



BUNREACT NA ÉIREANN
CONSTITUTION OF IRELAND



Tithe an
Oireachtais
Houses of the
Oireachtas

An Comhchoiste um Thalmhaíocht, Bia agus Muir
Tuarascáil maidir leis an nGrinnscrúdú Réamhrechtach ar an
mBille um Achomhairc Talmhaíochta (Leasú) 2024
Márta 2024

Joint Committee on Agriculture, Food and the Marine
Report on the Pre-Legislative Scrutiny of the Agriculture
Appeals (Amendment) Bill 2024
March 2024

MEMBERSHIP

The following Deputies and Senators are members of the Joint Committee on Agriculture, Food and the Marine of the 33rd Dáil Éireann and the 26th Seanad Éireann.



Sen. Victor Boyhan
Independent



Sen. Lynn Boylan
Sinn Féin



Jackie Cahill T.D.
Fianna Fáil
[Cathaoirleach]



Michael Collins T.D.
Independent



Sen. Paul Daly
Fianna Fáil



Michael Fitzmaurice T.D.
Independent



Joe Flaherty T.D.
Fianna Fáil



Paul Kehoe T.D.
Fine Gael



Claire Kerrane T.D.
Sinn Féin



Brian Leddin T.D.
Green Party



Sen. Tim Lombard
Fine Gael [Leas-
Chathaoirleach]



Johnny Mythen T.D.
Sinn Féin



Sen. Denis O'Donovan
Fianna Fáil



Michael Ring T.D.
Fine Gael

CATHAOIRLEACH'S FOREWORD



This report reflects the Joint Committee on Agriculture, Food and the Marine's view on the General Scheme of the Agriculture Appeals (Amendment) Bill 2024, following its consideration of the General Scheme during public meetings of the Committee on 22 and 29 February 2024.

The Committee would like to express its gratitude to both the farmer organisations that provided evidence to the Committee on 22 February 2024 and the Minister for Agriculture, Food and the Marine, Mr. Charlie McConalogue T.D., who provided evidence to the Committee on 29 February 2024. The Committee gained valuable insights into the way the Agriculture Appeals (Amendment) Bill 2024 should be progressed because of these hearings.

The General Scheme of the Agriculture Appeals (Amendment) Bill 2024 was published by the Minister for Agriculture, Food and the Marine in January 2024. The Bill was subsequently referred to the Committee for the purposes of Pre-Legislative Scrutiny. This report contains recommendations relating to the General Scheme, which the Committee encourages the Minister to consider as he progresses the Bill through the Houses of the Oireachtas.

The Committee believes that this Bill represents a significant opportunity to provide greater assurance to farmers and to encourage public confidence in the agriculture appeals process, through the establishment of an independent Agriculture Appeals Review Panel.

A handwritten signature in black ink that reads "Jackie Cahill". The signature is written in a cursive, flowing style.

Jackie Cahill T.D.,
Cathaoirleach,

Joint Committee on Agriculture, Food and the Marine
28 March 2024

TABLE OF CONTENTS

MEMBERSHIP	1
CATHAOIRLEACH'S FOREWORD	3
COMMITTEE RECOMMENDATIONS	5
CHAPTER 1 – INTRODUCTION.....	6
Purpose of the Bill	6
Procedural basis for scrutiny	8
Engagement with stakeholders	8
CHAPTER 2 - SUMMARY OF EVIDENCE	10
1. Head 4 of the General Scheme – Establishment of the Agriculture Appeals Review Panel, and its Functions, Governance, Procedure and Conflicts of Interest	10
Section 4C – Governance.....	10
2. Head 5 of the General Scheme – Amendment to section 8 of the 2001 Act	13
Section 8 – Oral Hearings.....	13
3. Head 7 of the General Scheme – Amendment to section 10 and insertion of section 10A of the 2001 Act.....	17
Section 10(1) – Revised Decisions by Appeals Officers, and Section 10A(1) – Revised Decisions by the Review Panel	17
APPENDIX 1 – TERMS OF REFERENCE.....	20

