachtas within three months of its first meeting in the current Dáil.”

## Appendix 3: Joint Committee on Key Issues affecting the Traveller Community (draft Orders of Reference)

That, notwithstanding anything in Standing Orders—

1. Dáil Éireann hereby appoints a Special Committee (hereinafter referred to as ‘the Committee’), to be joined with a Special Committee to be appointed by Seanad Éireann, to form the Joint Committee on Key Issues affecting the Traveller Community;
2. the Joint Committee shall aim for consensus, based on human rights principles, on policy directions in respect of the following key issues affecting the Traveller Community—
  - a) physical health, mental health and suicide levels;
  - b) school completion rates and educational attainment, particularly at second and third-level compared to the settled population;
  - c) labour market participation, having regard to the unemployment rate of 80 per cent among Travellers; and
  - d) access to housing and accommodation, including Traveller-specific accommodation, in the context of the significantly higher homelessness rate among Travellers compared to the settled population; and shall report thereon to both Houses of the Oireachtas in accordance with paragraph (9);
3. in carrying out its role under paragraph (2), the Joint Committee shall—
  - a) incorporate and complete the work initiated and carried out by the previous Joint Committee on Key Issues Affecting the Traveller Community during the 32nd Dáil, which examined the key issues listed in paragraph (2), acknowledging their interconnectivity;
  - b) invite submissions and presentations from the Traveller Community;
  - c) examine current statutory, non-statutory and Departmental responses, including policy, resources and law;
  - d) research and identify models of good practice nationally and internationally;
  - e) establish parameters to gather relevant data; and
  - f) make recommendations, taking into account the views of the Traveller Community;
4. the Select Committee shall consist of nine members of Dáil Éireann.
5. the Joint Committee shall elect one of its members to be Chairman;

6. the Joint Committee shall have the powers defined in Standing Order 96, other than paragraph (6); and
7. the Joint Committee shall make its final report to both Houses of the Oireachtas within six months of its first meeting in public and shall thereupon stand dissolved.