

## Environment and Public Affairs Committee

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**Subject:** FW: Inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs  
**Attachments:** 20200605 Western Australia Reply Final.pdf; Hses of the Oir Inquiry Digest-13.09.2011.pdf

**From:** Leo Bollins  
**Sent:** Saturday, 6 June 2020 2:01 AM  
**To:** Environment and Public Affairs Committee <env@parliament.wa.gov.au>  
**Cc:** Susan Moran ; Brian Hickey ; Joint Committee on Public Petitions  
**Subject:** RE: Inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs

Hi Kristina

I hope that this finds you well in Perth in Western Australia!

Susan is away today so I am replying to your email.

Please see our reply to your questions re the Joint Committee on Public Petitions, attached.

You were inquiring about the proposed amendment to the Constitution regarding parliamentary inquiries – I have also attached a briefing prepared by our Library and Research Service which discussed the case law and policy in 2011 in the context of the referendum. The amendment was rejected by the people in a referendum in 2011 so the law did not change.

While parliamentary petitions is an ancient procedure, is now an active area of research in Europe since the Scottish Parliament set up their Public Petitions committee in 1999, and a number of interesting papers on petitions were published by various parliaments. The Internet has also enabled ePetitions in recent years.

We have reprinted and renumbered our standing orders (we do that after every general election) – you might find these complete versions easier to read than the other versions which tend to be amended over time:

[https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17\\_dail-eireann-standing-orders-relative-to-public-business-2020\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17_dail-eireann-standing-orders-relative-to-public-business-2020_en.pdf)

[https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/seanad/2020/2020-04-15\\_seanad-eireann-standing-orders-relative-to-public-business-2020\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/seanad/2020/2020-04-15_seanad-eireann-standing-orders-relative-to-public-business-2020_en.pdf)

Susie was the case manager on the former committee and I was the clerk. It is taking quite a while to form a new government following our general election but hopefully the new committees will be set up in the not too distant future.

If you would like any further information please don't hesitate to contact Susie or myself.

Is mise le meas,

*Regards,*

**Leo Bollins**

*Príomhchléireach*

Principal Clerk

*Rúnaíocht na gCoistí*

Committees' Secretariat

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**STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**  
**INQUIRY INTO TERMS OF REFERENCE**

**QUESTIONS FOR REPUBLIC OF IRELAND PARLIAMENT**

1. On page 4 of your submission it states that 'The purpose of the petitions system in the Houses of the Oireachtas is to enhance engagement between parliament and citizens on matters of general public concern or interest.'

It also states on page 5 that the 'objective of the establishment of the petitions system was to enable greater citizen interaction with the parliamentary system.'

- In what way would you say the role of the Joint Committee on Public Petitions has enhanced engagement and enabled greater citizen interaction with the parliamentary system, using some examples of practices, procedures and processes?

The petitions system of the Houses of the Oireachtas provides a direct link between parliament and citizen, gives the petitioner an opportunity to inform policy and seek legislative scrutiny on a matter of general public interest or concern. The subject of the petition must relate to a matter on which the Parliament has the power to act.

The petition may be considered over several meetings of the Joint Committee on Public Petitions.

Compared to other methods of communications with citizens, petitions have the following strengths:

- a) Petitions are initiated bottom-up by petitioners (in contrast to hearings, consultations, referenda).
- b) The access barriers for petitioners are low (in terms of formal requirements).
- c) A petition may not be ignored. Petitioners have the right of reply "*... without which that right would result in 'a right as empty as the right to write letters'...*".

The petition is submitted directly to the committee by an individual or a group or a corporate body: there is no need for any intermediaries.

Political scientists distinguish three modes of democracy, according to the type of participation:

- a) representative democracy
  - linked to the electoral process (e.g. elections)
- b) direct democracy
  - direct forms of deliberation by citizens that bypass (or complement) the process of representative democracy (e.g. referenda)

## c) advocacy democracy (semi-direct democracy)

*- citizens participate in policy deliberation and formation - either directly or through surrogates such as public interest groups - although the final decisions are still made by elites.*

The right to petition is considerably more informal and thus easier to use than other tools and is closer to representative democracy than to pure direct democracy, although the outcome is more modest.