COMMITTEE RECOMMENDATIONS

1. The Committee recommends that the provisions under Head 4(4C)(1)(b) should be amended, to guarantee that at least two “ordinary members” of the Review Panel will be nominated by recognised farmer organisations to the Minister.
2. The Committee recommends that Head 4(4C)(1)(b) should be amended, to state the following: “(b) such number of ordinary members as the Minister considers appropriate not being less than 5”.
3. The Committee recommends that the provisions under Head 5(8)(3) should be amended, to state the following: “(3) An appeals officer may hold any oral hearing remotely by electronic means, subject to prior agreement by the Appellant. The Appellant shall be entitled to an in-person oral hearing if they so wish.”
4. The Committee recommends that the provisions under Head 5(8)(4) should be amended, to state the following: “(4) An appellant may represent himself or herself, along with the assistance of one or more additional persons not being more than 3, or be represented by another person or persons not being more than 3, at the oral hearing of his or her appeal.”
5. The Committee recommends that Head 5(8)(5) should be deleted in its entirety.
6. The Committee recommends that the provisions under Head 7(10A)(1)(d) should be amended, to state the following: “(d) the request for review has been made within 6 calendar months from the date of the appeals officer’s decision.”

CHAPTER 1 – INTRODUCTION

This is the report on the pre-legislative scrutiny of the General Scheme of the Agriculture Appeals (Amendment) Bill 2024 (the “General Scheme”),¹ which seeks to amend the Agriculture Appeals Act 2001 to, *inter alia*, establish an independent Agriculture Appeals Review Panel.² The General Scheme also seeks to amend the Fisheries (Amendment) Act 1997, to remove the age limit, of seventy years, provided for the Chair and members of the Aquaculture Licensing Appeals Board (ALAB) to vacate their office.

Purpose of the Bill

The Agriculture Appeals Office (the “AAO”), established in 2002, provides an independent appeals service for farmers who are dissatisfied with decisions of the Department of Agriculture, Food and the Marine (the “Department”) regarding their participation in agricultural schemes which are administered by the Department.

From its inception in 2002 to present day, the AAO has handled 15,466 appeals, and approximately 5,605 appellants have received improved outcomes in their cases during that period, with these cases either being partially or fully decided in favour of the concerned farmer.

Following the submission of an appeal from the concerned farmer to the AAO, a file and a statement are requested from the Department, and upon receipt of the file and statement from the Department, the appeal is assigned to an Appeals Officer within the AAO. Appellants have the option to seek an oral hearing, or an Appeals Officer may require an oral hearing to take place to properly determine an appeal. Oral hearings may be held in person or using electronic means. Oral hearings are held in approximately 60% of appeal cases.

¹ The Department of Agriculture, Food and the Marine, [Draft General Scheme of the Agriculture Appeals \(Amendment\) Bill 2024](#), January 2024.

² The Minister for Agriculture, Food and the Marine, [Opening Statement: Agriculture Appeals \(Amendment\) Bill 2024](#), 29 February 2024, p. 4.

When deciding an appeal, the decision of an Appeals Officer can be to allow, partially allow or to disallow an appeal.

A decision of an Appeals Officer is final and conclusive except in three scenarios:

1. Where there is new evidence, new facts, or a relevant change in circumstances since the decision was issued, an Appeals Officer may revise their decision;
2. The Director of the Agriculture Appeals Office may carry out reviews of decisions of Appeals Officers based on errors of fact and/or law; or
3. A decision of an Appeals Officer may be challenged in the High Court on a point of law.³

According to Mr. Charlie McConalogue, T.D., Minister for Agriculture, Food and the Marine (the “Minister”), a review of the AAO and the Agriculture Appeals Act 2001 was carried out in 2017, and a number of recommendations in respect of the AAO emanated from the accompanying report in 2018 (the “Review Report”). Among other recommendations, the Review Report recommended that in order to provide greater assurance to stakeholders and to underpin public confidence in the process, an independent agriculture appeals review panel should be established. Consequently, the establishment of an independent agriculture appeals review panel is a commitment in the current Programme for Government.⁴

Furthermore, the Review Report recommend putting in place timeframes for seeking of review of an appeal, in order to gain efficiencies in timeliness and awareness regarding the issues at appeal. At present, a review may be sought at any time.⁵

The Minister also indicated to the Committee that he, in his role as the Minister with responsibility for the Aquaculture Licences Appeals Board, does not feel that the

³ The Minister for Agriculture, Food and the Marine, [Opening Statement: Agriculture Appeals \(Amendment\) Bill 2024](#), 29 February 2024, pp. 1-2.

