

Rules of Petitions Committee

Article 1. Definitions

In these rules the following definitions shall apply:

- a. Parliament, the Parliament of Sint Maarten;
- b. committee, the Committee on Petitions of Parliament whose task it is to examine petitions as referred to in subparagraph d;
- c. meeting, meetings of the committee;
- d. petition a written document submitted to the committee by Parliament pursuant to Article 68, second paragraph, of the Constitution;
- e. report, a report drawn up by the Ombudsman pursuant to Article 21, first paragraph, of the ordinance Ombudsman on which, pursuant to Article 23, first paragraph, of that national ordinance he has informed Parliament;
- f. government, public entities and their organs, including legal entities, which either directly or indirectly, in whole or in part are operated on behalf of one or more public bodies.

Article 2. Meeting

The Committee may decide that meetings of the committee are held behind closed doors.

Article 3. Investigation

1. The committee may investigate matters raised in petitions regarding the manner in which the government fulfills its task.
2. The committee may investigate the way in which the government attaches consequences to the findings of reports. It may decide to refer a report to a committee of the Parliament which seems to be the most appropriate.
3. The investigation referred to in the first and second paragraphs shall take place if and insofar the acts or omissions of the government a minister is directly or indirectly accountable to Parliament.
4. The committee may involve in its investigation the question whether the government in some cases will have or will not have to perform a task.

Article 4. Exclusion

An investigation as referred to in Article 3 shall not extend to the fulfilment of its tasks by:

- a. the Parliament and the members and officials thereof;
- b. the Advisory Council and the members and officials thereof;
- c. the Audit Chamber and the members and officials thereof;
- d. the Ombudsman and his officials;
- e. the members of the judiciary responsible for the administration of justice;
- f. other persons or members of colleges, responsible for the administration of justice or arbitration.

Article 5. Report, Annual Report

1. The Committee shall report to Parliament with respect to a petition or report, unless the Committee finds no grounds for such.
2. This report contains a proposal to Parliament including the grounds which support this proposal; this report shall be sent to the petitioner if applicable.
3. The committee may consider to refer to a committee of Parliament which seems to be the most appropriate to do such, a petition which proposes to draft/modify a national ordinance or a general binding regulation, or to amend a policy.
4. The Committee also issues an annual report concerning its activities during the preceding session.
5. Each report of the committee is made public.

Article 6. Limitations

1. The Committee shall propose to Parliament not to act upon petitions in instances where after investigation becomes apparent that:
 - a. granting would violate a national ordinance or general binding regulations which has been legally established;
 - b. some instance charged with the administration of justice has ruled on the matter described in a petition, or if the petitioner has an appeal or could have appealed at such an instance, but failed to do so;
 - c. arbitrators have ruled in a matter specified by the petitioner or if the petitioner has an appeal or could have appealed at the arbitrators, but failed to do so.
2. The committee may contrary to that which is stipulated in the first paragraph, make a proposal to Parliament to react on a petition, if exceptional circumstances or considerations derived from public interest give it reason for such.
3. If it deems such appropriate, the committee informs the petitioner about the legal remedies available to him, to the extent that these are not evident from the grounds, which support a proposal to Parliament.

Article 7. Setting aside

1. If, after Parliament has already taken a decision on his petition, a petitioner resubmits a petition that contains no new facts or that does not open new perspectives, the committee may set aside this last petition without responding to it. The petitioner will be notified in writing thereof.
2. If a petition is submitted to Parliament regarding a matter about which the Ombudsman has already issued a report or a recommendation, the committee shall not deal with this petition unless it considers that the petition contains new facts or opens new perspectives which justify a review. The petitioner will be notified in writing thereof.

Article 8. Reporter

With regard to a petition or a report the committee may appoint one or more of its members as member-reporter.

Article 9. Information

The committee may send a copy of a petition or a report to the minister it considers to be the most suitable to handle the petition to provide information thereon. To that end the Minister has a period of six weeks in which he shall inform the committee.

Article 10. Formal requirements regarding petitions

1. For a petition to qualify for investigation by the committee, the application must include:
 - a. name, address, and signature of the petitioner or his representative;
 - b. an elucidation of the reasons which have led to the filing of the petition and the interest which a petitioner has in an investigation by the committee; and
 - c. a succinct description of the request.
2. A petition can also be submitted electronically and complies with all the requirements which are applicable for a written petition, as laid down in the first paragraph.

Article 11. Entry into Force

These rules shall enter into force at the time the Decree containing these rules is published.