



TITHE AN OIREACHTAIS

AN COMHCHOISTE UM FHORMHAOIRSÚ AR AN tSEIRBHÍS PHOIBLÍ AGUS ACHANÍOCHA

**Tuarascáil maidir le Ról agus Cúram an Chomhchoiste
um Fhormhaoirsiú ar an tSeirbhís Phoiblí agus
Achainíocha a Fheabhsú**

Eanáir 2016

HOUSES OF THE OIREACHTAS

JOINT COMMITTEE ON PUBLIC SERVICE OVERSIGHT AND PETITIONS

**Report on Improvement to the Role and Remit of the
Joint Committee on Public Service Oversight and
Petitions**

January 2016



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No. PSOP004

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Chairman's Foreword

I have been Chairman of the Joint Committee on Public Service Oversight and Petitions since 16 January 2013. In that time I have worked closely with Members of the Committee to examine Petitions received, I have also built up a professional working relationship with the various Ombudsmen.

As Chairman of this Committee I realise that it is important to retain the existence of this Committee into all future Dáileanna. For this reason I proposed to the members of the Joint Committee that, before the dissolution ahead of the forthcoming General Election, it would be important to report to the Houses of Oireachtas the Committee's views as to how the system could be more efficient and effective.

For the last number of years we have participated in a learning curve, to properly establish this Committee and come to an understanding as to how it should operate in an effective and efficient manner. In order to achieve a full understanding of how the Committee should function and how we fit into society, members of the Committee, including myself met with both the EU Petitions Committee in Brussels (PETI) and the Petitions Committee in the National Assembly of Wales. During these trips we discovered that our Committee remit was broader than that of our counterparts, in that they do not have a public service oversight element. For this reason it is recommended that in the new and subsequent Dáileanna the Joint Committee become a Public Petitions Committee with responsibility for all Ombudsmen.

In my opinion a Public Petitions Committee should exist to assist all members of society voice their opinion on any issue of Public importance, whether national or regional, and for this reason the Petitions process needs to be easily accessible to all members of society. I feel there needs to be a country-wide road show that promotes the Petitions process, similar to the country-wide road shows being run at present by the Ombudsman for the Public Service. The Public should have the right, based on their personal experiences of public service delivery, to voice their opinion and highlight issues.

However, it is my view that the Joint Committee should not be seen or used as a means of a appeal for cases that have been before the Courts or an Ombudsman.

As Chairman of this Committee I cannot stress strongly enough how passionate I am about the existence of this Committee in our National Parliament and all future Dáileanna. It is for this reason we have taken the decision to publish this Report, which highlights what we have already achieved and what changes need to be incorporated into the future in order for the Joint Committee on Public Petitions to be run effectively and efficiently.



Pádraig MacLochlainn T.D.

Chairman

21 January 2016

1. Introduction.

It was decided by the 31st Dáil, under the Programme for Government published in February 2011, to establish for the first time a Joint Committee on Investigation, Oversight and Petitions. In order for the Oireachtas Committees to have proper meaningful power to investigate, an amendment to the Constitution was required.

However, a Referendum held on 27th of October 2011, asking the people of Ireland to give additional powers to Oireachtas Committees, was defeated. As a result of the Referendum being defeated, the Order of Reference for the Joint Committee were amended to exclude an investigatory role for the Committee. The Dáil and Seanad agreed the Orders of Reference for the Committee in July 2012.

During this period the Joint Committee held meetings with the various Ombudsmen and started to try and address the issues being presented to them in the Ombudsman's annual and special reports.

It should also be noted that the establishment of the Joint Committee on Public Service Oversight and Petitions also included the establishment of 2 Joint sub-Committees; 1) the Joint sub-Committee on the Ombudsman and 2) the Joint sub-Committee on Public Petitions.

The Public Petitions System was officially launched to the Public on the 13th of September 2012.

there are a number of different stages that a Petition will go through during its passage through the Petitions Process. See Appendix 3 for details of the Petitions process.

The Petitions System is available in both the English and Irish languages.

The remit of the Joint Committee on Public Service and its two Joint sub-Committees encompasses three complementary areas of responsibility:-

- (a) Receiving and Processing Petitions submitted to the Houses of the Oireachtas by members of the public and, informed by those two activities;
- (b) Engagement with the Ombudsman;
- (c) Oversight of Public Service Delivery.

(a) Public Petitions

The Joint sub-Committee receives and processes petitions submitted to the Houses of the Oireachtas by members of the public. Under the relevant Standing Orders and the Orders of Reference which established the Committee a petition presented to the Houses stands referred to the sub-Committee on Public Petitions for consideration and appropriate action.

