



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

An Comhchoiste um Iompar agus Cumarsáide

Clár Oibre

Eanáir – Nollaig 2021

Joint Committee on Transport and Communications

Work Programme

January – December 2021

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Joint Committee on Transport and Communications
Draft Work Programme 2021

1. INTRODUCTION

The Joint Committee on Transport and Communications was established following Orders of Dáil Éireann on 28 July 2020 and of Seanad Éireann on 31 July 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 Transport and to the Department of Environment, Climate and Communications.

A. Legislation (Bills) See 3(c) also

The Government’s Spring Legislative Programme, published on 13 January 2021¹ and the Summer Legislative Programme, published 26 April 2021², outline the following relating to transport;

- two pieces of priority legislation for publication
 - Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill
 - Road Traffic (Miscellaneous Provisions) Bill
- three pieces of legislation that are expected to be referred to the Committee for pre-legislative scrutiny (PLS)

Title of Bill	Purpose of Bill
Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill	To amend the Merchant Shipping (Investigation of Marine Casualties) Act 2000 to address issues relating to the Marine Casualty Investigation Board
Public Transport (Miscellaneous Provisions) Bill	To provide for technical amendments to a number of Acts in order to enable the delivery of BusConnects
Road Traffic (Miscellaneous Provisions) Bill	To provide for traffic management on M50, motor insurance database and other road traffic matters as well as provisions relating to e-scooters and scramblers

¹ [Spring Legislative Programme 2021](#)

² [Summer Legislative Programme 2021](#)

- seven pieces of other legislation for publication during the Spring legislative session
 - Horse Drawn Carriages Bill
 - International Aviation Agreements Bill
 - Large Public Service Vehicle Reform Bill
 - Merchant Shipping (International Conventions) Bill
 - Railway Safety (Amendment) Bill
 - Road Safety Authority (Amendment) Bill
 - Taxi Regulation (Amendment) (Rickshaw) Bill

Neither the Spring Legislative Programme nor the Summer Legislative Programme contain legislation relating to the Communications remit of the Department of Environment, Climate and Communications.

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, this Committee will have a valuable opportunity to question the Minister for Transport (Vote 31) and the Minister for Environment, Climate and Communications (Vote 29, Programme A only) on financial allocations and associated output targets for the coming year. In keeping with a whole of year approach, it is the Committee's intention to have an exchange of views with the Minister in the autumn on the emerging position for 2021 and 2022.

A Supplementary Estimate may be considered in December 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 is 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, there are no items currently referred to the Select Committee.

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 Council of the EU meetings in their relevant policy areas. It is intended that the Joint Committee will invite the Minister for Transport and the Minister for Environment, Climate and Communications from time to time to give oral briefings in advance of their attendance at Transport, Telecommunications and Energy Council meetings, or in the case of their 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 they perform 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 European Commission and the European Parliament and its committees during 2021, 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 from January 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 following are key policy issues for examination:

Transport

- Haulage, freight and ferry travel post-Brexit
- The National Development Plan
- Rail connectivity, including urban light rail, rail freight, and the development of the Western Rail Corridor
- Driving license renewals and driver testing
- Impact of Covid-19 on the aviation industry
- Urban public transport, including the impact of Covid-19 on services
- Impact of Covid-19 on the taxi industry
- Regulation of personal powered transporters (eScooters)
- Active travel and the Safe Routes to School programme
- Road transport

Communications

- The roll-out of the National Broadband Plan
- The viability of the Post Office system
- The National Digital Strategy
- The EU Networks and Information Systems (NIS) Directive and national cybersecurity

Issues not considered by end of 2021 may form 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.

Three pieces of legislation relating to transport (outlined in Section 2(A)) were listed in the Spring and Summer Legislative Programmes as being expected to undergo pre-legislative scrutiny (PLS).

D. Engagement with Chairperson designates

The Joint Committee is also empowered to engage with the Chairpersons designate of a body or agency under the aegis of the Department of Transport, and those under the remit of the Communications Division of the Department of Environment, Climate and Communications. prior to their nomination for appointment, to discuss their strategic priorities for the role.

This Work Programme for 2021 of the Joint Committee on Transport and Communications was agreed by the Joint Committee at its meeting on 22 June 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.

Kieran O'Donnell

Kieran O'Donnell T.D.
Cathaoirleach
22 June 2021

APPENDIX 1: TERMS OF REFERENCE OF THE JOINT COMMITTEE

The functions, powers and remit of Departmental Joint Committees are contained in the Standing Orders of Dáil Éireann (DSO) and the Standing Orders of Seanad Éireann (SSO). The relevant standing orders are DSOs 94, 95 and 96 and SSOs 70, 71 and 72.

DSO 94: Scope and context of activities of Select Committees

94. (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) 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

Retained pending review of the Joint Committee on Public Petitions.

(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.

(3) 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.

DSO 95: Functions of Departmental Select Committees

95. (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.

DSO 96: Powers of Select Committees

96. Unless the Dáil 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;

(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 Select Committee explaining the statutory instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument:

Provided that the authority concerned may decline to attend for reasons given in writing to the Select 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 Select 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 Select 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 Select 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 Select 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 Select 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 Select Committee in relation to the consideration of a report under Standing Order 197;

(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 Select 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 Select Committee, which may report thereon to the Dáil; 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 Standing Order 120(4)(a).

APPENDIX 2: MEMBERS OF THE JOINT COMMITTEE

Deputies: Joe Carey TD
Cathal Crowe TD
Michael Lowry TD
Steven Matthews TD
James O'Connor TD
Kieran O'Donnell TD (Chair)
Ruairí Ó Murchú TD
Darren O'Rourke TD
Duncan Smith TD

Senators: Senator Lynn Boylan
Senator Jerry Buttimer
Senator Gerard Craughwell
Senator Timmy Dooley
Senator Gerry Horkan

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 25 September 2020
3. On 9 December 2020, Senator Rónán Mullen was discharged from membership of the Committee at his own request and Senator Gerard Craughwell was appointed in substitution for him
4. On 17 May 2020, Senator Lynn Boylan was nominated to serve on the Committee
5. On 17 May 2020, Senator Senator Ned O'Sullivan was discharged from membership of the Committee at his own request and Senator Gerry Horkan was appointed in substitution for him

APPENDIX 3: AGENCIES UNDER THE AEGIS OF THE DEPARTMENT

Department of Transport

Commercial Agencies	Non-Commercial Agencies
Córas Iompair Éireann (CIE)	Transport Infrastructure Ireland
Iarnród Éireann	Road Safety Authority
Dublin Bus	National Transport Authority
Bus Éireann	Commission for Railway Regulation
daa	Medical Bureau of Road Safety
Shannon Group plc	Marine Casualty Investigation Board
Irish Aviation Authority	Commissioners of Irish Lights
Port of Cork Company	
Port of Waterford	
Shannon Foynes Port Company	
Dublin Port Company	
Galway Harbour Company	

Department of Environment, Climate and Communications

Communications
An Post
Commission for Communication Regulation (ComReg)
Digital Hub Development Agency (DHDA)