



**Tithe an  
Oireachtais  
Houses of the  
Oireachtas**

**TITHE AN OIREACHTAIS**

**AN COMHCHOISTE UM POIST, FIONTAIR AGUS NUÁLAÍOCHT**

Clár Oibre

Meán Fómhair - Nollaig 2016

**HOUSES OF THE OIREACHTAS**

**JOINT COMMITTEE ON JOBS, ENTERPRISE AND INNOVATION**

Work Programme

September - December 2016

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# Joint Committee on Jobs, Enterprise and Innovation

## Work Programme September-December 2016

### 1. INTRODUCTION

The Joint Committee on Jobs, Enterprise and Innovation was established following Orders of Dáil Éireann on 16 June 2016 and of Seanad Éireann on 20 July 2016. Standing Orders 89(4) (Dáil Éireann) and Seanad Éireann 76(4) require that “as soon as may be following its appointment and thereafter at annual intervals, each Committee shall prepare a work programme and shall lay such programme before [Dáil/Seanad] Éireann”.

### 2. SELECT COMMITTEE

The Dáil Select Committee was established by Order of Dáil Éireann of the 16 June 2016, to consider Bills, Estimates for Public Services, Motions and any other business which relates to the Department of Jobs, Enterprise and Innovation. The Select Committee may also consider Annual Output Statements, Value for Money Reviews and Policy Reviews prepared by the relevant Government Department.

#### (a) Legislation (Bills) [See 3 (c) also]

The Select Committee will consider any Bills referred to it by Dáil Éireann, relevant to the Department of Jobs, Enterprise and Innovation during the period covered by this Work Programme.

#### (b) Estimates and other Financial Matters

Select Committees are tasked with consideration of annual Estimates for public Services that fall within their remit. The Estimates are Ministers’ spending plans for the coming financial year. When the Estimates are referred to Select Committee for consideration, the Committee has a valuable opportunity to question the Minister for Jobs, Enterprise and Innovation about financial allocations and associated output targets for the coming year.

**Note:** The Select Committee is required to **consider** the estimates but is **not** empowered to amend them.

The Estimates which the Select Committee on Jobs, Enterprise and Innovation must deal with in 2016 are: Revised Estimates for Public Service (Jobs, Enterprise and Innovation) – Vote no 32.

A Supplementary Estimate may be considered in December if additional monies are required by the relevant Government Department(s).

As part of the introduction of a new system in which the Estimates have been presented under the Comprehensive Expenditure Review Report published in November 2011, it is the Committee’s intention to focus on what the Department has committed to achieving, how moneys are allocated between services and in addition to explore the policy issues underpinning the various spending provisions as well as to consider these matters as fully as

possible. The proposed approach presents Departmental Estimates on a Strategic Programme basis, consistent with the presentation of the respective Annual Output Statements and Statements of Strategy. These Estimates have been supplemented with certain performance information regarding the outputs and impacts of Programme expenditure.

In keeping with a whole of year approach, it is the Committee's intention to have an exchange of views with the Minister for Jobs, Enterprise and Innovation in September on the emerging position for the remainder of 2016 and 2017.

In addition, the examination of the Annual Output Statements (AOS) and Value for Money (VFM) Reviews is another important part of scrutinising Government expenditure.

### **(c) Referrals of Motions and Other Matters**

From time to time, matters may arise and may be referred to the Select Committee by Dáil Éireann. It is not possible to say in advance what those matters might be or when they might arise.

The Banded Hours Contracts Bill 2016 (PMB) was referred to the Committee for consideration on 13 July.

## **3. JOINT COMMITTEE**

The duties of the Joint Committee are discharged in two ways (1) there will be items of business referred to it by one or both Houses and (2) it can select business for consideration itself, from the areas within its terms of reference. In practice, the Joint Committee's core work will comprise the examination of EU business, key policy and governance priorities and pre-legislative scrutiny.

### **(a) EU business**

#### **Scrutiny of EU Legislative Proposals**

The scrutiny of draft EU legislative proposals will continue to be a standing agenda item of the Joint Committee. Draft proposals will be brought to the attention of the Joint Committee in line with the 2013 mainstreaming model as agreed by the Working Group of Committee Chairs (WGCC) by setting out priority (Schedule A) and non-priority (Schedule B) items. The Joint Committee will consider all proposals as they arise during the period covered by this Work Programme.

#### **Engagement with Ministers**

Irish Ministers attend Council meetings in their relevant policy areas, and it is intended that the Joint Committee will engage with the Minister for Jobs, Enterprise and Innovation [or relevant Minister of State] in advance of and following her attendance at Council meetings:

The Minister will attend both the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) and Competitiveness (COMPET) council meetings.

### **Engagement on the Statutory Departmental Scrutiny Report**

There is a requirement under Section 2(5) of the European Union (Scrutiny) Act 2002 for Ministers to report twice yearly to both Houses on the measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which he/she performs functions. The Joint Committee intends to consider these reports with the Secretary-General of the Department.

### **Engagement with European Bodies**

The Committee will continue to further its engagement with European bodies such as the EU Commission and the EU Parliament and its committees during 2016, including delegation visits where appropriate.

### **(b) Key policy priorities**

The Joint Committee is empowered to consider such other policy issues as it may select within its terms of reference. In the period July to December 2016, in addition to core business such as legislation etc., it should be possible to focus on one or two major topics within the remit of the Department, with the aim of producing a report to the Houses.