⁴ The Department of the Taoiseach, [Programme for Government: Our Share Future](#), 29 October 2020, p. 65.

⁵ The Minister for Agriculture, Food and the Marine, [Opening Statement: Agriculture Appeals \(Amendment\) Bill 2024](#), 29 February 2024, pp. 3-4.

requirement for the Chair and/or members of the Aquaculture Licensing Appeals Board to vacate their membership on reaching 70 years of age, is a just one. On this basis, the Minister has decided to include this minor amendment in the present General Scheme.⁶

In light of the above, the main objective of the draft legislation is to provide the legislative framework for:

- The establishment of an independent Agriculture Appeals Review Panel;
- The introduction of other miscellaneous amendments to the Agriculture Appeals Act 2001, including the introduction of timeframes for the seeking of reviews on appeal decisions; and
- The introduction of an amendment to the Fisheries (Amendment) Act 1997, to remove the age limit, of seventy years, provided for the Chair and members of the Aquaculture Licensing Appeals Board (ALAB) to vacate their office.

Procedural basis for scrutiny

Pre-legislative consideration was conducted by the Joint Committee on Agriculture, Food and the Marine (the “Committee”) in accordance with Standing Order 174A, which provides that the General Scheme of all Bills shall be given to the Committee empowered to consider Bills published by the member of Government.

Engagement with stakeholders

The Committee held two public engagements with several of the relevant stakeholders, as laid out in [table 1](#) below.

⁶ The Minister for Agriculture, Food and the Marine, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

The primary focus of these meetings was to allow for an engagement between the Committee and stakeholders to discuss areas of the General Scheme which may require amending.

This report summarises the engagements and the key points considered by the Committee when drafting the recommendations set out in this report.

A link to the full transcript of the engagement on 22 February 2024 can be found [here](#).

A link to the full transcript of the engagement on 29 February 2024 can be found [here](#).

Table 1: List of public engagements with stakeholders

Organisation	Witnesses	Date of appearance
The Irish Farmers' Association (the "IFA")	Mr. Francie Gorman, President Mr. John Curran, Rural Development Chair Mr. Shane Whelan, Rural Development Policy Executive	22 February 2024
The Irish Creamery Milk Suppliers Association (the "ICMSA")	Mr. Dennis Drennan, President Mr. John Enright, General Secretary Mr. Paul Smyth, Executive Secretary of the Dairy Committee	22 February 2024
The Irish Cattle and Sheep Farmers' Association (the "ICSA")	Mr. Sean McNamara, President Mr. Eddie Punch, General Secretary Mr. Hugh Farrell, Animal Health and Welfare Chair	22 February 2024
The Irish Natura and Hill Farmers Association (the "INHFA")	Mr. Richard Roddy, President Mr. John Joe Fitzgerald, Vice President Mr. Connie Walsh, Operations Manager	22 February 2024
The Department of Agriculture, Food and the Marine	Mr. Charlie McConalogue, T.D., Minister for Agriculture, Food and the Marine	29 February 2024

CHAPTER 2 - SUMMARY OF EVIDENCE

During the public hearings, several important points were raised.

A summary of the main areas discussed in evidence to the Committee follows.

1. Head 4 of the General Scheme – Establishment of the Agriculture Appeals Review Panel, and its Functions, Governance, Procedure and Conflicts of Interest

Section 4C – Governance

The Committee and witnesses discussed the composition of the Agriculture Appeals Review Panel (hereinafter referred to as the “Review Panel”). The Committee was informed by many of the stakeholders at its meeting on 22 February 2024 that there is a strong desire among farmers for there to be farmer representation on the Review Panel.

