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An Comhchoiste um Dhlí agus Ceart

Tuarascáil maidir leis an nGrinnscrúdú  
Réamhrechtach ar Scéim Ghinearálta an Bhille  
fán nGníomhaireacht um Fhoréigean Baile,  
Gnéasach agus ar Bhonn Inscne

Bealtaine 2023

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Houses of the Oireachtas  
Joint Committee on Justice

Report on Pre-Legislative Scrutiny of the General  
Scheme of the Domestic, Sexual and Gender-  
Based Violence Agency Bill

May 2023

33/JC/38

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## CATHAOIRLEACH'S FOREWORD

In March 2023, the Minister for Justice, Mr. Simon Harris TD, forwarded the General Scheme of the Domestic, Sexual and Gender-Based Violence Agency Bill to the Joint Committee on Justice in accordance with Standing Orders for the purpose of pre-legislative scrutiny.

The Committee is supportive of the ongoing measures to tackle the prevalence of domestic, sexual and gender-based violence, having previously examined topics in relation to this issue, including [an examination of the experience of victims testifying in cases of rape and sexual assault](#) and [an examination into the provision of women's shelters and domestic abuse refuges in Ireland](#).

The Committee welcomes the General Scheme's intention to establish a statutory agency, under the aegis of the Department of Justice, which would be responsible for steering a whole of Government approach towards domestic, sexual and gender-based violence (DSGBV), for the delivery of support services for victims of DSGBV and for the implementation of the Third National Strategy on DSGBV, among other aims.

In undertaking pre-legislative scrutiny, the Committee has sought to scrutinise the proposed legislation and provide recommendations on areas where it believes change or amendments are warranted. Among the areas identified for further examination within the General Scheme include the need for there to be an independent monitoring mechanism of the legislation; the functions of the Agency [Head 14]; and the membership of the Agency's Board [Head 18].

The Committee has made a number of recommendations and a copy of this report and recommendations will be sent to the Minister for Justice. I would like to express my appreciation to all the witnesses for their contributions and to the Members of the Committee for their work on this subject.

Finally, I hope that this report will help to inform the legislative process and make a valuable contribution to the forthcoming legislation.



James Lawless TD (FF) [Cathaoirleach]  
May 2023

## COMMITTEE MEMBERSHIP

### Joint Committee on Justice

#### Deputies



James Lawless TD (FF) [Cathaoirleach]



Colm Brophy TD  
(FG)



Patrick Costello TD  
(GP)



Alan Farrell TD  
(FG)



Pa Daly TD  
(SF)



Aodhán Ó Ríordáin TD  
(LAB)



Mark Ward TD  
(SF)



Thomas Pringle TD  
(IND)



Niamh Smyth TD  
(FF)

### Senators



Robbie Gallagher  
(FF)



Vincent P. Martin  
(GP)



Michael McDowell  
(IND)



Lynn Ruane  
(IND)



Barry Ward  
(FG) [Leaschathaoirleach]

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 3<sup>rd</sup> September 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 25<sup>th</sup> September 2020.
3. Deputy Jennifer Carroll MacNeill elected as Leas-Chathaoirleach on 6 October 2020.
4. Deputy James O'Connor discharged and Deputy Niamh Smyth nominated to serve in his stead by the Fifth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 19th November 2020.
5. Deputy Michael Creed discharged and Deputy Alan Farrell nominated to serve in his stead by the Fifteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 28th June 2022.
6. Deputy Brendan Howlin discharged and Deputy Aodhán Ó Ríordáin nominated to serve in his stead by the Nineteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 8<sup>th</sup> November 2022.
7. Deputy Jennifer Carroll MacNeill was discharged, pursuant to Standing Order 34, on 21st December 2022.
8. Senator Barry Ward was elected as Leas-Chathaoirleach at the Committee meeting on 15th February 2023.
9. Deputy Colm Brophy nominated to serve on the Committee by the Twenty First Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 7<sup>th</sup> March 2023.
10. Deputy Martin Kenny discharged and Deputy Mark Ward nominated to serve in his stead by the Twenty-Third Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 26<sup>th</sup> April 2023.