The Houses of the Oireachtas Strategic Plan 2019-2021<sup>1</sup> states that our mission is to provide for "A high-performing Parliamentary Service that enables the Houses of the Oireachtas to discharge their constitutional functions, supports members as parliamentarians and representatives of the people, and promotes an open and accessible Parliament." The Joint Committee on Public Petitions is one avenue that promotes an open and accessible Parliament, allowing petitioners a platform to raise matters important to them.

An example of where this has proven to be successful in terms of engagement was a petition that was submitted a Junior Certificate<sup>2</sup> student who wanted the Department of Education to extend the state exam on English by thirty minutes.

The petition in question "Make the new English Junior Cert Exam fairer by adding thirty extra minutes." The then Chairman of the Joint Committee on Public Petitions commented in a press release "The Committee welcomes the fact that the younger generation are actively engaging with the parliament on the issues that matter to them and we look forward to a productive discussion on this petition tomorrow." <sup>3</sup>

The petition was closed following assurances from the Irish State Examination Commission and that Department of Education and Skills that the exam could be completed in the allocated time.

2. Some submissions to this inquiry have referred to the importance of addressing the public's expectation gap on petitions (i.e. a petitioner may expect that the committee will conduct a full inquiry into their petition when this does not always transpire).

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<sup>1</sup> The Houses of the Oireachtas Strategic Plan 2019-2020 is available at: [https://data.oireachtas.ie/ie/oireachtas/corporate/strategy/2019/2019-09-03\\_houses-of-the-oireachtas-commission-strategic-plan\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/corporate/strategy/2019/2019-09-03_houses-of-the-oireachtas-commission-strategic-plan_en.pdf). Last accessed 27 May 2020.

<sup>2</sup> Information on the Junior Certificate can be found here: [https://www.citizensinformation.ie/en/education/state\\_examinations/junior\\_certificate\\_programme.html](https://www.citizensinformation.ie/en/education/state_examinations/junior_certificate_programme.html). Last accessed 28 May 2020.

<sup>3</sup> Available at: <https://www.oireachtas.ie/en/press-centre/press-releases/20171121-students-to-appear-before-petitions-committee-to-discuss-adding-30-extra-minutes-to-junior-cert-english-exam/>. Last accessed 3 June 2020

- **Has your committee experienced any evidence of this?**

There have been instances where a petitioner has not received the outcome they expected. Should a petitioner wish to make a complaint, they can write to the Committee and it will be brought as correspondence to a meeting of the Committee.

However, international practice suggests that petitioners are pleasantly surprised to be contacted by the committee, and are happy to be listened to, and to receive a response from the committee.

Petitioners generally understand that the parliament is not an executive body responsible for repairing a weir on a river, for example, but the parliament could send questions to the Minister and agencies, and perhaps summon the bodies to a hearing. While parliament does not deliver policy, it does allow policy to be debated and scrutinised.

- **If so, how has it addressed this gap, using examples to illustrate why it has been successful?**

The petitioners are fully informed of the replies from the Government and agencies, and there are few complaints.

The petitioner can discuss their concerns with the Clerk to the Joint Committee on Public Petitions. The Committee secretariat is happy to discuss any concerns a petitioner may have.

- **How can a petitions committee manage this when so many petitions ask the committee to support their petition and launch an inquiry, bearing in mind the number of petitions tabled and the limited time available in a Parliament?**

In most cases the committee staff will write to the Government seeking preliminary views on the petition. It is a political decision whether to proceed further with inquiries, but in all cases the committee will make the replies from the Government available to the petitioner.

There has on occasion been times when a petitioner is unhappy with the outcome of their Petition. The Petitioner will be notified of the Committee's consideration of the matter and its final decision.