The IFA indicated to the Committee that it believes that in order for farmers to have confidence in the proposed Review Panel, then it is vital that at least one farmer representative should be appointed to the Review Panel. The IFA noted that this has not been specifically provided for in the General Scheme. Furthermore, the IFA highlighted that in the current appeals structure, Appeals Officers are tasked with making important decisions on cases which were previously decided by former colleagues of those same Appeals Officers, which, the IFA claims, undermines farmers’ trust in the process.

During the meeting on 22 February 2024, the INHFA stated the following:

We believe that those appointed to this panel must be independent and not former employees of an organisation that is a party to the appeal. Panel

*members must have a clear understanding of farming and ideally should have practical experience of farming.*⁷

In its opening statement to the Committee, the ICSMA stated:

*While Appeals Officers are by law independent in the performance of their functions, the Office itself is an agency of the Department of Agriculture, Food & Marine. ICMSA is not questioning the work and role of the Office but the association with the Department has caused concerns amongst farmers. There is no input from the farm organisations into its general operation principles which could improve the perception of the office. The Independent Agricultural Appeals Panel in England has direct farmer involvement. ICMSA believe it is possible to provide for an input by farm organisations in the Review Panel and a fully independent appeals system without undermining the statutory independence of the Appeals Officers.*⁸

The Committee agrees with the stakeholders, in that it is of utmost importance for farmers to be represented on the Review Panel, to ensure that farmers have faith in the prospective appeals structure. Furthermore, the Committee notes that the Programme for Government states that the Government will “ensure that the panel includes participants with practical knowledge and experience of farming”.⁹ On this basis, **the Committee recommends that the provisions under Head 4(4C)(1)(b) should be amended, to guarantee that at least two “ordinary members” of the Review Panel will be nominated by recognised farmer organisations to the Minister.**

⁷ The Irish Natura and Hill Farmers Association, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 22 February 2024.

⁸ The Irish Creamery Milk Suppliers' Association, [Opening Statement: The Draft General Scheme of the Agriculture Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 1.

⁹ The Department of the Taoiseach, [Programme for Government: Our Share Future](#), 29 October 2020, p. 65.

The Committee also considered the number of “ordinary members” who will be appointed by the Minister to the Review Panel. During the meeting of the Committee with the Minister on 29 February 2024, the Cathaoirleach stated the following:

Should we not have a seven-person panel to ensure we have a better chance of having five people, rather than three people, at the appeal? If we stick to a five-person panel, there may be various reasons people will be unavailable. Perhaps they might be away. If we had a pool of seven from which to pick, would we have a better chance of having a broader appeal board? We have been looking forward to this Bill for a long time but for this to work well, it is important that farmers have confidence in it.¹⁰

Again, the Committee is of the strong belief that farmers have faith in the prospective appeals structure, and the Committee believes that the broadening of the Review Panel from a five-person panel to a seven-person panel may assist in this regard. Furthermore, the Minister indicated that he has “something of an open mind” on this issue.¹¹ On this basis, **the Committee recommends that Head 4(4C)(1)(b) should be amended, to state the following: “(b) such number of ordinary members as the Minister considers appropriate not being less than 5”.**

¹⁰ The Cathaoirleach, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

¹¹ The Minister for Agriculture, Food and the Marine, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

2. Head 5 of the General Scheme – Amendment to section 8 of the 2001 Act

Section 8 – Oral Hearings

The Committee heard from witnesses at its meeting on 22 February 2024 that there is some dissatisfaction with how the provision in the General Scheme relating to the holding of Oral Hearings by an Appeals Officer is currently drafted.

For instance, in its opening statement to the Committee, the ICSA acknowledged that while the holding of an Oral Hearing to hear an appeal by an Appeals Officer via electronic means might be suitable in some circumstances, “it must be on the explicit grounds that an appellant can demand an in-person hearing if they so wish”.¹²

The INHFA also stated that it has concerns with regard to the current wording of section 8(3) in the General Scheme and suggests that the wording should be changed so as to allow an Appeals Officer to decide to conduct an Oral Hearing via electronic means, subject to the agreement of the appellant.¹³

In this regard, the IFA states the following in its opening statement:

Face-to-face meetings enable more meaningful engagement, and given our aging demographic; connectivity issues; and potential need to share supporting documentation during exchanges, electronic means may not be the most suitable mechanism for all appeal hearings.