## COMMITTEE RECOMMENDATIONS

The following recommendations were made by the Committee in relation to the topic:

1. The Committee recommends that Head 18(2)(a) of the General Scheme should be revised, to ensure that membership of the Board of the Agency includes service providers and those who can adequately consider the diverse needs and experiences of those affected by DSGBV.
2. The Committee recommends the use of quotas, nested quotas or subgroups, to ensure that membership of the Board will be diverse and representative of Ireland's changing demographic; inclusive of gender, race, culture, class, disability and sexual orientation.
3. The Committee recommends that the Civil Legal Aid Scheme must be amended to address delays in the progression of family law cases and to extend the reach of legal aid to marginalised communities and individuals in rural or underserved areas.
4. The Committee recommends that the remuneration for private practitioners from the Legal Aid Board is evaluated and increased, to ensure that sufficient numbers of family law practitioners continue to practice under this scheme.
5. The Committee recommends the appointment of more judges, particularly to the District Court.
6. The Committee recommends that measures are taken to ensure there are sufficient numbers of practicing family lawyers that are from minority backgrounds, so that legal services provided are inclusive and culturally informed.
7. The Committee recommends that the Agency be responsible for carrying out a national needs assessment in relation to the funding of service providers and

other organisations that provide support for victims or persons at risk of DSGBV.

8. The Committee recommends that, based on the results of the needs assessment undertaken, a transparent and coherent criteria for the allocation of funding to service providers should be developed.
9. The Committee recommends that an independent monitoring mechanism be established to provide oversight of the implementation of this legislation. It should be ensured that the body responsible for this task is sufficiently independent from the implementation of this legislation, as stated under article 10 of the Istanbul Convention.
10. The Committee recommends that Head 14(1)(e)(i) of the General Scheme be amended, so that the need to specifically engage boys and men would be placed on a statutory footing, ensuring efforts are taken to address the root causes of DSGBV and implement prevention mechanisms.
11. The Committee recommends that Head 14 of the General Scheme be amended to allow the Agency to generate policy, independent of the Minister, to ensure the delivery and implementation of evidence-based support services and policies for DSGBV; submit a draft multi-annual Performance Framework; and to provide input into the Minister's annual Statement of Priorities. Such powers should be addressed appropriately under Heads 15, 27, 28 and 29.
12. The Committee recommends that the legislation include a formal structure to ensure that there is regular consultation between civil society organisations and the Agency which includes a mechanism for victims to contribute directly to its work.
13. The Committee recommends the insertion of a new subclause under Head 14(1) to provide that the Agency would oversee the implementation of a co-



ordinated system of specific and defined data collection and analysis by public service bodies and to support research in the field of all forms of violence covered by the scope of the Istanbul Convention as set out in Article 11.

14. The Committee recommends the functions of the Agency include the development of a National DSGBV Services Development Plan to include a national Strategic Accommodation Solutions Development Plan to meet immediate refuge roll-out needs.
15. The Committee recommends that Head 14 (1) (a) be redrafted to include the provision of culturally sensitive services for victims of DSGBV.
16. The Committee recommends that Head 14(1) of the General Scheme be amended so that the language reflects the broad scope and contributory nature of a service provider's work.
17. The Committee recommends that Head 5 of the General Scheme be amended to allow the anonymisation or pseudonymisation of generated or collected data, to ensure the protection, safety and dignity of survivors or persons at risk of DSGBV. The Agency should recognise client confidentiality as paramount, regardless of the duties outlined in Head 4(1). Such amendments should be addressed appropriately under Heads 36 and 37.
18. The Committee recommends that Head 36(2) of the General Scheme be amended, so as to clarify the criteria for funding and the frequency of payments to be made. Funding on a multi-annual basis allows service providers to carry out their work sustainably and in a manner that addresses the *ad hoc* provisions of support for victims or persons at risk of DSGBV.
19. The Committee recommends that strategies under the new statutory body are conducted in a manner that is innovative; reflects a zero-tolerance attitude to DSGBV; and improves support services and safeguarding standards for adults and children.

20. The Committee recommends that Head 14(1)(d) be amended to ensure the suitable distribution of information regarding services available to victims or persons at risk of DSGBV, investing a responsibility on the Agency to provide translation and interpretation services.
21. The Committee recommends that Head 14(2) of the General Scheme includes a subclause to guarantee the provision of continuous culture and trauma informed care training for board members and staff who will engage directly with clients of the Agency, ensuring sufficient attention to diverse concerns should representation not meet the quota.