The Petitioner can of course submit a new petition, but it will be ruled inadmissible if it is the same / similar to the previous petition as provided for under Standing Order 111C. 1 (f).

In addition to the consideration of public petitions, the committee has the power to consider "any other related matters", or a matter of general public concern or public interest or an issue of public policy.

The submission on page 5 refers to the defeat of a constitutional referendum to enable 'parliamentary committees to have proper meaningful power to investigate'.

- **Please provide some brief background information on the need for this referendum.**

The Programme for Government 2011 included a commitment to set up an Investigations, Oversight and Petitions Committee.

However, case law indicated that the Houses of the Oireachtas did not, as a matter of constitutional law, have the inherent power to inquire into matters of public importance beyond the remit of their functions as a legislative body and holding the government to account.

The Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011 was introduced with a view to granting the Houses of the Oireachtas powers of inquiry. In Ireland amendments to the constitution must be passed at a referendum, and this referendum was rejected by the people in 2011.

A very useful summary of the law and policy relating to parliamentary inquiries is included in the "Bills Digest Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiry) Bill 2011" attached.

- **How did the defeat of this referendum affect the operation of the Joint Committee on Public Petitions and its ability to inquire into petitions?**

The Joint Committee on Investigations, Oversight and Petitions Committee was renamed the Joint Committee on Oversight and Public Petitions and later the Joint Committee on Public Petitions.

The Public Petitions Committee can hold hearings and consider petitions, but it cannot make adverse findings against an individual who is not a member of the Houses. Since the establishment of the Committee in 2011, the Committee did not have these powers so its ability to enquire into petitions did not change.

- **In what way is inquiring into a petition not undertaking an investigatory role?**

Political scientists suggest that parliamentary committees have the following roles:

- a) Legislative
- b) Policy / Advice
- c) Oversight
- d) Investigation

The Joint Committee on Public Petitions usually operates in the Policy / Advice and Oversight roles. Investigations are very rare, and special powers have to be granted to any committee which wishes to conduct an investigation.

Committees' powers include the power to invite submissions, hold hearings with stakeholders including Ministers, and draft and publish reports. Joint Committees are given these powers by both Houses of the Oireachtas when they are established. Committees remain subject to the Houses and cannot expand or increase their own powers or functions, unless the Houses formally agree to do this.<sup>4</sup>

3. Our Committee's practice, when it has decided to close a petition, is to write to the principal petitioner and tabling member to advise them of this, giving a summary of the response from the responsible Minister, but not giving any explicit reasons for the closing.

Our Committee's approach has been that if the Minister has adequately responded to the petitioner's concerns, even if this may not be what the petitioner wants and it is not within the Committee's power to recommend action, this is, usually, sufficient grounds to close the petition.

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I note that Order of Reference 111E(2) of the 32nd Dáil and 25th Seanad provides that when the Joint Committee on Public Petitions closes a petition, it shall notify the petitioner it is closed and the reasons for closing it.

- What are your views on the importance of a petitioner being given reasons for the closing of their petition?

Standing orders require the committee to notify the petitioner the reasons why a petition is being closed.

Closing a petition is a political decision, but political scientists suggest that the goals of a petitions system should include feedback and transparency.

From a Houses of the Oireachtas Service point of view, it is in line with the services Houses of the Oireachtas Strategic Plan 2019-2021

"The vision for this Strategic Plan 2019-2021 is to be a 'Parliament which works for the People'.

To achieve this vision we have set ourselves four objectives, namely to be:

- An Effective Parliament
- An Open and Engaged Parliament
- A Digital Parliament
- A Well Supported Parliamentary Community"<sup>5</sup>

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<sup>4</sup> Available at: <https://www.oireachtas.ie/en/committees/about-committees/>. Last accessed 3 June 2020.