In fulfilling its role the Joint sub-Committee has a number of options, it can:-

- Invite oral submissions from the petitioner;
- Seek oral or written submissions from relevant organisations;
- Invite government ministers to attend meetings and answer questions about the petition;
- Refer a petition, if appropriate, to the relevant sectoral committee of the Houses of the Oireachtas.

If, after initial consideration, the Joint sub-Committee on Public Petitions perceives that the petition does not merit further consideration, it can close the petition at any time. The Joint sub-Committee can also recommend that an issue raised by a petitioner be debated in the Houses or by a Sectoral Committee.

The procedural framework governing the petitions process gives the Joint sub-Committee on Public Petitions broad authority to take any action which the Joint sub-Committee on Public Petitions considers appropriate.

The work of the Joint sub-Committee on Public Petitions, in the processing of petitions received, will, therefore, to a large extent be determined by the number and subject matter of petitions received from members of the public. Since the launch of the Public Petitions System 159 petitions have been received as of 31 December 2015 of which 40 are currently active.

The Joint sub-Committee on Public Petitions may also engage with the European Parliament Committee on Petitions, including the European Citizens' Initiative.

Standing Order 165A, provides that:-

"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 form the Joint Committee on Public Service Oversight and Petitions".

However, this is tempered by the fact that the Order of the Dáil adopting the Standing Order applies only *"until further notice in the 31st Dáil"*.

Accordingly unless the Standing Order (and other Standing Orders pertaining to the Committee) are given permanent effect, the position in relation to petitions on hand and how they might be considered in the new Dáil is, at the very least, unclear.

(b) Engagement with the Ombudsman.

The Ombudsman for the Public Service is independent of Government but is directly accountable to Parliament through the laying of annual and other reports before the Houses of the Oireachtas. Section 6 of the Ombudsman Act 1980 sets out the Ombudsman's statutory responsibilities and powers in this regard:-

- a. Statutory responsibility to report annually to the Oireachtas on the general discharge of his functions, and on such other matters with respect to those functions as he thinks fit, and;
- b. Power to lay a special report before the Houses in which he can draw the attention of Parliament to a case where a body is not carrying out his recommendations or where an individual case (or cases) raises wider systemic problems within public administration.

The Joint Committee is empowered to consider such policy issues as it may select within its terms of reference. Within the framework of engagement with the Public Service Ombudsman (and other Ombudsmen¹) and processing of public petitions, the Committee is uniquely placed to undertake the complimentary and linked function of oversight of public service delivery.

At present the various pieces of legislation governing the different Ombudsmen differ in who they are allowed or required to report directly to. It is the opinion of this Committee that all legislation governing all Ombudsmen should be drafted in a way that allows them to function in the following way:

- Report directly to the Oireachtas;
- Report on their Annual Reports to the relevant Sectoral Committee with there being an obligation for a full consideration of the Report by that Sectoral Committee;

¹ Apart from the Public Service Ombudsman, the Joint sub-Committee on the Ombudsman also has oversight for the following: the Financial Services Ombudsman; the Ombudsman for Children; the Pensions Ombudsman; the Ombudsman for the Defence Forces; the Garda Ombudsman and An Coimisinéir Teanga (The Irish Language Commissioner)

- Report any or all Special Reports to the Joint Committee on Public Petitions and the Ombudsmen.
- Include in the remit of the Joint Committee the option of being allowed to examine Annual Reports as well as Special Reports as laid by the Ombudsmen.

(c) Public Oversight.

The Joint Committee is empowered to consider such policy issues as it may select within its orders of reference. As has already been stated, within the framework of

- 1) engagement with the Public Service Ombudsman (and other Ombudsmen) and
- 2) the processing of public petitions,

the Committee is uniquely placed to undertake the complimentary and linked function of oversight of public service delivery.

In particular, the information and insights gained from examination of the Ombudsman's reports (which are laid before the Houses), and consideration of public petitions submitted to the Houses, assists the Committee by bringing to its attention how a particular policy, programme or statutory framework is being administered or that particular public service is delivered. Therefore, the Public Service Oversight remit of the Joint sub-Committee is an area where the members can be proactive in selecting public service oversight issues for consideration. The Joint sub-Committee can report on any underlying or systematic shortcomings which are identified and propose recommendations thereby helping to drive improvements to the quality and standards of public services and the delivery of those services.

Issues that have been examined by the Joint Committee under their oversight remit are as follows:

- That the Direct Provision System be subject to both FOI and the be within remit of the Ombudsman for Public Service;
- Examination of two Special Reports by the Ombudsman for Public Service "*Too Old to be Equal*" and "*Motorised Transport Grant*";
- An Commissioner Teanga – and the non-compliance of Departments and Government Bodies/Agencies with the Official Languages Act;
- Special report by the Garda Síochána Ombudsman Commission issued pursuant to section 80(5) of the Garda Síochána Act, 2005 in relation to issues concerning informant handling and on issues arising from the Garda Síochána Ombudsman Commission Annual Report for 2012.