## CHAPTER 1 - Introduction

This is the report on pre-legislative scrutiny of the General Scheme of the Domestic, Sexual and Gender-Based Violence Agency Bill, which will establish a statutory agency, under the aegis of the Department of Justice, to be responsible for steering a whole of Government approach towards domestic, sexual and gender-based violence (DSGBV).<sup>1</sup>

### Purpose of the Bill

Among the Agency's objectives include responsibility for the delivery of support services for victims of DSGBV; responsibility for the implementation of the Third National Strategy on DSGBV; responsibility for monitoring the planned increase in the number of refuge spaces available for victims of DSGBV; and to assist in developing permanent structures to deliver further refuge accommodation over the long term.

The General Scheme will also outline the core statutory functions of the Agency, the staffing of the Agency and the functions of the non-executive board, which will oversee the internal governance of the Agency and the performance of the Chief Executive of the Agency.

### Procedural basis for scrutiny

Pre-legislative consideration was conducted in accordance with Standing Order 174A, which provides that the General Scheme of all Bills shall be given to the Committee empowered to consider Bills published by the member of Government.

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<sup>1</sup> [gov.ie](http://www.gov.ie) - Dedicated State agency to oversee and support dramatic increase in refuge accommodation under new legislation from Minister Harris ([www.gov.ie](http://www.gov.ie))

## Engagement with Stakeholders

The Joint Committee on Justice invited submissions from stakeholders on the General Scheme of the Domestic, Sexual and Gender-Based Violence Agency Bill.

On 18<sup>th</sup> April 2023, the Committee held a public engagement with several of these stakeholders, as laid out in the table below:

**Table 1: List of public engagements with Stakeholders**

Organisation	Witnesses
<b>National Women's Council of Ireland (NWC)</b>	Ms. Orla O'Connor, Director Ms. Ivanna Youtchak, Violence Against Women Coordinator
<b>Men's Development Network (MDN)</b>	Mr. Seán Cooke, CEO Mr. Colm Kelly Ryan, Head of Programmes & Advocacy
<b>Transgender Equality Network Ireland (TENI)</b>	Mx. Daire Dempsey Mrs. Lee Martin, Legal Intern
<b>AkiDwA</b>	Dr. Salome Mbugua Henry, CEO Ms. Alannah Owens, Policy Officer
<b>Safe Ireland</b>	Ms. Mary McDermott, CEO Ms. Caroline Counihan BL, Legal Advisor
<b>Rape Crisis Network Ireland (RCNI)</b>	Dr. Cliona Saidléar, Executive Director
<b>Department of Justice</b>	Mr. Paul O'Farrell, Principal Officer, Criminal Legislation Ms. Layla de Cogan Chin, Principal Officer, Criminal Governance

The primary focus of this meeting was to allow for an engagement between the Members and stakeholders to discuss possible areas of the General Scheme which may need to be amended.

This report summarises the engagements and the key points considered by the Committee when drafting the recommendations set out in this report.

A link to the full transcript of the engagement can be found [here](#).

## CHAPTER 2 - Summary of Evidence

In the course of the public hearing, a number of important points were raised.

A summary of the main areas discussed in evidence to the Committee follows.

### 1. Membership of the Board [Head 18]

Members and witnesses discussed the membership of the Board of the DSGBV Agency.

The Committee heard that Head 18(2)(a) of the General Scheme should be revised, as it is essential for membership of the Board to include service providers and those who understand the needs and experiences of victims or persons at risk of DSGBV and/or have experience working with those within the sector. Witnesses pointed out that including service providers within Board membership allows for wider viewpoints to be represented and that their presence would de-politicise the atmosphere on the Board and create broader buy-in among the service providers for the Board's success.

Witnesses also recommended that measures should be taken to ensure that board members will have expertise and experience around the needs of trans and non-binary people.

In response to this point, representatives from the Department of Justice underlined that the Minister is committed to the principle of co-design and close co-operation with the DSGBV sector under this legislation and that the Department would consider this recommendation in further iterations of the legislation.

Witnesses also underlined the need for the Board's membership to be diverse and representative of those from within minority communities, as it must reflect the diversity of Ireland's population.

To achieve diversity within the Board it was suggested that there could be quotas to ensure a minimum number of members would be from a minority background or that subgroups could be formed within the Board, that would have consultative status with the Minister.

