



**Tithe an  
Oireachtais**  
**Houses of the  
Oireachtas**

**TITHE AN OIREACHTAIS**

**AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIHRÉACHT**

**CLÁR OIBRE**

**2020 / 2021**

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**HOUSES OF THE OIREACHTAS**

**JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE**

**WORK PROGRAMME**

**2020 / 2021**



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## Joint Committee on Housing, Local Government and Heritage

### Draft Work Programme 2020/2021

#### 1. Introduction

The Joint Committee on Housing, Local Government and Heritage was established following Orders of Dáil Éireann on 30 July 2020 and of Seanad Éireann on 18 September 2020. Standing Orders 100(4) Dáil Éireann and 77(4) Seanad Éireann require that *“as soon as may be following its appointment and thereafter at annual intervals, each Select Committee shall prepare a work programme and shall lay such programme before Dáil Éireann and Seanad Éireann”*.

#### 2. Select Committee

The function of the Select Committee is to consider Bills, Estimates and other business referred to it by Dáil Éireann which relate to the Department of Housing, Local Government and Heritage.

##### (a) Legislation (Bills) [See 3(c) also]

The Select Committee will consider any Bills referred to it by Dáil Éireann, relevant to the Department of Housing, Local Government and Heritage during the period covered by this Work Programme.

The Government’s Autumn 2020 and Spring 2021 Legislative Programmes list the following Bills relative to the Department of Housing, Local Government and Heritage:

- Affordable Housing Bill
- Heritage Bill
- Land Development Agency Bill
- Marine Planning and Development Management Bill
- Planning and Development (Amendment) Bill
- Electoral (Reform) Bill
- Emergency Management and Fire and Public Safety Bill
- Heritage Bill
- Housing and Planning and Development (Amendment) Bill
- Local Government (Directly Elected Mayor - Limerick) Bill
- Monuments & Archaeological Heritage Bill
- Tailte Eireann Bill
- Urban Area Committees Bill
- Water Environment (Abstractions) Bill
- Building Control (Construction Industry Register Ireland) Bill
- Electoral (Amendment) Bill
- Housing and Residential Tenancies Bill
- Wildlife (Amendment) Bill
- Housing (Amendment) Bill

- Planning and Development (Amendment) (No. 2) Bill

### **(b) Estimates and other Financial Matters**

Select Committees are tasked with consideration of annual Estimates for Public Services that fall within their remit. The Estimates are Ministers' spending plans for the coming financial year. When the Estimates are referred to Select Committees for consideration, the Committee will have a valuable opportunity to question the Minister for Housing, Local Government and Heritage on financial allocations and associated output targets for the coming year. A Supplementary Estimate may be considered later in the year if additional monies are required by the relevant Government Department. Note: The Select Committee is required to consider the Estimates but is not empowered to amend them.

In addition, the examination of the Annual Output Statements (AOS) including performance, efficiency and effectiveness in the use of public monies and Value for Money (VFM) Reviews are another important part of scrutinising Government expenditure.

### **(c) Referrals of Motions and Other Matters**

From time to time, matters may arise and may be referred to the Select Committee by the Dáil. It is not possible to say in advance what those matters might be or when they might arise.

However, by way of notice of motion the following order was passed by the Dáil on 30<sup>th</sup> July 2020, and as such should form part of the Committee's Work Programme where appropriate –

*“it shall be an instruction to each Select Committee appointed pursuant to Standing Order 95 that the work programme provided for in Standing Order 100(4) shall include the consideration of such aspects of –*

- (a) the State's response to the Covid-19 pandemic*
- (b) science, research and development and innovation: and*
- (c) progress on the implementation of the Sustainable Development Goals set out in the United Nations 2030 Agenda for Sustainable Development”*

## **3. Joint Committee**

The duties of the Joint Committee are discharged in two ways

- (i) there will be items of business referred to it by one or both Houses and
- (ii) it can select business for consideration itself, from the areas within its terms of reference.

In practice, the Joint Committee's core work has comprised EU business and key policy and governance priorities –

## **(a) EU Business**

### **Scrutiny of EU Legislative Proposals**

The scrutiny of draft EU legislative proposals will continue to be a standing agenda item of the Joint Committee. Draft proposals will be brought to the attention of the Joint Committee by setting out priority (Schedule A) and non-priority (Schedule B) items.

### **Engagement with Ministers**

Ministers of the Government attend EU Council meetings in their relevant policy areas and it is intended that the Joint Committee will invite the Minister for Housing, Local Government and Heritage from time to time to give oral briefings in advance of his attendance at the Environment Council meetings or in the case of his attendance following such meetings.

### **Engagement on the Statutory Departmental Scrutiny Report**

There is a requirement under S.2(5) of the European Union (Scrutiny) Act 2002 for Ministers to report twice yearly to both Houses on the measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which he/she performs functions. The Joint Committee can consider these reports with the Secretary-General of the Department.

### **Engagement with European Bodies**

The Committee will continue to further its engagement with European bodies such as the EU Commission and the EU Parliament and its committees during 2020, including delegation visits where appropriate.

## **(b) Key policy priorities**

The Joint Committee is empowered to consider such other policy issues as it may select within its terms of reference. In the period January 2021 to December 2021, in addition to core business such as legislation, it should be possible to focus on one or two major topics within the remit of the Department, with the aim of producing a well-researched report to the Houses by end of 2021.