2. Background.

As of 31 December 2015:-

- the Joint Committee were in receipt of 159 Public Petitions;
- 140 of these Petitions were brought before the Joint Committee for consideration on at least 1 occasion;
- 75 of these Petitions have been closed, and;
- 44 were deemed to be inadmissible by a decision of the Committee.

The Joint Committee has worked closely with various stakeholders to examine numerous issues/topics. Below is a sample list of some of the issues/topics, among many others, raised by petitioners:

- Support the holding of a media campaign on suicide awareness;
- Height of Leylandii trees and hedges in neighbouring gardens;
- Open access to publicly funded research;
- Planning issues;
- Employment Appeals Tribunal;
- Citizenship matters;
- Requests to examine the Freedom of Information Act, the Ombudsman Act and the secrecy provisions within the Central Bank Act 1942;
- Back to Education Allowance;
- Postal Ballots and allowing Irish Citizens living overseas to be allowed vote in all elections;
- Issues raised by the various Ombudsmen including their functions and operations;
- Road Traffic Accidents;
- Water Meter Boxes;
- Disease Rates Linked To Central Heating Systems;
- Fishing Legislation;
- Equality Budgeting;
- Male discrimination;
- Dalkey Oil Drilling Licences;
- The Gathering;
- Foreign Driving Licences;
- Decisions of County Councils being questioned;
- Secondary use of Patient Information;
- Legalisation of Cannabis.

3. Update on progress made by the Joint Committee to date in relation to our engagement with the various Stakeholders.

The Joint Committee has, to date, engaged with Ministers, Government Departments, Ombudsmen, State Bodies/Organisations and non-Government Organisations, in order to address issues raised by Petitioners. Examples of the progress made include the following:-

- Following an issue raised by a former member of the Committee, Mr. Charles Flanagan T.D, in relation to the confusion caused to the electorate over the layout of the Ballot Papers in the Referendum on the abolition of the Seanad held on 4 October 2013. The Joint Committee agreed as per its oversight remit to examine the layout of Ballot Papers in Referenda. The Joint Committee corresponded with the Department of the Environment, Community and Local Government on this issue and on the 16 April 2014, Officials from the Departments Franchise Section appeared before the Joint Committee and agreed there would be changes to the layout of the Ballot Papers for future Referenda.

The Joint Committee also launched a Report in June 2014, making 4 recommendations to the layout and design of Ballot Papers. Recommendation number 5 stated that the Joint Committee would revisit this report within a 6 – 12 month period to examine what action had been taken by the Department in relation to the recommendations listed.

- The Joint Committee received 3 Petitions in total on the right of Irish Citizens living overseas being allowed vote in all Irish elections. The Convention on the Constitution presented its Fifth Report to the Dáil in November 2013, and recommended that citizens resident outside of the State should be given the right to vote in Presidential Elections.
- The Joint Committee also received a Petition from a concerned member of the public asking that the Joint Committee support the holding of a media campaign on suicide awareness. Under normal circumstances the Joint Committee will always insist that a Petitioner exhaust all avenues available to them to have their issues/suggestions resolved in advance of submitting their Petition. However, in this case it was decided that the suggestion warranted the support of the Joint Committee and the Joint Committee was pleased to be in a position to report to the Petitioner that the Minister was already in the process of launching a very high profile media campaign on suicide awareness.

- The Ombudsman raised concerns to the Joint Committee in relation to the treatment of migrants in Direct Provision Centres. The Ombudsman had concerns that residents of Direct Provision Centres were not within the remit of the Ombudsman for Public Service, and that migrants were being held too long in these centres while waiting for the Department to finalise a decision on their application. The Joint Committee agreed to undergo a series of site visits to Centres around the Country and following these site visits a report was published which was launched in May 2015. This Report is still being considered by the Minister.
- The Joint Committee also received a Petition in relation to the Military and CIA use of Shannon Airport. The Joint Committee agreed to invite the Petitioner to come before the Joint Committee and make a presentation. They also agreed to invite Officials from the Department of Transport to come before the Committee. Following deliberation of the evidence given by both parties the Joint Committee further agreed to invite the Minister for Transport and the Minister for Foreign Affairs to appear before the Committee. Members of the Joint Committee, including the Chairman, visited Shannon Airport, and held meetings with Officials from the Airport, the Superintendent of the local Garda Station and the petitioner. The Joint Committee is currently in the process of finalising its report, the findings and recommendations.
- The Joint Committee received a Petition in relation to the cost of Motor Tax for Irish Hauliers. The Joint Committee corresponded with the Department of Transport, the Department of the Environment, Community and Local Government and the Department of Finance in relation to this issue. The Joint Committee learned that there had been a working group established to examine the system in operation with a view to recommending changes. The Minister for Finance announced in Budget 2015, that he was decreasing the maximum amount of Road Tax a Haulier will be liable to pay for €5,000 per year to a maximum of €900 per year.
- From the establishment of the Joint Committee, it has worked closely with An Coimisinéir Teanga, in order to have all Government Departments and Bodies comply fully with the Official Languages Act 2003. This issue is still live and ongoing with a number of Public Bodies; however, progress has been made in this area.

