

Houses of the Oireachtas Service Working Group on Parliamentary Privilege and Citizens' Rights
Terms of reference [As agreed by Dáil Committee on Procedure and Seanad Committee on Procedure and Privileges]

Purpose of the Working Group: To report with recommendations to the Dáil Committee on Procedure and the Seanad Committee on Procedure and Privileges on –

- the changes to the Standing Orders of both Houses of the Oireachtas, and
- any other related actions,

which are considered necessary, by way of response to the recent Supreme Court judgments in the *Kerins* and *O'Brien* cases, and in order to fulfil the Constitutional obligations of the Houses of the Oireachtas to provide protection for the rights of citizens in respect of matters which occur within the Houses of the Oireachtas and their Committees.

Specific areas to be considered: Without prejudice to the generality of its overall purpose, the Working Group shall consider and report on the following matters:

House procedures	<ul style="list-style-type: none"> • The role of the Houses in protecting citizens' rights. • Rulings and practice in relation to the balancing of third party rights with parliamentary privilege. • Code of Conduct for Members of the Houses of the Oireachtas.
Committee procedures	<ul style="list-style-type: none"> • Scope of accountability to Committees under the Constitution, statute law and Standing Orders. • Procedures governing Committee remit and mechanisms to address remit issues. • The roles, responsibilities and powers of Oireachtas Committee Chairs. • Guidance/training for Committee Chairs. • The role of the Working Group of Committee Chairs.
Oversight mechanisms	<ul style="list-style-type: none"> • The role and responsibilities of the Dáil Committee on Procedure and the Seanad Committee on Procedure and Privileges ("the CPPs"). • Guidance/training for CPP members.
Citizens rights and remedies	<ul style="list-style-type: none"> • Guidelines and supports for citizens and witnesses before Committees. • Complaints mechanisms for citizens who feel that their rights have been inappropriately infringed. • Process for investigation of complaints. • Remedies for citizens whose complaints are upheld.
Sanctions	<ul style="list-style-type: none"> • Sanctions and remedies for abuse of privilege on the floor of the House. • Sanctions regime for infringement of rights by Committees or individual members.
Houses of the Oireachtas Service	<ul style="list-style-type: none"> • Role of officials and support services (Clerks of the Houses, Committee management, Clerks to Committees, OPLA). • Protocol on the Provision of Procedural and Legal Advice to Committees (as referred to in Dáil SO 107(1)(g)/Seanad SO 98(1)(g)).

Membership: Elaine Gunn (*Assistant Secretary Parliamentary Services, Clerk-Assistant of the Dáil*) [Chair], Mellissa English (*Assistant Secretary, Chief Parliamentary Legal Adviser*), Noreen Banim (*Principal Officer, House Services*), Bridget Doody (*Clerk-Assistant of the Seanad*), Tom Malone (*Principal Officer, Committees*), Elaine Muldoon (*Clerk to Dáil Committee on Procedure*) [Secretary to the Group]

Consultation: In framing its recommendations, the Working Group will consult with the Chairs and the Clerks of both Houses, with Committee Chairs, and with such other relevant external stakeholders as the Group considers appropriate.

Timeline for report: The Working Group will report progress to the CPPs before the summer recess 2019, with the objective of implementing any recommended changes to Standing Orders by October/November 2019.