*That said, it may work and be the preferred option for some farmers, so it is best to give farmers a full range of options so they can decide the most favourable for their individual circumstances.*¹⁴

¹² The Irish Cattle and Sheep Farmers’ Association, [Opening Statement: ICSA Observations on the Draft General Scheme of the Agricultural Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 3.

¹³ The Irish Natura and Hill Farmers Association, [Opening Statement: Submission from the Irish Natura & Hill Farmers Association to The Joint Committee on Pre-legislative scrutiny of the Agriculture Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 2.

¹⁴ The Irish Farmers’ Association, [Opening Statement: Pre-Legislative Scrutiny of the General Scheme of the Agriculture Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 4.

In transmitting the concerns of the witnesses, as outlined above, to the Minister at the meeting of the Committee on 29 February 2024, Senator Paul Daly indicated to the Minister that “there should be some provision such that there can be remote or electronic hearings at the discretion of the appeals officer but only with the agreement of the appellant...It would need to be stated that it could only be electronically held at the appeal officer’s discretion with the agreement of the appellant”.¹⁵

The Cathaoirleach concluded on this issue by stating that “it is absolutely essential that the in-person option is retained...Obviously if someone wants to do it remotely, that option should be available, but the in-person option must be retained because there is nothing like face-to-face contact when explaining a situation”.¹⁶

In relation to Oral Hearings, the Committee agrees with the stakeholders that the option for an in-person hearing should be included in the General Scheme, to ensure that a farmer has options with regard to his or her Oral Hearing. On this basis, **the Committee recommends that the provisions under Head 5(8)(3) should be amended, to state the following: “(3) An appeals officer may hold any oral hearing remotely by electronic means, subject to prior agreement by the Appellant. The Appellant shall be entitled to an in-person oral hearing if they so wish.”**

The Committee discussed with the Minister, at its meeting of 29 February 2024, the provisions in the General Scheme relating to the representation of an Appellant by another person.

In this regard, Deputy Johnny Mythen stated:

The Minister talked about the wishes of the appellant. I think someone should be allowed to accompany them if they want; it should not just be one person.

¹⁵ Senator Paul Daly, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

¹⁶ The Cathaoirleach, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

There is no mention of disability in the whole system. There could be one person who has hearing or sight loss. That should be built in.¹⁷

Furthermore, the Cathaoirleach stated:

In practice at the moment, a consultant would often come with them and they might ask to bring another person as well. Therefore, perhaps that could be broadened. I am not saying they can bring a whole circus but to have three would not be extravagant. In the vast majority of cases, they bring a consultant. In many cases, they will ask for a political representative to come with as well, or not necessarily a political representative but it could be someone else with a bit of expertise, such as a farm organisation and so on. They would have two people and themselves, which is three in total. We could broaden the Bill to allow the appellant have themselves and two others.¹⁸

The Committee believes that, as the pertinent provision in the General Scheme is presently worded, there could be some confusion as to how many people can attend an Oral Hearing along with the Appellant. Furthermore, the General Scheme does not appear to account for a scenario where an Appellant may have a disability and requires additional assistance. On this basis, **the Committee recommends that the provisions under Head 5(8)(4) should be amended, to state the following: “(4) An appellant may represent himself or herself, along with the assistance of one or more additional persons not being more than 3, or be represented by another person or persons not being more than 3, at the oral hearing of his or her appeal.”**

Additionally, in keeping with the theme that the Committee believes that farmers need to have faith in the prospective appeals structure in order for it to be a success, the Committee is concerned with the provision under Head 5(8)(5) of the General Scheme,

¹⁷ Deputy Johnny Mythen, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

¹⁸ The Cathaoirleach, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024.

which states that “Where an appellant is represented by another person at the oral hearing of his or her appeal, the appeals officer hearing the appeal may examine the appellant, if the appeals officer considers it necessary”.¹⁹

The Committee believes that appellants will often have a consultant and/or a political representative and/or someone with expertise represent them at an oral hearing, due to the challenging nature of the process. On this basis, the Committee does not agree that an appeals officer should have the discretion to examine an appellant where the appellant is represented by another person or persons.

