



**Tithe an  
Oireachtais**  
Houses of the  
Oireachtas

## **Tithe an Oireachtais**

An Comhchoiste um Dhlí agus Ceart agus Comhionannas

Tuarascáil ar an nGrinnscrúdú ar an Acht Cróinéirí, 2015 [BCP]

Feabhra 2017

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## **Houses of the Oireachtas**

Joint Committee on Justice and Equality

Report on Scrutiny of the Coroners Bill 2015 [PMB]

February 2017

**32/JAE/04**

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## **Introduction**

The Coroners Bill 2015 was introduced by Ms. Clare Daly T.D., on 2<sup>nd</sup> July 2015. The Bill completed second stage and was referred to the Select Committee on Justice, Defence and Equality on 12 December 2015.

The Bill was restored to the Order Paper by resolution of the House on 1st June 2016 and referred to the Select Committee on Justice and Equality on 5th July, 2016.

## **Procedural basis for Scrutiny**

Private Members Bills referred to Select Committee are subject to the provisions of Standing Order 141(2) [Dáil] which provides that a Select Committee “shall undertake detailed scrutiny of the provisions of such Bills....and shall report thereon to the Dáil prior to Committee stage consideration....” unless the Committee decides in relation to a particular Bill that detailed scrutiny is not necessary.

Paragraph (3) of Standing Order 141 permits scrutiny of the Bill in Joint Committee, viz. “Nothing in this Standing Order shall preclude a Joint Committee from undertaking detailed scrutiny as set out in paragraph (2) and reporting thereon to both Houses prior to Committee Stage consideration of the Bill by the Select Committee.”.

## **Main Provisions of the Bill**

The Bill is mainly a copy of the Coroners Bill 2007 (Government Bill initiated in the Seanad and lapsed) and provides for the overall reform of the Coroners legislation and organisation and makes two crucial additions. The first would amend section 53 of the Act, dealing with circumstances in which a coroner must hold an inquest to include all cases of maternal deaths, and the second amends section 75(1), which covers mandatory post mortems and special examinations, again in the case of maternal deaths.

## **Pre-Committee Scrutiny**

On the 23rd of November 2016 the Joint Committee had Officials from the Department of Justice and Equality to have a detailed discussion on the

provisions of the Bill. It emerged during the discussion that the bill is fundamentally outdated and a comprehensive review has commenced in the Department of Justice and Equality. The Committee were also informed that the Department is now in a position to establish a new policy unit, with the appropriate expertise in the area which is to be operational from January 2017.

### **Observations and conclusions of the Joint Committee**

The Committee agreed, that pursuant to Standing Orders, it would report to Dáil Éireann that it has undertaken and completed pre-Committee Stage scrutiny of the Bill, with the following observations and conclusions:-

- Noted the extensive work already undertaken by the Department
- Welcomed the establishment of a new unit in the Department with the appropriate expertise
- The current Coroner structures require comprehensive reform and restructuring

The Committee unanimously agreed that the legislation should include a provision for mandatory post mortems in the case of all maternal deaths. The Committee concluded that further detailed scrutiny of the Bill was not required given the extensive work already carried out by the Department and agreed the formal committee Stage of the Bill be scheduled for 10th May 2017 which would give the Department 6 months to bring forward detailed and comprehensive amendments to the Bill at Committee Stage.



Caoimhghín Ó Caoláin T.D.  
Chairman  
8 February 2017

## Appendix 1 – Committee Membership

### Joint Committee on Justice and Equality

#### Deputies



Caoimhghín Ó Caoláin TD  
(SF) [Chair]



Colm Brophy TD  
(FG)

Jack Chambers TD  
(FF)

Clare Daly TD  
(I4C)

Alan Farrell TD  
(FG)



Jim O'Callaghan TD  
(FF)

Mick Wallace TD  
(I4C)

## Senators



Frances Black  
(CEG)



Lorraine Clifford-Lee  
(FF)



Martin Conway  
(FG)



Niall Ó Donnghaile  
(SF)

### Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 16th June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 20<sup>th</sup> July 2016.

## Appendix 2 – Terms of Reference of Committee

### JOINT COMMITTEE ON JUSTICE AND EQUALITY

#### TERMS OF REFERENCE

##### a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
  - (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
  - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—
  - (a) Bills,
  - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
  - (c) Estimates for Public Services, and
  - (d) other matters

as shall be referred to the Select Committee by the Dáil, and

- (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and

- (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:
- (a) matters of policy and governance for which the Minister is officially responsible,
  - (b) public affairs administered by the Department,
  - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
  - (d) Government policy and governance in respect of bodies under the aegis of the Department,
  - (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
  - (f) the general scheme or draft heads of any Bill,
  - (g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
  - (h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
  - (i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
  - (j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
  - (k) such other matters as may be referred to it by the Dáil from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—



- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, 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, and
  - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) Where a Select Committee appointed pursuant to this Standing Order has been joined with a Select Committee appointed by Seanad Éireann, the Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.
- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
  - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
  - (c) at the invitation of the Committee, other Members of the European Parliament.
- (8) 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 or Departments, 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.

**b. Scope and Context of Activities of Committees (as derived from Standing Orders)  
[DSO 84; SSO 70]**

- (1) The Joint Committee 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; and
- (2) 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 and/or Seanad.
- (3) The Joint Committee 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 186 and/or the Comptroller and Auditor General (Amendment) Act 1993; and
- (4) 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 Orders [DSO 111A and SSO 104A].
- (5) The Joint Committee 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—
  - (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (6) 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 given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.