4. Considerations in regard to change to the Public Petitions process which should be implemented in the 32nd Dáil.

The Joint Committee agreed that as part of its work for 2015 it should publish a report that would take account of the work of the Committee - what it did well, what it did not do well and how it considered it could do better. This would assist a future Dáil take the experiences of the Joint Committee into account in the establishment of a future Petitions Committee.

No.	Code ²	Remit and composition of the Joint Committee	Explanation
1A	D	The Joint Committee be modelled on the EU petitions Committee and the European Citizens' Initiative.	There is a growing move within EU member States parliaments to have a petitions system and a standardised approach would be more effective.
1B	D	Clerk and Chairman to be members of the EU Ombudsman Association or similar body.	
2	A	That the Joint Committee's secretariat and Clerk do not have additional committees to support (at present, the same staff also support the sub-Committee on Administration of the Committee of the Committees of Procedures and Privileges of the Dáil and Seanad and the Seanad Committee on Members' Interests).	This would release staff to work full time on petitions and public service oversight.
3	B	Standing Orders should stipulate that oversight issues arising by way of petition should be referred to the Ombudsman for report.	This defines the 'Public Service' remit of the JC with certainty.
4	B	Where a petition is referred to a Sectoral Committee then the action to be undertaken by that Sectoral Committee should be set out by way of binding instruction – akin to how a Committee would deal with a motion referred by the Dáil.	If the Committee examine a petition and determine that the best course is to have the Sectoral Committee deal with the matter there needs to be an understanding as to what that Sectoral Committee should do.
5	B	If keeping Oversight and Petitions together, then all Ombudsman Acts should be listed/noted in the Standing Orders. This applies to both Public sector and Private sector Ombudsmen.	The Standing Orders must be specific as to what Ombudsmen report to PSOP and it should list all the legislation relative to each Ombudsman thus encompassed.
6	B	The number of Committee members should be reduced from 19 to 15 with a subsequent reduction in Quorum requirement from 6 to 5.	This may be moot as membership of the Committee must reflect the outcome of the General Election and the balance between the Dáil & Seanad.

² A - Administration, B - Standing Order Amendments, C – ICT/technical development and D - Development

7	B	Standing Orders should state that to submit a Petition a petitioner should be, or has been a resident and/or a citizen of Ireland or if a Corporate Body that body must be resident, registered and/or tax compliant.	Under the current rules of the JC anyone from anywhere in the world could lodge a petition.
8	B	It should be listed in the Standing Orders the Committee cannot consider or reconsider a decision of the Courts.	It should be made explicit that once court action has been initiated a petition is inadmissible.
9	B	To standardise the processing of Petitions, the Standing Orders establishing the Sectoral Committees should be explicit in laying down the process to be followed by the Sectoral Committees once a Petition has been referred to them.	This issue ties into 4 above, but relates to what PSOP expects back from a Department and a sectoral Joint Committee.
10	B	Standing Orders should also clearly state the actions expected from a Department and the timeframe in which they should respond.	
11	A	Gathering a quorum for meetings has been an issue. It is therefore, suggested that the meeting time slot allocated to this Committee needs to be reviewed with the possibility of changing the meeting time from 4 pm on a Wednesday afternoon.	In the 28 PSOP meetings from 14/1/15 to 18/11/15 only 1 PSOP meeting (3.5%) started within 5 minutes of the published start time, only 6 (21.5%) within 10 minutes of the published start time. Therefore, 78.9% of meetings start 10 minutes or later than the published start time.
12	A	Statistics Log. Data entry to maintain the petitions database, the document database etc. The stats log is 'key' to information and for this it must be maintained and up to date.	Additional or dedicated staff are required.
13A	A	Retain the 2 dedicated Petitions Case Managers at Senior Clerk level investigating petitions. This is important to reduce delays in processing petitions. A backlog is not acceptable. Set targets for dealing with Petitions.	Given the nature of some petitions and their complexity this is required. Also we should set targets, like 30 days from petition submission to review by the Clerk; that a petition must come before PSOP within 90 days and that a petition should be disposed of within 120 days.
13B	B	Petitions should be closed by way of report to the Houses.	The considerations of the Committee should be reported to the Dáil and Seanad and be placed on the Order Paper for each House.
14	B	The Standing Orders should state clearly that the petitioner should be required to show they have explored other avenues in advance of submitting their Petition.	This area, within the Standing Orders of PSOP, should be tightened up.

