

UISCE DOMHAIN WATER WORLD EUROPE CLG

██████████,
Kildare,
██████████.
Irish Member State, EU.

email to aarhus@decc.gov.ie

Minister of the Environment, Climate and Communications,

MINISTERS OFFICE

Public consultation on proposed amendments to the Access to Information on the
Environment (AIE) Regulations 2007-2018

Department of the Environment, Climate and Communications

29-31 Adelaide Road

Dublin.

DO2 X5

4th. Jan. 2024

- (2) c“public authority” includes (vi) a board or other body (other than a company established under the Companies Acts or the Companies Act 2014 (No. 38 of 2014)) established by or under statute;

REMOVE

The highlighted bracketed content part in the above as per your proposed legis;ative change must be deleted., ie REMOVE

“...*(other than a company established under the Companies Acts or the Companies Act 2014 (No. 38 of 2014))*”

Bolded Emphasis Added.

TAKE NOTICE IT IS CONTRARY TO FUNDAMENTAL PRINCIPLES OF ALL THAT OUR 2003/4 EC LAW IS ABOUT, AS WELL AS CONTRARY TO BOTH THE TELEOLOGICAL ASPECTS AND SPIRIT AND INTENT OF THE DIRECTIVE, AND OUR UN AARHUS CONVENTION.

The State has in recent years in particular placed the structure of Co's, within Laws/Statutes as a means for the functioning of and organising State run Business and semi-state business. Such Bodies pursuant to 2003/4 EC are answerable pursuant to OUR 2003/4 EC Directive, and also are Public Bodies when they are State Emanations and here and now they can not be conveniently for the Irish Member State be made by their Law to be exempt, from the application of 2003/4 EC.

KINDLY secure and ensure that you REMOVE said bracketed wording.

All State emanations including any and all companies and such like, that have functions that have or may have a bearing on matters concerning State Governance must

SEE - THE SUPREME COURT 159/2013 Denham C.J. Murray J. Hardiman J. O'Donnell J. Dunne J. Between/ National Asset Management Agency Appellant and Commissioner for Environmental Information Respondent Judgment of O'Donnell J. delivered on the 23rd of June, 2015.

The above is on page 1 of your proposal (to the bottom of).

Next is To page 4 of your proposal

“(2) (5) Public authorities may satisfy the requirements of this Regulation to inform the public by creating links to websites where the information may be found.”

ADD after the word “... *found*” and before the full stop

“ ... and must maintain hard copy records for any and all of the public who are not computer competent or not compatible with using a computer.”

Separately

Having regard to and given the JOINED-UP – THINKNG, that is common case knowledge re the over arching 3 Pillars of Our UN Aarhus Convention spirit and intent, and their interconnection, the preambles and references in both 2003/4 EC and 2003/35 EC, **inter alia that a significant and substantial purpose and intent is that participants will have relevant environmental information 1st. Not only in its own right but also for Proper Public Participation engagement and meaningful consultation 2nd., - overall for a better environment for us all;**

Hence - Pillar 1 is re Access To Information on the Environment – 2003/4 EC ;

- Pillar 2 is re Proper Public Participation - 2003/35 EC.

So in the interests of the common case knowledge of the Broad JOINED-UP – THINKNG, re the inextricable interconnections to each other, of the over arching 3 Pillars of Our UN Aarhus Convention and in the interests of its spirit and intent,– **we submit that:-**

it is the time and place NOW for -YOU- to secure and ensure obligatory in Law that you are now making Re 2003/4 EC, via Irish Act/S.I., to include that,

1.