Accordingly, **the Committee recommends that Head 5(8)(5) should be deleted in its entirety.**

¹⁹ The Department of Agriculture, Food and the Marine, [Draft General Scheme of the Agriculture Appeals \(Amendment\) Bill 2024](#), January 2024, pp. 4-5.

3. Head 7 of the General Scheme – Amendment to section 10 and insertion of section 10A of the 2001 Act

Section 10(1) – Revised Decisions by Appeals Officers, and Section 10A(1) – Revised Decisions by the Review Panel

The Committee heard from witnesses, at its meeting of 22 February 2024, that farmers believe that the timelines for submitting an appeal in this regard are too short. For example, the ICOSA, in its opening statement to the Committee, stated:

We can cite numerous incidents where we have encountered members who were too bewildered or traumatised by an adverse finding, coupled with a severe financial penalty to deal with their options. By the time they come to us with their story, it is too late to appeal. We accept that there has been some common sense applied to hard cases, but we submit that at a minimum appellants should have twelve months to appeal. We further submit that there should be scope to allow appeals beyond the twelve months where there are particular extenuating circumstances.²⁰

Furthermore, the ICMSA stated, in its opening statement, that:

The 6-month timeline to have a revised decision by appeals offices should be increased 12 months but no limit should apply where new information comes to light. It is important to recognise that in some cases, people are intimidated by the process and need clear support in taking their appeal and in some cases, this may fall outside the timeframes listed above.²¹

In respect of the requests that the General Scheme allow for farmers to appeal decisions where new information is presented, and that no time limit should apply to such instances, the Committee believes that these scenarios are accommodated

²⁰ The Irish Cattle and Sheep Farmers' Association, [Opening Statement: ICOSA Observations on the Draft General Scheme of the Agricultural Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 2.

²¹ The Irish Creamery Milk Suppliers' Association, [Opening Statement: The Draft General Scheme of the Agriculture Appeals \(Amendment\) Bill 2024](#), 22 February 2024, p. 3.

under the General Scheme. In this regard, at the Committee meeting of 29 February 2024, the Minister stated:

For example, if an appeals officer makes a decision the appellant does not agree with, because his or her circumstances have changed further or because new evidence has come to light, a further appeal can be made to another appeals officer on the appeals board, or to the same appeals officer, with that additional change of circumstances or information. It can be considered at that point. If the appellant is still not happy with the outcome of the new decision made on the new evidence or circumstance, he or she can appeal further to the review panel and the review panel will consider if that was right or not.²²

In respect of the requests for longer timelines for a farmer to seek a revised decision by an appeals officer or the Review Panel, the Committee believes that keeping these timelines as concise as possible will result in appeals, in general, being dealt with in a more timely fashion.

Furthermore, the Committee wishes to avoid any confusion with regard to the differing timelines as presented under Head 7, Sections 10(1)(c) and 10A(1)(d), respectively. In this regard, the Cathaoirleach stated:

With the two different timeframes, there could be some confusion. A person will just see that he or she has a right to appeal on this. I am worried that someone could get caught and might not get their paperwork in on time due to thinking they have six months when they only have three.²³

In light of the above, **the Committee recommends that the provisions under Head 7(10A)(1)(d) should be amended, to state the following: “(d) the request for**

²² The Minister for Agriculture, Food and the Marine, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024

²³ The Cathaoirleach, [Debate: Joint Committee on Agriculture, Food and the Marine](#), 29 February 2024

review has been made within 6 calendar months from the date of the appeals officer's decision.”

APPENDIX 1 – TERMS OF REFERENCE

Functions of the Committee – derived from Standing Orders [DSO 95; SSO 71]

- (1) The Select Committee shall consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to —
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) The Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) The Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—
 - (a) the Committee Stage of a Bill,

- (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.
- (8) Where the Select Committee proposes to consider—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,
- the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) The Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 94; SSO 70]

- (1) It shall be an instruction to each Select Committee that—
- (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1)1; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (2) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

Houses of the Oireachtas

Leinster House

Kildare Street

Dublin 2

D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000

Twitter: @OireachtasNews

Connect with us



Download our App