15	B	When a Petition is in regard to a personal case, the secretariat should consult with the relevant Ombudsman to explore referral to the Ombudsman for examination.	This formalises the referral by the JC to the Ombudsman and facilitates the Ombudsman to investigate and report to the JC if there is a public service issue
16A	A & D	Due to the sensitivity of some petitions the Committee should have access to a dedicated Parliamentary Legal Advisor. This would be required particularly when petitioners threaten legal action against the secretariat.	To be effective PSOP should have access to legal advice. Further, members can, as experienced, receive abuse on social media.
16B	A & D	There should be direct access to the Library and Research Service (L&RS) were additional research is requested by the Committee.	To be effective PSOP requires direct access to the L&RS on an <i>ad hoc</i> basis.
17	A	The JC and Secretariat should be apprised of all issues relating to data protection particularly in regard to the retention time of personal information.	Data protection is a major issue and PSOP needs a stated data protection policy but one which should take account of a desire for historical archiving.
18	C	Different e-mail group addresses – keep the petitions e-mail ‘drop-box’ separate from the drop box for members and staff as confusion occurs with member’s queries or requests.	Members should have a dedicated drop-box e-mail for PSOP business only, and this should be separate from the petitions drop-box e-mail.
19	B	Should staff/civil servants be permitted to sign a petition? Circ. 9/2009 No.14: Civil Servants, other than those in the exempted categories in paragraph 13 must not speak in public on matters of local or national political controversy or express views on such matters in the media (including electronic media and the press) or in books, academic papers, articles or leaflets.	Members are cognisant, due to petition 26/14: Civil Rights for Civil Servants - PSEU. Further, the IHREC notes that there is merit in ‘reviewing the present restrictions’ and considering at what point political activities might impact on an officer’s work or the proper functioning of the Government including any disciplinary measures.
		The Joint Committee recommend that the same restrictions as in the Civil Service Code of Practice should apply.	
20A	A & B	Training, there is a lack of training in terms of research training for Petitions Case Managers.	There is a need for the case managers to have knowledge of research methodologies so as to undertake a full consideration of a petition.
20B	A & B	Cross over training between the Office of the Ombudsman and Petitions Case Managers.	There is a need for the case managers to have an understanding of how the Ombudsmen, in their various guises, undertake their considerations of complaints.
21	D	Workshops need to be held for all Committee Clerks explaining how the Petitions process should	This develops the understanding of the work, role and remit of the JC.

		operate and what is expected of Sectoral Committees.	
22A	A,B&D	Staff – staffing levels need to be reviewed in trying to deliver an adequate service to Petitioners and Ombudsmen.	This develops the understanding of the work, role and remit of the JC.
22B	A,B&D	Staff in the secretariat should be full time equivalents.	This issue ties into 12 above and relates to what is required to keep all databases, statistic logs, web permissions and data protection etc. up to date so the management and reporting information is up to standard
23	D	New members and their staff need to be trained on the petition database system.	Member noted that a briefing pack for new members is probably not sufficient (a mentor maybe?)
24	D	We need to examine how we interact with Petitioners other than seeking clarification in relation to the Petition.	PSOP should consider how it interacts with petitioners in terms of customer service. A Petitioner should receive an acknowledgment when a petition is lodged as well as updates each time the Petition was considered.
25	C & D	There is a need to redesign the Petitions form, especially in regard to questions on the avenues of appeal or redress that have been utilised prior to submitting the petition.	It may be prudent to have Standing Orders define the JC not just by what it does, but also by what it does not do.
26	B	Standing Orders should state that to submit a Petition the petitioner should be 18 or over.	Should minors be able to submit a petition? At present minors could submit a petition.
27	B	Standing Orders should state that a Petition will only be processed if the issue(s) being raised occurred not less than 10 years ago.	We have received petitions on issues or matters that occurred some decades ago. Should the petitions system be for current issues?
28	A	In the event that a petitioner and/or stakeholders appear before the Joint Committee it would be more appropriate when this happens to have a separate room in order to keep the parties separate.	This is an administrative issue.
29	A & C	A website publication protocol is required so that members of the Joint Committee, the Petitioners and Stakeholders are aware as to what is or will be published on the Oireachtas website.	This needs to take account of data protection and should PSOP publish all correspondence received? This needs to be considered in terms of associating with a petition all correspondence that was issued and received.
30	A	Written protocols for managing Petitioners who present themselves at our office.	This is an administrative issue.
31	C	When a petition is lodged it should be mandatory to give a correspondence as well as an e-	Should there be a requirement to validate the bona fides of the petitioner so that a rogue or