A. - any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters, once notified by a public participant that

- (I) 2003/4 EC (AIE Regulation) Requests etc. are outstanding and
- (II) as a consequence that they - the participant/s – are unable to make a full and proper submission, - not withstanding that in a Public Participation process before a judicial/quasi-judicial state emanation, that a member of the public concerned is restricted to only being enabled to make a part only submission - until they have received the relevant information and have had time to process it, and further had time to produce their submission for the releant public participation concerned,
in eg., that an OCEI awaited decision from an Appeal is not yet concluded and delivery of the said information is awaited on same, and/or an outstanding for delivery of information from a 2003/4 (AIE Regulation) request made to any and all Public Body/Authorities that, -
- (III) the Decision Making judicial/quasi-judicial Body be obliged by Law to await and consider the further submission from the Participant when made, such that secured and ensured by YOU is, that participants when executing their Proper Public Participation Rights, that the said rights are meaningfully functioning and being honoured by ALL Irish Member State Emanations congruently systemically and systematically and in accordance with Article 4 – inter alia Sincere Co-operation – of our EU Treaties, and in accordance with OUR UN Aarhus Convention and its teleological spirit and intent and that the public participants rights there from are given full effect to, - in Application;

AND

B.

that when, any and all quasi – judicial/judicial State Emanation Decision Making Bodies on Environmental matters, once notified by a public participation participant / intending public participation participant, that 2003/4 EC (AIE Regulation) requests etc. are outstanding, and who they were made to and as a consequence that they - the participant/s – are unable to make a full and proper submission until they have the relevant information and have had time to process it, and make submission re same, that they - any and all judicial/quasi – judicial/State Emanation Decision Making Bodies on Environmental matters - are obliged

- (IV) to reply by registered post and within 5 working days confirming that
- (V) they are in receipt of the Notification, and
- (VI) confirming that they will not proceed to make a decision on the substantial matter before them, and
- (VII) that they will await accordingly, and consider the further submission from the Participant when made.

Further, that in such circumstances as afore described, that where **any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters**, fail to revert by Registered Post, confirming as so stated above and required, within the said time frame of 5 business days, that

- (VIII) a Public Participant may make complaint to the OCEI of same, and
- (IX) in turn that the OCEI is then OBLIGATED to take URGENT AND IMMEDIATE Legal Action, against the Decision Making Body to stop them continuing their process of Public Participation until the 2003/4 EC (AIE Regulation) process is concluded and the Public Participant has had time to process the result and make a further submission, in the interests including respect for both Pillars 1, and 2, of Our UN Aarhus Convention , and in the interests of Proper Public Participation and Administrations, and in the Public Law interests, and in the interests of the sovereignty of the people of Our Irish Republic. And EU Treaties, and Our Aarhus Convention compliance, and interactivity of its inextricably linked 3 Pillars.

The above is proposed Law Change as it emanates from the following facts:-

Given the facts that, delays in procuring vital necessary information via

“ Access To Information on the Environment – 2003/4 EC ”

requests - inter alia necessary for public participation - currently range from months to over 2 years,

notwithstanding the necessary good work and time it takes for Our OCEI Investigators, inquiring, examining, and adjudicating to be executed, -

-YOU -, being Ireland and The Attorney General and Our Legislators, Our State, - with the Power and Authority of Governance bestowed in you preside over our LAW system where YOU are obligated with duties to secure and ensure that Participants wanting/needing to Engage in Proper Public Participation/ meaningful consultation, are in fact properly able to do so, such that full effect is given to said Pillars in practice and in Law.

However the facts of the matter are that

- participants are in fact and in Law, compromised and/or excluded from proper public participation,
- by primarily the fact that **YOU permit**
- by omission of Law and
- by existing Law, that
- any and all, - and that includes but is not limited to, - State Emanations, quasi-judicial bodies, such as An Bord Pleanala, and all Planning Authorities in particular, but also other quasi judicial bodies such as EPA and other Appeals Bords, - to proceed with making decisions,
- **to the exclusion of such participants** who need/needed participation based on, environmental information to be procured and then processed, where it was/ is sought pursuant to 2003/4 EC (come complex Irish Regulations re same), and not delivered in time or at all and/or
- where it is appealed to OCEI but decisions and information delivery not delivered **whilst time for making submissions to a State quasi Judicial-Body, expires.**