<sup>5</sup> Available at: [https://data.oireachtas.ie/ie/oireachtas/corporate/strategy/2019/2019-09-03\\_houses-of-the-oireachtas-commission-strategic-plan\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/corporate/strategy/2019/2019-09-03_houses-of-the-oireachtas-commission-strategic-plan_en.pdf) Last accessed 3 June 2020

- How detailed are the reasons given and how are they communicated to the petitioner?

The level of detail generally tends to vary. Petitions are closed by the Committee when the committee considers that a petition has been adequately responded to.

- Do you receive feedback on these reasons, including complaints about the closing of a petition and if so, please provide some examples.

There have been occasions where the petitioner feels that their petition should not have been closed. All feedback if received in writing is brought to the Committee as correspondence. As this is discussed in private session, we are unable to provide examples.

4. Why was the power to send for persons, papers and records removed from the remit of the Joint Committee on Public Petitions for 2016-2020 and what, if any, effect has this had on its operations?

A new committee was set up in 2016 and the power was not included in the orders of reference. This is the usual practice for most committees.

This was a political decision. It has reduced the powers of the Committee. Please see table below:

However, committees usually work informally, and in accordance with standing orders Ministers and senior officials may be required to attend committee meetings.

Should the committee need additional powers, there is a procedure for applying for additional powers.

Figure 1: Differences of remit between Joint Committees

2011 - 2016		2016 - 2020	
Remit of the Joint Committee on Public Service Oversight and Petitions (JCPSOP) of the 31st Dáil and 24th Seanad		Remit of the Joint Committee on Public Petitions of the 32nd Dáil and the 25th Seanad	
Remit	Functions	Remit	Functions
Public Petitions	Receiving and processing petitions submitted to the Houses of the Oireachtas by members of the public. This function was carried out by the Joint sub-Committee on Public Petitions.	Public Petitions	This function is assigned to the Committee and where the Committee is considering a petition, the relevant sectoral Committee will not consider that matter.
Ombudsmen	The Joint sub-Committee on the Ombudsman was empowered to consider Annual Reports and Special Reports laid before the Houses (by designated Ombudsmen).  The Committee agreed a Report in relation to its role in the future and recommended that remit include public petitions and engagement with Ombudsmen.	Ombudsmen	This function was not within the remit of the Public Petitions Committee and was been assigned to the relevant sectoral Committees.  The Committee on Procedure Standing sub-Committee on Dáil Reform, <sup>6</sup> at its meeting of 14th December 2016, agreed to recommend the broadening the remit of the Committee, to include consideration of an Ombudsman Report when the relevant Sectoral Committee has not considered the Report within two months, excluding recess periods, of it being laid with the House.
Oversight (of public service delivery)	As part of its oversight remit the Committee examined the design and layout of Ballot Papers used in the Seanad Referendum and agreed a report.	Public Policy	Changes the focus from "public service delivery" to a similar condition as used for petitions: <ul style="list-style-type: none"> <li>○ Matters of general public concern or interest</li> <li>○ Issues of public policy</li> </ul> This standing order was requested by the committee.
Power to send for persons, papers and records	Yes	Power to send for persons, papers and records	No

<sup>6</sup> The Sub-Committee on Dáil Reform considers matters of procedure, recommends changes to Standing Orders, oversees procedure in committees and reports on the privileges attaching to Members.

5. It is our Committee's practice to invite principal petitioners and tabling Members to make a written submission in support of the petition. Our Committee has not recently taken oral evidence from a petitioner.

- What factors are taken into account by your committee when deciding whether to hear from principal petitioners?

It is a political decision of the Committee who they wish to invite to attend a meeting of the committee. There is no role for a tabling member.

- Is this always in addition to written evidence?

The Petition itself would be considered first. Petitioners on occasion will supply additional evidence to support their petition, such as correspondence they have received in relation to the matter. The committee may request additional evidence.

- Have petitioners who have not been invited to give oral evidence raised any expectation of doing so, citing others who have been given this opportunity?

No – we have no record of this having been cited as an issue.