		mail address.	malicious petition is inadmissible?
32	A	Summary notes should be with members by Friday the week before a meeting.	This is an administrative issue.
33	A & C	Petition Summary notes and correspondence could be opened on the Monitors in Committee meeting rooms for Members.	This facilitates the 'paperless' Committee.
34A	A & C	In order that the public can see what has happened to a Petition; an outcome, with greater details than just a posting on the Oireachtas website of a Petition being closed and non-inadmissible, should be given.	This delivers openness and transparency and success could lead to more citizens seeing that the system works thereby encouraging participation.
34B	A & C	Petitioners should be given a means of tracking a petition submitted by them which is deemed admissible. Consideration should also be given to allowing them to see associated documents.	This delivers openness and transparency and success could lead to more citizens seeing that the system works thereby encouraging participation.
35A	B	Once the dissolution happens all Petitions will fall. At present, if a Petitions Committee exists in the next Dáil, there is nothing in Standing Orders to prevent an individual(s)/Body from re-submitting a previously submitted – and considered - Petition to a new Committee in a new Dáil.	Standings Orders should be amended to state explicitly what powers a future Petitions Committee could have in regard to 1) re-instating all or selected Petitions; 2) deem a Petition inadmissible if it has been considered and disposed of by a previous Joint Committee; 3) that the submission of petitions are suspended when the Dáil is dissolved for a General Election.
35B	B	Standing Orders should provide for a new Committee in a new Dáil to re-instate all or selected Petitions which fell as a result of a dissolution.	
35C	B	Standing Orders should provide for the ceasing of the receipt of petitions when the Dáil is dissolved for a General Election.	
36B	A&B	The need for protocols to be established for management of personal data having regard to Data Protection legislation.	This is a development issue.
37	B	Petitions in relation to Planning issues should not be considered by the Joint Committee until the review currently underway by the Department of Environment, Community and Local Government has been finalised and also the new legislation dealing with planning laws has been enacted,	Clarity of the Standing Orders is required so that the Committee does not become another appeal route.
38	B	The sessional Standing Order	This should be examined before the

		which established the Committee should be re-affirmed so that the Committee becomes a Standing Committee following the reassembly of the Dáil after a General Election, as is the case with the other Dáil Standing Committees.	General Election.
39	A & D	An evaluation questionnaire should issue to a Petitioner for completion, once their Petition has been closed or deemed inadmissible.	This will assist the JC to respond and change, as needed.
40	C	There should be a stand-alone interface on the Oireachtas home page that takes a person straight into petitions. While there is currently a link on the website for Petitions, it is felt there is not sufficiently visible and too cumbersome.	There is a need for petitions to be more visible to the public one entering the Oireachtas homepage.

5. Recommendations.

- 5.1 Change the remit of the Committee to include
 - (A) Oversight over all Ombudsmen, the public service oversight function being retained only to the extent that such matters arise from reports made by such Ombudsman, and;
 - (B) Public Petitions
- 5.2 Change the name of the Committee from the Joint Committee on Public Service Oversight and Petitions to the Joint Committee on Public Petitions and the Ombudsmen;
- 5.3 The next Dáil, and every subsequent Dáil, should have a Standing Committee on Public Petitions and the Ombudsmen;
- 5.4 Implement the changes to the Standing Orders of the Committee as listed in the table at 4 above;
- 5.5 Implement the system changes as listed in the table at 4 above;
- 5.6 Revisit all legislation to ensure that all Ombudsmen, private or public, have the same power, in the same way, to report to the Dáil.

Appendix 1: Members of the Joint Committee

List of Members of the Joint Oireachtas Committee on Public Service Oversight and Petitions

Chairman: Pádraig MacLochlainn TD (SF)

Vice Chairman: Derek Nolan TD (LAB)

Deputies: Richard Boyd-Barrett TD (PBP)
Paul J Connaughton TD (FG)
Pat Deering TD (FG)
John Halligan TD (Ind)
Sean Kenny TD (Lab)
Seamus Kirk TD (FF)
Michael P. Kitt TD (FF)
Michael Healy-Rae TD (Ind)
Anthony Lawlor (FG)
Michelle Mulherin TD (FG)
Mary Mitchell O'Connor TD (FG)
Aengus Ó Snodaigh TD (SF)
Jack Wall TD (Lab)

Senators: Tony Mulcahy (FG)
Trevor Ó Clochartaigh (SF)
Susan O'Keeffe (LAB)
Ned O'Sullivan (FF)