Then,

- even when said quasi Judicial Bodies, in Submission or otherwise are put On Notice re the facts re 2003/4 EC as afore described, and
- that they as participants request eg. ABP, or others to invite them to make further submission when the info comes available, as the Law currently prohibits further submission by a participant eg to ABP, -
- they (said participants) are wholly ignored and excluded -by such quasi- Judicial Bodies, -
- ergo so much for Citizens Aarhus Rights and OUR Irish Member State Law System – **YOU** - , implementing same, - where *de fac to* -**YOU - have successfully subverted (- and subverted systematically and systemically –) both Directives 2003/4 EC and 2003/35 EC, and 2 of the 3 Pillars of OUR UN Aarhus Convention, for Public Participation participants in the Irish Member State.**

YOUR Reputation precedes you re YOUR Subversion of the 3rd. Pillar, where YOU are RENOWN in and through out our EU as – as nick-named -

“ The RITZ RULE LEGAL CLUB of IRELAND ”,

YOU being Thee MOST EXPENSIVE Legal System in Our EU, and continuing with SUPER High Pro-hibitively Expensive Cost Risk for any litigant who pursue's Our 3rd. pillar *access to justice*, on such or any matters, even with the very dodgy Legally Uncertain and minor changes made to Irish Law, where if a Judge – whether of ascendancy inclination and disposition or not – does not like *the manner* of a persons presentation in Court on such matters, he is empowered with *at his/her Judge position discession* to put all costs against the person. Hence, **YOUR latter **RITZ RULE LEGAL CLUB** subversion re OUR 3rd. Pillar continues to speak Loud and Crystal Clear for itself.**

So in the interests of the common case knowledge of the Broad JOINED-UP – THINKNG, re the inextricable interconnections to each other, of the over arching 3 Pillars of Our UN Aarhus Convention and in the interests of its spirit and intent,– we submit that **it is the time and place for -YOU-** to secure and ensure obligatory in Law that you are now making Re 2003/4 EC, via Irish Act/S.I., that, **any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters**, once notified by a public participant that 2003/4 EC (AIE Regulation) Requests etc. are outstanding and as a consequence that they - the participant/s – are unable to make a full and proper

submission, - not withstanding that they make a part only submission - until they have the relevant information and have had time to process it,

in eg., that an OCEI awaited decision from an Appeal is not yet concluded and delivery of the said information is awaited on same, and/or an outstanding for delivery of information from a 2003/4 (AIE Regulation) request made to any and all Public Body/Authorities that, - that **Decision Making Body** be also obliged by Law to await and consider the further submission from the Participant when made, such that secured and ensured by **YOU** is, that participants when executing their Proper Public Participation Rights, are meaningfully functioning and **are given full effect to in Application;**


AND

that when, any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters, once notified by a public participant that 2003/4 EC (AIE Regulation) Requests etc. and who they were made to and that they are outstanding and as a consequence that they - the participant/s – are unable to make a full and proper submission until they have the relevant information and have had time to process it,

that they - any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters - are obliged to reply by registered post and within 5 working days confirming that they are in receipt of the Notification, and confirming that they will not proceed to make a decision on the substantial matter before them, and will await accordingly and consider the further submission from the Participant when made.

Further, that in such circumstances as afore described, that where **any and all quasi – judicial/State Emanation Decision Making Bodies on Environmental matters,** fail to revert by Registered Post, confirming as so stated above and required, within the said time frame of 5 business days, that a Public Participant may make complaint to the OCEI of same, and in turn that the OCEI is then OBLIGATED to take URGENT AND IMMEDIATE Legal Action, against the Decision Making Body to stop them continuing their process of Public Participation until the 2003/4 EC (AIE Regulation) process is concluded and the Public Participant has had time to process the result and make a further submission, in the interests including respect for both Pillars 1, and 2, of Our UN Aarhus Convention , and Proper Public Participation and Administrations, and the sovereignty of the people of Our Irish Republic, and in the interests of **all** of OUR EU Citizens, and residents.

Yours sincerely,


Director.