- What would you describe as the benefits of giving such an opportunity?

It is a platform for raising an issue of public importance and is in line with the Strategic Plan 2019-2021 of the Houses of the Oireachtas to promote an open and engaged Parliament.

6. Our Committee currently sets a limit of two pages for the submission of a principal petitioner and tabling Member.

- Do you have a length limit for submissions?

The Submit a Petitions website allows for a maximum of 500 words, petitioners may send in additional material if they wish in support of their petition.

- Does the principal petitioner have the right to respond in writing to responses to the petition?

Yes, these responses will be considered as correspondence by the Committee.

7. I note there are a number of bases for admissibility for petitions in your Order of Reference 111C, which do not apply to petitions tabled in the Legislative Council of Western Australia and some questions on these follow (some of which are repeated for each basis):

*A petition is admissible unless it requests the Dàil to do anything other than what the Dàil has the power to do*

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Our Committee has received a number of petitions opposing planning processes and approvals in the current Parliament. In some prayers for relief, the petitioners request support for the rejection of a planning scheme.

After obtaining a response from the responsible Minister(s), the Committee has concluded its inquiries into the petitions. This is partly on the basis the Committee is not a decision making body for planning approvals, having no control over the processes and partly because it has been satisfied the Government has adequately responded to the issues raised in the petition.

- What is your view on the importance of this basis for admissibility?

This basis of admissibility improves the efficiency of the administration of the committee and enables the Committee to focus on petitions it has the power to consider. All petitions are brought to Committee meetings at least once. The Committee must take the decision to declare a petition inadmissible.

- Have many petitions not been accepted for consideration by your committee on this basis? If so, please provide some examples.

Approximately 2 a year have been deemed inadmissible on this basis. In total seventeen petitions have been considered inadmissible for various reasons since 2016.

Has this basis for admissibility reduced the number of petitions your committee would otherwise have considered?

All petitions will be considered by the Committee at least once.

- How does this sit with the role of a petition system to enable public participation and engagement with Parliament?

The Committee can only act within its remit as provided for in Standing Orders of the Houses of the Oireachtas<sup>7,8</sup>

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<sup>7</sup> Dáil Standing Orders (2020 edition renumbered):

[https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17\\_dail-eireann-standing-orders-relative-to-public-business-2020\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17_dail-eireann-standing-orders-relative-to-public-business-2020_en.pdf) (Last accessed 5 June 2020)

<sup>8</sup> Seanad Standing Orders (2020 edition renumbered)

[https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17\\_dail-eireann-standing-orders-relative-to-public-business-2020\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2020/2020-02-17_dail-eireann-standing-orders-relative-to-public-business-2020_en.pdf) (Last accessed 5 June 2020)

*A petition is admissible unless it is sub judice within the meaning of Standing Order 59*

The relevant Standing Order of the Western Australian Legislative Council dealing with *sub judice* does not apply to petitions.

There used to be a Standing Order which prohibited a petition where it sought 'relief or a declaration in circumstances where the matter is justiciable and legal remedies available to the petitioner have not been exhausted'. This was removed on the basis it was impractical to enforce.

- What is your view on having some restrictions on the admissibility of petitions that deal with matters that have been or are before the courts?

The Constitution of Ireland establishes and describes the main institutions of the State.

The power to run the State is divided into 3 separate branches:

- The *legislature* (or *legislative branch*)
- The *executive* (or *executive branch*)
- The *judiciary* (or *judicial branch*)<sup>9</sup>

The Constitution embodies the principle of the separation of powers to guarantee that there is not too much power in the hands of one institution of the State.<sup>10</sup>

However, the *sub judice* rule does not prevent members from raising a matter of public policy even where court proceedings have been initiated: Provided that—

“(2) a matter may not be raised where it relates to a case where notice has been served and which is to be heard before a jury or is then being heard before a jury;”

Generally, even if a petition is admissible, where it is a local or regional matter, or more appropriate to a regulatory public body, standing orders provide that

“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.”