The Joint Committee will prioritise some of the following issues along with current issues or other matters that arise from time to time:

1. Quarterly Review of the implementation of the Programme for Government
2. Construction Defects
3. Land Management and Housing Affordability
4. Construction Costs
5. Multi-Unit Developments
6. Timber Buildings, Modular Buildings, Environmental Product Declarations (EPDs)

7. Land Development Agency
8. Strategic Housing Developments
9. Housing Initiatives/Schemes (Differential Rents, Repair and Lease, Serviced Sites Fund etc)
10. Urban Regeneration and Development
11. Renumeration of Councillors
12. Water Quality, Wastewater, Drinking Water
13. National Inventory of Architectural Heritage
14. Office of the Planning Regulator
15. Local Government Funding and other issues
16. Local Government Management Agency
17. Progress on the National Retrofitting Program
18. Local Government staffing levels for Climate Action, Biodiversity & Heritage
19. Building Design – Universal design for those with disabilities and the elderly, to include Changing Places, COVID learnings and Safety – Building Regulations and Standards
20. Referenda on Housing & Water
21. Housing Agency
22. Marine Planning & Development Management Bill
23. Electoral Reform
24. Traveller Accommodation – Expert Group Review of Traveller Accommodation
25. Living City, Urban and Rural Regeneration, Towns Centres First Initiatives
26. Directly Elected Mayors
27. COVID - 19 Impact on Housing Construction, Supply, Rental, & Demand

Issues not considered by the end of 2021 can be brought forward for consideration as part of the Work Programme for 2022.

### **(c) Pre-Legislative Scrutiny/Post-enactment**

In addition to this core work, the Joint Committee is also empowered to consider the examination of the general scheme or draft heads of Bills and to consider any post-enactment report on any Bill enacted in the previous 12 months by the Houses of the Oireachtas in respect of the Department.

### **(d) Engagement with Chairperson designates**

In accordance with Standing Order 96(7) the Joint Committee is empowered to engage with the chairperson designate of a body or agency under the aegis of the Department of Housing Local Government and Heritage prior to their appointment to discuss their strategic priorities for the role. It is an opportunity for chairpersons designate to discuss with the Committee the approach they will take as chairperson and to give their views as to what contribution they can make to the agency or body to which they are proposed to be appointed. The Joint Committee will where feasible meet with chairpersons designate as nominations arise during the year.

#### **(e) Travel**

In accordance with Standing Order 96(15) the Joint Committee may decide, subject to financial, administrative and procedural constraints, to undertake travel as it considers necessary to further progress the Work Programme. Such travel may include attendance at conferences or meetings, or study visits related to issues within its remit. The Working Group of Committee Chairs will make recommendations in relation to apportionment of moneys available for travel subject to the consent of the Houses of the Oireachtas Commission [DSO 120(4)(a)].

#### **(f) Number and Frequency of Meetings**

It is anticipated that the Committee will meet on a weekly basis.

### **4. Agreement of Work Programme**

This Work Programme for 2021 of the Joint Committee on Housing, Local Government and Heritage was agreed by the Joint Committee at its meeting on 20 April 2021. In accordance with Standing Orders of Dáil Éireann and Seanad Éireann, it was agreed that the Work Programme be laid before both Houses of the Oireachtas.



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Steven Matthews TD

Chair of the Joint Committee on Housing, Local Government and Heritage

20 April 2021

## Appendix 1: Terms of Reference of the Joint Committee

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

- 1) The Dáil may appoint a Departmental Select Committee to 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) A 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) A 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) A 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 a 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) A 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) The Joint Committee 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;

(2) 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/Seanad;

(3) 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 DSO 125(1) and SSO 108(1); and

(4) 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—

- (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a State body within the responsibility of a Government Department or
  - (c) 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.

(5) 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.

### **c. Powers of Committees (as derived from Standing Orders) [DSO 96; SSO 72]**

Unless the Dáil/Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

- (a) minutes of such evidence as was heard in public, and
- (b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil/Seanad;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

- (a) require any Government Department or other instrument-making authority concerned to—

- (i) submit a memorandum to the Joint Committee explaining the statutory instrument, or
- (ii) attend a meeting of the Joint Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Joint Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Joint Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Joint Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Joint Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Joint Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Joint Committee in relation to the consideration of a report under DSO 197/SSO 168;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State,

shall attend meetings of the Joint Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil/Seanad; and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under DSO 120(4)(a)/SSO 107(4)(a).

## Appendix 2: Members of the Joint Committee

Deputies: Francis Noel Duffy (Green Party)

Thomas Gould (Sinn Féin)

Emer Higgins (Fine Gael)

Steven Matthews (Green Party) [Chair]

Paul McAuliffe (Fianna Fáil)

Eoin Ó Broin (Sinn Féin)

Cian O’Callaghan (Social Democrats)

Joe Flaherty (Fianna Fáil)

Richard O’Donoghue (Independent)

Senators: Victor Boyhan (Independent)

John Cummins (Fine Gael)

Mary Fitzpatrick (Fianna Fáil)

Mary Seery Kearney (Fine Gael)

Rebecca Moynihan (Labour)

### Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 30 July 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 18 September 2020.
3. The Dáil Committee of Selection nominated Deputy Joe Flaherty to replace Deputy Jennifer Murnane O’Connor on 2 February 2021.

### **Appendix 3: Agencies under the aegis of the Department of Housing, Local Government and Heritage**

- An Bord Pleanála
- Ervia
- Gas Networks Ireland
- Housing Agency
- Housing Finance Agency
- Irish Water
- Land Development Agency
- Local Government Management Agency
- National Oversight and Audit Commission
- National Traveller Accommodation Consultative Committee
- Ordnance Survey Ireland
- Property Registration Authority
- Pyrite Resolution Board
- Residential Tenancies Board
- Valuation Office
- Valuation Tribunal