The following is a list of some of the key policy issues the Joint Committee may wish to select from to focus on in the period covered by this work programme: -

1. Update on *Action Plan for Jobs 2016*
2. Banded Hours Contract Bill 2016
3. Mid-year Review of Vote 32 - Jobs, Enterprise and Innovation (already agreed at Revised Estimates meeting on 21 June)
4. Impact of the UK Referendum on EU membership (BREXIT)
5. Developing Future Skills (key sectors identified by the Expert Group on Future Skills Needs)
6. Legal Protection for Employees (Duffy/ Cahill Report)
7. National Minimum Wage (Low Pay Commission must report no later than 21 July 2016)
8. Progress reports on Regional Action Plans for Jobs
9. Innovation 2020 – Ireland’s Strategy for Research & Development, Science and Technology
10. Enterprise 2025 (10 year jobs and enterprise strategy)

At its meeting on 27<sup>th</sup> September 2016 the Committee agreed that its three priorities were:

- Impact of the UK Referendum on EU membership (BREXIT)
- Banded Hours Contract Bill 2016
- Cost of Doing Business

Issues not considered by the end of 2016 can be brought forward for consideration as part of the Work Programme for 2017.

### **(c) Pre Legislative Consideration**

The Government Legislative Programme makes provision for the publication of a number of Bills. In accordance with Standing Order 146A Ministers are now required, save in exceptional circumstances and with the permission of the Business Committee, to bring the general scheme or draft heads of a Bill to a Joint Committee for consideration. Committees are empowered to consider the draft heads of Bills but can decide in relation to a particular Bill that such consideration is not necessary. The Committee will examine all referrals by the Minister of Jobs, Enterprise and Innovation on a case by case basis and will carry out pre-legislative scrutiny on all Bills where it deems it necessary.

The General Schemes of the below-mentioned Bills have been referred to the Joint Committee for decision as to whether it wishes to carry out pre-legislative scrutiny in respect of them:-

- a) Knowledge Development Box (Certification of Inventions) Bill 2016;
- b) Copyright and Related Rights (Miscellaneous Provisions) Bill 2016.

Following a briefing by Department officials on 27<sup>th</sup> September the Committee decided that it would not undertake pre-legislative scrutiny of the above-mentioned Bills.

### **(d) Post-enactment Consideration**

In accordance with Standing Order 164A, twelve months following the enactment of a Bill, save in the case of the Finance Bill and the Appropriation Bill, the member of the Government or Minister of State who is officially responsible for implementation of the Act shall provide a report which shall review the functioning of the Act and which shall be laid in the Parliamentary Library. The Committee is empowered to require the Minister/Minister of State to attend before the Committee in relation to the consideration of the report [Standing Order 85(6C)].

### **(e) Chairpersons Designate of State Boards**

In accordance with Standing Order 85 (6B) the Joint Committee is empowered to engage with the Chairpersons Designate of a body or agency under the aegis of the Department of Jobs, Enterprise and Innovation prior to their appointment to discuss their strategic priorities for the role. It is an opportunity for Chairpersons Designate to discuss with the Committee the approach they will take as Chairperson and to give their views as to what contribution they can make to the agency or body to which they are proposed to be appointed. The Joint Committee will meet with the Chairpersons designate as the nominations arise during the year.

### **(f) Travel**

In accordance with Standing Order 85(9) the Joint Committee may decide, subject to financial, administrative and procedural constraints, to undertake travel as it considers necessary to further progress the Work Programme. Such travel may include attendance at conferences or meetings, or study visits related to issues within its remit. The Working Group of Committee Chairs will make recommendations in relation to apportionment of

moneys available for travel subject to the consent of the Houses of the Oireachtas Commission [DSO108].

### **(g) Number and Frequency of Meetings**

It is anticipated that the Committee will meet on a fortnightly basis as recommended by the Business Committee.

## **4. AGREEMENT OF WORK PROGRAMME**

This Work Programme of the Joint Committee on Jobs, Enterprise and Innovation for the remainder of 2016 was agreed by the Committee at its meeting on 27<sup>th</sup> September. In accordance with the Standing Orders of Dáil Éireann and Seanad Éireann, it was agreed that the Work Programme be laid before both Houses of the Oireachtas.



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**Mary Butler TD**

Chair

25<sup>th</sup> October 2016

## APPENDIX 1: ORDERS 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 mattersas 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 Ceannt 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.

## APPENDIX 2: MEMBERSHIP

### Joint Committee on Jobs, Enterprise and Innovation

Deputies: Mary Butler (FF) [Chair]  
Niall Collins (FF)  
Stephen Donnelly (SD/GPTG)  
Tom Neville (FG)  
Maurice Quinlivan (SF)  
Noel Rock (FG)  
Bríd Smith (AAA-PBP)

Senators: Aidan Davitt (FF)  
Paul Gavan (SF)  
Ged Nash (LAB)  
James Reilly (FG)

#### Notes:

1. Deputies appointed to the Committee by order of the Dáil on 16 June 2016.
2. Deputy Mary Butler was appointed as Chair on 16 June 2016.
3. Senators appointed to the Committee by order of the Seanad on 21 July 2016.