If a statutory appeal mechanism is open to the petitioner, the committee is likely to defer consideration of the matter until the process is concluded. However, the committee would not expect the petitioner to initiate speculative civil action.

It would be open to the committee to take a different view of a matter than the courts:

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<sup>9</sup> Available at:

[https://www.citizensinformation.ie/en/government\\_in\\_ireland/irish\\_constitution\\_1/main\\_institutions\\_of\\_the\\_state.html](https://www.citizensinformation.ie/en/government_in_ireland/irish_constitution_1/main_institutions_of_the_state.html) Last accessed 3 June 2020

<sup>10</sup> Available at:

[https://www.citizensinformation.ie/en/government\\_in\\_ireland/irish\\_constitution\\_1/main\\_institutions\\_of\\_the\\_state.html](https://www.citizensinformation.ie/en/government_in_ireland/irish_constitution_1/main_institutions_of_the_state.html). Last accessed 3 June 2020.

the courts look at the law as it is, the committee may look at the policy issues involved.

- Have many petitions not been accepted for consideration by your committee on this basis? If so, please provide some examples.

There has been one such petition since 2016 which was deemed inadmissible as it related to a court case that dated back to the 1980's.

- Has this admissibility criteria reduced the number of petitions your committee would otherwise have considered?

Every petition is given initial consideration by the Committee and since we have only received 1 such petition since 2016 it has not reduced the number of petitions that the Committee would have otherwise considered,

- How does this sit with the role of a petition system to enable public participation and engagement with Parliament?

It has not proven to be an issue thus far and the separation of powers is very clear in Ireland and is provided for in the Constitution. Articles 1-39 define the functions of the State and its agencies and set out the separation of powers in the State.<sup>11</sup>

*A petition is admissible unless it 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 Dàil and which was closed by agreement of the Committee*

Our Committee has been referred a number of petitions in the current Parliament that are substantially similar to petitions it has already considered, some by different petitioners.

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<sup>11</sup> Available at:

[https://www.citizensinformation.ie/en/government\\_in\\_ireland/irish\\_constitution\\_1/main\\_institutions\\_of\\_the\\_state.html](https://www.citizensinformation.ie/en/government_in_ireland/irish_constitution_1/main_institutions_of_the_state.html) Last accessed 3 June 2020.

- What criteria is used by your committee to determine whether a petition is substantially similar to a previous petition it has considered? Can you give any examples to illustrate this?

The Committee will decide to rule a petition inadmissible if it is substantially similar to a previous petition it has considered based on if it is on the same matter of public interest already considered by the Committee. A petitioner wanted to introduce a monarchy to Ireland, he submitted two such petitions which were similar.

- What if a petition is the same or substantially similar to a petition closed by agreement of your committee but brought by a different person?

It will be considered by the Committee.

- What is your view on the importance of this basis for admissibility?

From an efficiency of committee administration point of view, it reduces the number of the petitions which are substantially similar to a previous petition being considered more than once.

- Have many petitions not been accepted for consideration by your committee on this basis? If so, please provide some examples.

There was one instance in 2017, the petitioner was opposing a specific piece of legislation. This petitioner had already submitted an earlier petition and therefore the Committee deemed it inadmissible on the basis that it was the same or substantially similar.

- Has this admissibility criteria reduced the number of petitions your committee would otherwise have considered?

All petitions are considered at least once.

- How does this sit with the role of a petition system to enable public participation and engagement with Parliament?

It is in line with the Houses of the Oireachtas Strategic Plan 2019-2021 which aims to promote an open and engaged Parliament.

*A petition is admissible unless it is frivolous, vexatious or otherwise constitutes an abuse of the petitions system*

I note the submission states there has not been an instance where a petition has been deemed inadmissible on this basis.

- What criteria does your committee apply when considering whether a petition meets this basis for admissibility?