Witnesses also pointed to the recommendations arising from [the report of the Joint Committee on Gender Equality](#) on how to ensure that Board memberships are inclusive and recommended that these could be used as guidelines for the membership of the Agency's Board.

The Committee also heard that the Board itself must be empowered sufficiently in order for it to be effective. As it is currently proposed in the General Scheme, witnesses argued that the Board's role will be one of auditing and that it should be altered to be more independent and be given more strategic room, or else an alternative structure should be proposed to ensure sufficient oversight of the Agency occurs.

## 2. Independent monitoring mechanism

Members and witnesses discussed the need for there to be an independent monitoring mechanism of the DSGBV Agency and the possible forms this mechanism could take. It was highlighted that under the current General Scheme, the Agency is controlled by or linked to the Minister.

Witnesses pointed out that Article 10 of the Istanbul Convention highlights the need for any monitoring body to be fully independent from the implementation of the legislation and the Council of Europe criticised countries that were allowing their DSGBV agencies to be responsible for this oversight role.

Witnesses suggested that, if the Agency is to fulfil this monitoring role, it would need to be made more independent from Government, otherwise an alternative body should be designated with responsibility for this role.

Other witnesses suggested that the Irish Human Rights and Equality Commission (IHREC) could be tasked with this monitoring role, as the Government can grant additional responsibilities to this body under the *Irish Human Rights and Equality Commission Act 2014*. This would also align with the Paris principles that guide the activities of human rights institutions such as the IHREC and could therefore be the most efficient way of setting up the monitoring body. Witnesses stressed that if the IHREC is designated as the monitoring body, it will need adequate resourcing and staffing in order to carry out this mandate.

The Committee heard that other factors should be taken into account when selecting the body that will undertake this monitoring function, including the need to assess necessary protections to allow this body to retain and share data, whilst respecting the confidentiality of vulnerable individuals; and the need to assess the statutory enabling mechanisms required for a monitoring oversight body.



### **3. Resourcing and funding of service providers under the legislation**

Members and witnesses discussed the funding of service providers under the legislation.

Witnesses highlighted that there should be transparent and coherent criteria around the allocation of funding to service providers, however to date, the approach of funding service providers has been inconsistent and has lacked structure.

Witnesses highlighted that a national needs assessment should be carried out, in order to guide the criteria around funding of services. It was recommended that the Agency should be tasked with carrying out this national needs assessment as a matter of priority, to ensure sufficient funding is allocated to each service provider.

Witnesses also welcomed the imminent launch of the sexual violence survey by the Central Statistics Office, which is the first survey of its kind in a number of years and would outline the prevalence of sexual violence in Ireland.

In the absence of the needs assessment to guide funding, witnesses underlined the importance of maintaining engagement with the NGO sector and wider communities, so that they can provide feedback on the areas that may need additional funding.

#### 4. Lack of family lawyers

During the engagement, Members pointed to the shortage of family lawyers to represent individuals experiencing DSGBV and asked witnesses what suggestions they have to improve this situation.

While acknowledging the recent efforts made by Government and the Legal Aid Board to improve the number of family lawyers, witnesses agreed that there is an ongoing shortage of family lawyers, particularly at District Court level. Witnesses highlighted that the ensuing delays in court cases progressing have both an emotional and financial toll on those affected by DSGBV.

The Committee heard that there are several measures to improve the shortage of family lawyers, including:

- Witnesses highlighted that the family courts system needs to be improved and that district courts outside of Dublin are particularly overburdened with the number of cases they must deal with.
- Acknowledging the ongoing Civil Legal Aid review, witnesses emphasised that the legislation must be amended to extend the reach of Civil Legal Aid, as the system is stretched and cannot support the number of family law cases being processed, alongside other cases.
- Witnesses highlighted that the remuneration for private practitioners from the Legal Aid Board is set too low, resulting in many opting to practice elsewhere.
- Witnesses underlined the need for more judges to be appointed to help deal with the backlog of cases.
- The Committee was also informed of the need for there to be sufficient numbers of family lawyers from minority backgrounds. Witnesses highlighted that it is essential that appropriate legal services are made available, as this helps to lessen potential barriers that may prevent individuals from progressing with

their cases, e.g. experiencing language barriers, accessibility issues or cultural differences.

## **5. Need to engage men and boys in preventing violence against women**

### **[Head 14(1)(e)(i)]**

Members questioned whether there had been a rise in the prevalence of online misogyny and whether the DSGBV agency could play a role in combatting this.

