

REPORT OF AN APPLICATION UNDER DÁIL STANDING ORDER 54

Adequacy of replies to Questions and topical issues

10 December 2020

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REPORT OF AN APPLICATION UNDER DÁIL STANDING ORDER 54 'ADEQUACY OF REPLIES TO QUESTIONS AND TOPICAL ISSUES'

1. Dáil Standing Order 54(1) provides that *"a member of the Government shall, in replying to a Question asked on notice (whether for written or oral reply) or to a topical issue, address each and every request for information contained therein"*. It also provides, in paragraph (3), that any member of the Dáil may set out in writing their opinion that the provisions of paragraph (1) have not been complied with and request me, as Ceann Comhairle, to apply the provisions of the Standing Order. Under paragraph (4) of the Standing Order, if and to the extent that I agree with the opinion of the member concerned, I am required to communicate my opinion that there has been a failure to comply with the provisions of paragraph (1) in writing to the member of the government concerned.
2. On 1 December 2020, Deputy Alan Kelly submitted to me that, in his opinion the reply to Question 324 for written answer by the Minister for Justice on 1 December 2020 failed to address the specific request for information.
3. I reviewed the Question and the reply given, and I agreed with the Deputy that the reply does not comply with the provisions of the Standing Order in respect of whether, or when, copies of certain correspondence would be provided to the Deputy.
4. Paragraph (5) of Standing Order 54 provides that the member of the Government concerned shall, not later than 12.30 pm on the day following a communication from the Ceann Comhairle, furnish to my office a response in writing to each of the requests for information in relation to which there has been a failure to comply with the provisions of paragraph (1). In this regard, I wrote to Minister McEntee on 9 December 2020. Having received a response from the Minister on 10 December, I am required under paragraph (6) of Standing Order 54, to lay the response before the Dáil. The response will also be associated with the Official Report of the Debates for 1 December 2020 and a copy of the response has been forwarded to Deputy Kelly.

Seán Ó Feargháil
Ceann Comhairle
10 December 2020

Response received from the Minister for Justice dated 10 December 2020

Oifig an Aire | Office of the Minister

Mr. Seán Ó Fearghaíl,
Ceann Comhairle

Re: Parliamentary Question for written answer on 26 November 2020: Application under Dáil Standing Order No. 54 ('Adequacy of replies to Parliamentary Questions and Topical Issues')

10 December 2020

Dear Ceann Comhairle,

I refer to your letter of 9 December 2020 on the above matter.

I regret that this situation has arisen. I wish to clarify that it was certainly not intended in my response that Deputy Kelly would have to submit an FOI request for the correspondence he has asked for.

In my response to Question No. 324 on 26 November, I confirmed that a number of FOI requests have been received in my Department in relation to the appointment of a Supreme Court judge and that it is the intention of my Department to publish on our website any relevant records once they have been compiled. This material is directly relevant to the request from the Deputy.

The search and retrieval process for these records is well advanced. Once the records have been compiled, I would be happy to arrange to have a copy sent to Deputy Kelly's Office to fulfil his request. I expect that this information will be available before the end of next week. It is not possible to provide a chronology or a summary of the information before the scheduling of the records has been completed.

I trust this clarifies the matter to your satisfaction and that of the Deputy.

Yours sincerely,



Helen McEntee T.D.
Minister for Justice

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