1. Deputy Seán O Ferghail was appointed in place of Deputy Dara Calleary on 28 February 2012
2. Senator Thomas Byrne was appointed in place of Senator Darragh O'Brien on 14 June 2012
3. Deputy Richard Boyd-Barrett was appointed in place of Deputy Mick Wallace on 27 June 2012
4. The Committee on Investigations, Oversight and Petitions was renamed the Committee on Public Service Oversight and Petitions on 11 July 2012
5. Deputy Noel Harrington was appointed in place of Deputy John Paul Phelan on 28 November 2012
6. Deputy Peadar Tóibín resigned as Chairman with effect from 10 December 2012
7. Senator Thomas Byrne was discharged from the Committee on 19 December 2012
8. Deputy Pádraig Mac Lochlainn was appointed in place of Deputy Peadar Tóibín on 16 January 2013 and was elected as Chairman to the Committee on 30 January 2013.
9. Deputy Mick Wallace was appointed in place of Deputy Joan Collins on 23 January 2013
10. Deputy Seamus Kirk was appointed in place of Deputy Charlie McConalogue on 18 July 2013
11. Deputy Michael P. Kitt was appointed in place of Deputy Seán Ó Ferghail on 18 July 2013
12. Deputy Helen McEntee was appointed in place of Deputy Peter Mathews on 18 July 2013
13. Deputy Jack Wall was appointed in place of Deputy Michael Conaghan on the 7 October 2013.
14. Deputy Willie Penrose was appointed in place of Deputy Michael McCarthy on the 9 October 2013.
15. Deputy John Halligan was appointed in place of Deputy Mick Wallace on 5 February 2014
16. Deputy Patrick O'Donovan was appointed in place of Deputy Alan Farrell on the 12 February 2014
17. Deputy Sean Kenny was appointed in place of Deputy Willie Penrose on the 5 March 2014
18. Senator Ned O'Sullivan was appointed on the 6 March 2014
19. Deputy Flanagan Automatically discharged from the Committee on his appointment as Minister For Children and Youth Affairs on the 15 May 2014
20. Deputy Pat Deering was appointed in place of Deputy Charlie Flanagan on the 16th June 2015
21. Deputy Paul J Connaughton was appointed in place of Deputy Helen McEntee on the 16th June 2015
22. Deputy Anthony Lawlor was appointed in place of Deputy Patrick O'Donovan on the 16th June 2015
23. Deputy Mary Mitchell O'Connor was appointed in place of Deputy Noel Harrington on the 16th June 2015
24. Senator Jimmy Harte was discharged from the Joint Committee on 23rd September 2015.

Appendix 2: Orders of Reference of the Joint Committee

Orders of Reference of the Joint Committee on Public Service Oversight and Petitions

That, notwithstanding anything in Standing Orders—

- (1) the Order of the Dáil of 8th June, 2011 relating to the Joint Committee on Investigations, Oversight and Petitions, as amended by the Order of the Dáil of 29th September, 2011, is amended—
 - (a) in paragraph (1) by the deletion of all words from and including “Investigations,” down to and including “2011” and the substitution of “Public Service Oversight and Petitions, to consider the activities specified in Standing Order 165A.”, and
 - (b) by the deletion of paragraphs (2) and (3) and the substitution of the following:

“(2) Standing Orders 165A to 165E, inclusive, shall apply to the Joint Committee.”,
- and
- (2) the Order of the Dáil of 9th June 2011 relating to membership of the Joint Committee on Investigations, Oversight and Petitions is amended by the deletion of all words from and including “Investigations, Oversight and Petitions” and the substitution of “Public Service Oversight and Petitions”.
- (3) until further notice in the 31st Dáil, the Standing Orders of Dáil Éireann relative to Public Business are hereby amended—
 - (i) by the adoption of the following additional Standing Orders:

“Joint Committee on Public Service Oversight and Petitions.

165A. (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 form the Joint Committee on Public Service Oversight and Petitions.

(2) The Standing Committee shall consist of fifteen members of Dáil Éireann. The quorum of the Joint Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be a member of Dáil Éireann.

(3) The Joint Committee shall have oversight of public service delivery generally, with a particular focus on investigating and identifying improvements in the delivery of such services to citizens.

(4) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on the Ombudsman, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on the Ombudsman.

(b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.

(5) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on Public Petitions, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on Public Petitions.

