

SECTION FIVE

MEETINGS, HEARINGS, SITTINGS & APPEALS

Updated November 2020

It is essential that all PTI 'business' is open and transparent and that all major decisions are undertaken only and exclusively by majority vote of the elected Council. This will ensure collective accountability and help promote clear and effective teamwork with common goals. This will also prevent potential individual errors and reduce the PTI's exposure to criticism or attack.

Because of the requirement for Council approval of all major decisions, PTI operations will effectively 'revolve around' scheduled Council meetings, where all valid submissions will be considered, assessed and processed and where existing submissions' status will be reviewed. Persons making submissions or other approaches to the PTI Council should therefore keep this in mind and apply to the I.D. properly prepared and in sufficient time to avoid their submission being held-up, carried-over or rejected which *may* in turn attract a resubmission fee.

MEETINGS – THE AGM

1. An annual AGM will be held on-or-around July 1st each year. All PTI Panel Members are eligible to attend, but only PTI Admin will have speaking and voting rights. The main purpose for this meeting will be to elect the new PTI Council. The date and location of the AGM will be publicised a minimum of 30 days in advance.
2. All PTI Admin personnel are eligible to volunteer for a

position on the Council and vote for same. Nominations must be in writing and 14 days or more before the AGM.

3. Additional prospects may be nominated by any Councillor in writing and delivered to the Executive no less than 14 days before the AGM. Council will be duly notified. If 7 or more Councillors subsequently formally object to any given nomination up to 24 hours before the vote, that nomination will be considered withdrawn.

4. The election of the new Council will be the first order of business with the incoming Executive chairing the AGM, with assistance from the outgoing Council as appropriate.

5. Votes will be collected on location according to the procedures determined by the Executive.

6. Accommodation may be made for a separate public meeting or for any other PTI-related function deemed appropriate or necessary by the Council.

QUARTERLY MEETINGS (QM'S) and SCM'S

7. There will be a minimum of four Quarterly Meetings. The basic agenda for each meeting will be arranged by the DCO in consultation with the three operational Divisions. The agenda should be approved by the Executive in advance of meetings, and, as with the AGM, provision may be made for other PTI-related events.

8. The Executive may call a **Special Council Meeting** at any time and/or may hold a 'virtual' meeting if such is the only viable way to gather the Council's opinion on an important matter. No case-related decisions will be made in isolation or in private, by the Executive or by other Councillors without open discussion and a transparent vote at a formal meeting – whether virtual or otherwise.

9. With exception to any part of a QM, SCM or an AGM that is specifically set aside for debate, formal Council meetings will follow the prescribed agenda.

10. Following the initial vetting process by the I.D., any and all subsequent decisions as to the admissibility, viability, progress or conclusion of any submission, may *only* be taken by the Council who will rate and assess each case objectively on its merits, on its overall complexity, and considering the PTI resources available.

11. Any Councillor at any time may call a limited meeting with selected PTI Admin Members to discuss any aspect of PTI Operations or for training or consultation or as is required for the efficient management of each Division.

HEARINGS & SITTINGS via the ADJUDICATIONS DIVISION

12. The format and conduct of any meetings, sittings or hearings undertaken by the Adjudicating Division may be decided by the A.D. Councillors as appropriate to the type of meeting, sitting or hearing being conducted.

13. For the purposes of openness and transparency no PTI hearing or sitting will be held 'in secret', 'in private' or '*in camera*' other than in the case of mediation or arbitration services where both parties have freely requested confidentiality.

14. In the case of such confidentiality being requested, and with the agreement of the PTI Arbitrator or Mediator, no PTI record of the conversations in any such confidential meetings will be made.

15. With the exception of Article 13 above, all hearings or sittings of a fact-finding or judicial nature shall be held in public in venues that are public, and any-and-all parties to any such sittings will be made aware of the same as a precondition of participation. All such hearings will be recorded in digital format as far as facilities allow.

16. Records of all PTI public hearings and sittings, and of Council meetings, will be made available to the public.

APPEALS

17. Given the clarity of PTI submissions guidelines and the fact that PTI final Rulings will *only* be constructed strictly according to existing positive law; there is limited rationale for any appeal mechanism that would almost certainly arrive at the same conclusion. However, this does not preclude the possibility of error or the discovery of relevant laws that were overlooked in the PTI process, which could have had a bearing on the case. Accordingly, a formal, albeit limited appeal process should be in place.

18. Given the narrow scope of any such appeal, and in the interests of practicality, only *final* decisions or Rulings of the Council (vs interim decisions) are open to appeal, and any such appeal will be treated as a case resubmission to be considered at the next QM.

19. Grounds of any such appeal may only refer to; (i) positive law, or (ii) PTI Rules pointing out clearly where an internal action or final Ruling may have been in error.

20. The appeal grounds should be delivered in writing to be read out at Council. The ruling of the Council will be prepared in advance and will be read out in public unless it is deemed necessary and appropriate by the Executive to hold public discussion on the matter beforehand; in which latter case, the agenda, supervision and oversight of any such meeting may be amended accordingly.

21. Should Council (or whichever assigned substitute adjudicating body) find in favour of the appellant, then that finding will be published and the record amended.

22. Should the finding be in favour of the original act or decision (or any other variation other than endorsing the appeal in full) then the Appellant (if not present for the

reading) will be notified in writing of the finding and the reasoning thereof, and the same will be made public.

The Appellant may then appeal that final PTI finding to the Constitutional Supreme Court of Ireland, this being the only domestic Court which has the scope and authority to challenge PTI Appeal Findings.