A frivolous petition is where the matter in question has no merit whatsoever, while a

vexatious petition is made for the sole purpose of harassing or injuring another party, through or by bringing various petitions on different issues that are not based on facts or have no merit. Ultimately, it would be a decision of the Committee to rule a petition inadmissible under these criteria.

- What would be an example of a petition that does not meet this criteria?

A petition that is a matter of public importance. An example of such a petition is "Save Fermoy Weir." The Committee invited the petitioners to appear before the Committee to discuss this matter. There were two aspects to this petition, a permanent provision of a fish bypass for salmon and other species, and a project to ensure repairs to the weir are carried out. Fermoy weir is a protected structure on the River Blackwater in County Cork. Large sections of the weir cap and supporting structure have been damaged in recent flooding.<sup>12</sup>

*A petition is admissible unless it requires the Committee to consider an individual complaint which has been the subject of a decision by an Ombudsman, or by a regulatory public body or a body established for the purpose of redress*

- How does the petitioner demonstrate it has satisfied this basis for admissibility?

The petitioner is asked to declare that the issue of the petition was not the subject of a decision of an Ombudsman etc., otherwise, this would almost certainly emerge following preliminary inquiries by the committee staff.

- How does your committee verify this? For example, does it consult with the Ombudsman and any other public bodies to establish whether they have received a complaint the subject of the petition?

Yes, the Committee will correspond with the Ombudsman and any other public bodies to establish whether they have received a complaint with regards to the subject of the petition, if necessary.

- How does your committee's power to refer a petition to the Ombudsman interact with this basis for admissibility? Would such a reference only occur if it does not relate to an individual complaint?

It would be a Committee decision to refer a petition to the Ombudsman for consideration. No, it can refer to an individual complaint.

Generally, the Ombudsman considers individual cases, the committee considers the general case.

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<sup>12</sup> Transcripts and video debate can be accessed here:

[https://www.oireachtas.ie/en/debates/debate/committee\\_on\\_public\\_petitions/2019-05-08/](https://www.oireachtas.ie/en/debates/debate/committee_on_public_petitions/2019-05-08/) Last accessed 3 June 2020.

*In relation to admissible petitions, where a petition deals with local or regional matters or matters which are more appropriate to a regularly public body or a body established for the purposes 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*

- How does your committee establish this?

The committee will research the petition which will then be considered.

- Is the petitioner required to provide evidence of this and if so, how do they demonstrate they have already exhausted all avenues of redress?

Yes, the petitioner is required to provide evidence to demonstrate that they have reasonably exhausted all avenues.

- Have many petitions not been accepted for consideration by your committee on this basis? If so, please provide some examples.

The Committee have ruled 4 petitions inadmissible on this basis since 2016. In one instance a petition was withdrawn after the secretariat advised the petitioner that the matter was more appropriate for the Department of Health to assist the petitioner.

- Has this admissibility basis reduced the number of petitions your committee would otherwise have considered?

All petitions are considered at least once by the Committee.

- How does this sit with the role of a petition system to enable public participation and engagement with Parliament?

It is in line with the Houses of the Oireachtas Strategic Plan 2019-2021 which aims to promote an open and engaged Parliament.

8. There is a summary of how our Committee handles petitions in the 4th paragraph of the submission invite letter, where a reference is made to the Committee's 48th report.<sup>1</sup>

- Do you have any suggestions how we could improve our procedures and processes?

It might be useful to introduce the ability for petitioners to submit a petition online.

9. Are there any other comments you wish to make that you feel may be relevant to our inquiry?

The Secretariat of the Joint Committee on Public Petitions thank you for your questions and wish you well with your inquiry.

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<sup>1</sup> The extract from the submission invite letter states:

*The Committee's terms of reference and information on its role can be found on its website at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au) (Choose Committees / Environment and Public Affairs). Further information on its process in inquiring into petitions can be found in its 48th Report, 'Overview of Petitions 16 May 2017 to 30 June 2018' (click on reports on the Committee's website).*