- (b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.
- (6) Without prejudice to the generality of paragraph (3),
 - (a) the Joint sub-Committee on the Ombudsman shall consider—
 - (i) the reports of the Ombudsman which are laid before the Houses of the Oireachtas under the Ombudsman Acts 1980 to 1984,
 - (ii) motions pursuant to section 2 of the Ombudsman Act 1980, which shall stand referred to the Joint Committee for consideration and report to the Houses of the Oireachtas thereon, and
 - (iii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas,
 - (b) the Joint sub-Committee on Public Petitions shall consider—
 - (i) public petitions addressed to the Houses of the Oireachtas which shall stand referred to the Joint sub-Committee in accordance with Standing Orders 165B to 165E, inclusive, and
 - (ii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas,
 - (c) the Joint Committee shall consider—
 - (i) the quality and standards of public service delivery informed by its sub-Committees' consideration of the reports and petitions under paragraphs (a) and (b), including the effectiveness of public service complaints and redress systems,
 - (ii) such other matters as may be referred to the Joint Committee by the Houses of the Oireachtas, and
 - (iii) any other related matters.
- (7) The Joint Committee and the Joint sub-Committee on Public Petitions shall have the following powers:
 - (a) the powers defined in Standing Order 83, other than paragraphs (2A), (4A), (4B) and (6A) thereof; and
 - (b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.
- (8) The Joint sub-Committee on the Ombudsman shall have the following powers:
 - (a) the powers defined in Standing Order 83, other than paragraphs (4A), (4B) and (6A) thereof; and
 - (b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.
- (9) Each Joint sub-Committee shall have the power to report directly to the Dáil

- (10) The provisions of Standing Order 92, other than paragraph (1) thereof, shall apply to the Joint Committee and its sub-Committees.
- (11) In carrying out their roles under this Standing Order—
 - (a) the Joint sub-Committee on the Ombudsman—
 - (i) shall agree guidelines on collaborative working between the Joint sub-Committee and the Ombudsman, including a right of initiative for the Joint sub-Committee in bringing specific matters to the attention of the Ombudsman, and
 - (ii) may liaise with such other Ombudsmen, regulatory public bodies or bodies established for the purpose of redress, as the Joint sub-Committee considers appropriate,
 - (b) the Joint sub-Committee on Public Petitions may engage with the Committee on Petitions of the European Parliament including in relation to the European Citizens' Initiative.
- (12) It shall be an instruction to the Joint Committee and its sub-Committees that they shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (13) The Joint Committee shall prepare an annual work programme and an annual report as outlined in Standing Order 86, which shall be laid before both Houses of the Oireachtas.
- (14) The Joint Committee shall review its role generally on an ongoing basis and may make recommendations for change by way of report to the Committees on Procedure and Privileges of both Houses.

Lodging a petition.

165B. (1) A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest in relation to their legislative powers or an issue of public policy.

(2) A petition may be lodged by an individual person, a body corporate or an unincorporated association of persons.

(3) A petition shall clearly indicate—

- (a) the name of the petitioner;
- (b) an address of the petitioner to which all communications concerning the petition should be sent; and
- (c) the name and address of any person supporting the petition.

(4) All petitions addressed to the Houses of the Oireachtas shall stand referred to a Committee or sub-Committee empowered to consider petitions under this Standing Order and Standing Orders 165C, D and E (referred to in this Standing Order and Standing Orders 165C, D and E as "the Committee").

(5) The Committee shall, from time to time, determine—

- (a) the proper form of petitions,

- (b) the manner in which petitions are to be lodged with the Houses, and
- (c) such other matters in relation to the consideration of petitions as the Committee considers appropriate and which are not otherwise provided for in these Standing Orders.

Admissibility of petitions.

165C. (1) A petition is admissible unless it—

- (a) requests the Dáil to do anything other than the Dáil has power to do;
- (b) does not comply with Standing Orders or is otherwise not in proper form;
- (c) is *sub judice* within the meaning of Standing Order 57;
- (d) contains the name or names of individuals;
- (e) contains language which is offensive or in the nature of being defamatory;
- (f) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil and which was closed by agreement of the Committee;
- (g) is frivolous, vexatious or otherwise constitutes an abuse of the petitions system;
- (h) requires the Committee to consider an individual complaint which has been the subject of a decision by the Ombudsman, by another Ombudsman, or by a regulatory public body or a body established for the purpose of redress.

(2) In relation to admissible petitions, where a petition deals with

- (a) local or regional matters,
- (b) matters which are more appropriate to a regulatory public body or a body established for the purpose of redress,

the Committee shall establish that all available avenues of appeal or redress have been utilised by the petitioner prior to the Committee considering the matter.

(3) The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

Action on petitions.

165D. (1) If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

- (2) Without prejudice to the generality of paragraph (1), the Committee may—
 - (a) refer the petition to the Ombudsman, another Ombudsman or a regulatory public body or a body established for the purpose of redress;
 - (b) refer the petition to any other Committee as it considers appropriate, with a request for further consideration and report back to the Committee;
 - (c) report to the Dáil with recommendations, including a

request that the report be debated by the Dáil

- (3) The Committee shall notify the petitioner of any action taken under paragraph (2).

Closing of petitions.

165E. (1) The Committee may close a petition at any time.

- (2) Where the Committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.”,

and

- (ii) by the insertion in Standing Order 82 of the following subparagraph after paragraph (2)(c):

“(ad) that 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 Service Oversight and Petitions in the exercise of its functions under Standing Order 165A.”.

THE PETITION PROCESS