In response, witnesses underlined that the root cause of misogyny is gender norms, attitudes and behaviours and highlighted the need for gender-responsive and gender-inclusive approaches. It is imperative to address and tackle these root causes, in order to achieve a zero-tolerance approach towards DSGBV.

Witnesses pointed to Head 14(1)(e)(i) of the General Scheme and recommended that this section should place the need to engage boys and men on a statutory footing. They emphasised the extent to which patriarchal attitudes, stereotypes and ideas of masculinity contribute to DSGBV, and how confronting these issues is a crucial element of prevention.

The Committee heard that this would align with international reports and best practice, including Chapter 3 of Istanbul Convention and goals 1.1.1, 1.1.6 and 1.1.8 of the implementation plan of 3rd national strategy on DSGBV.

Witnesses also underlined the rise of transphobia and targeted attacks across social media platforms. They stressed that prevention work against transphobia and DSGBV must be carried out in a way that targets online harassment and is relevant for young people. If the approach fails to engage them, it will not make a lasting impact.

In response, representatives from the Department of Justice commented that the awareness raising role of the Agency would play a part in the violence prevention measures mentioned by witnesses, however, they would consider engaging with the Office of the Parliamentary Counsel to see how this role could be expanded.

## 6. Functions of Agency [Head 14]

Witnesses raised several points in relation to the proposed functions for the Agency and recommended changes to this Head, including some of the following:

- **Agency must be sufficiently empowered to carry out its functions:** The Committee was told that the legislation must ensure the Agency, in collaboration with relevant bodies, is sufficiently empowered to carry out the tasks expected of it; the agency must not be limited in its mandate or funding capacity; that the Agency is sufficiently resourced; and that the Agency will be designed to be ‘future facing’ and be equipped to deal with emerging issues in relation to DSGBV.
- **Agency must generate policy:** Witnesses informed the Committee that the Agency must be empowered to generate policy, rather than simply co-ordinate policy.
- **Regular consultation between Agency and civil society organisations:** The Committee was informed that the legislation should clarify the mechanisms of collaboration between the Agency and civil society organisations and include a structure to ensure that there is regular consultation between parties, in order for these organisations to engage and contribute meaningfully in the performance of the Agency’s functions.
- **Establish consistent standards for data collection and analysis:** The Committee heard that the Agency’s role in data collection and analysis should be expanded and that the Agency should be responsible for implementing consistent standards for data collection and analysis among all public bodies, service providers and relevant organisations, in order to accurately document the trends and prevalence of DSGBV and to inform the legal, financial and policy frameworks around prevention. In response, representatives from the Department of Justice acknowledged the need to gather such data in order to provide an evidence base for any policy making decisions. They highlighted

that the dedicated research function envisaged for the agency reflects this need to gather data.

- **Agency must recognise and protect the agency of service providers:**  
Witnesses raised concerns around the language used under Head 14(1). The Committee heard that the General Scheme does not explicitly recognise the broad scope of work undertaken by service providers, in particular, actions that are difficult to measure; listening, learning, engaging with evidence and effecting change; in short, their advocacy and agency. Legislation should acknowledge that the Agency's success is contingent on the contributions of service providers, as experts and advisors.

## CHAPTER 3 - Summary of Submissions

**To be attached**

## APPENDICES

### APPENDIX 1- ORDERS OF REFERENCE OF THE COMMITTEE

Standing Orders 94, 95 and 96 – scope of activity and powers of Select Committees and functions of Departmental Select Committees

#### **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)<sup>2</sup>; and

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<sup>2</sup> 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.

## 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.<sup>3</sup>

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<sup>3</sup> Retained pending review of the Joint Committee on Public Petitions.

## **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 - LIST OF STAKEHOLDERS AND SUBMISSIONS

The Committee received submissions from the following stakeholders:

- Dublin Rape Crisis Centre (DRCC)
- Safe Ireland
- National Women's Council of Ireland (NWC)
- Ruhama
- Transgender Equality Network Ireland (TENI)
- An Garda Síochána
- Men's Development Network (MDN)
- Rape Crisis Network Ireland (RCNI)
- AkiDwA
- Women's Aid

[Submissions are available in the online version of the Committee's Report, which will be accessible at <https://www.oireachtas.ie/en/committees/33/justice/>].