



TITHE AN OIREACHTAIS

Tuarascáil
ón
gComhchoiste um Dhlí agus Ceart, Comhionannas agus
Cearta na mBan
ar
Nithe ag Éirí as Philip Sheedy a scaoileadh amach go
luath as Príosún

Report
of the
Joint Committee on Justice, Equality and Women's
Rights
on
Matters arising from
the Early Release from Prison of Mr. Philip Sheedy

DÁIL ÉIREANN

29 JUN 1999

ON ORDER PAPER

**Report
of the Joint Committee on Justice, Equality and Women's Rights
on Matters arising from
the Early Release from Prison of Mr. Philip Sheedy**

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Report

Introduction

1. The Joint Committee on Justice, Equality and Women's Rights presented an *interim* report on matters arising from the early release from prison of Mr. Philip Sheedy to both Houses of the Oireachtas on 20 May, 1999.
2. In that report, the Committee stated that
 - (1) it was its intention to determine the lessons which might be learned and the procedures and policies which might be identified and, where appropriate, recommended so as to avoid a repetition of what occurred and so that the recommendations contained in the Report of the Department of Justice, Equality and Law Reform referred to above can be fully considered,
 - (2) it was of the view that it would assist it in its consideration of the matter if it were in a position to obtain additional information in relation to the facts surrounding the early release from prison of Mr. Sheedy but concluded that, as it would not have the co-operation of all parties, it was unlikely to be in a position to progress matters, and
 - (3) the Committee had accordingly decided to request the Chief Justice to make further enquiries into the circumstances surrounding Mr. Sheedy's release and to advise it of the outcome to the extent that he considered it appropriate to do so.

Background to this Report

3. A copy of the Committee's Report was accordingly forwarded to the Chief Justice under cover of a letter dated 21 May which drew attention to the fact that the Committee desired him to make further enquiries into the circumstances surrounding Mr. Sheedy's release and to advise it of the outcome to the extent that he considered it appropriate to do so.
4. The Chief Justice responded by way of letter dated 25 May¹, indicating that he was "unable to accede to the Committee's request. It would be quite improper and inappropriate for the Chief Justice to make any further inquiries into this matter at the request of the Committee and to report thereon to it and would be

¹ See Appendix 1.

constitutionally impermissible”.

5. The Chief Justice's reply was brought to the attention of the Vice-Chairman of the Committee who, with a view to expediting matters and following consultation with other members of the Committee, wrote on 2 June to seek clarification of the Chief Justice's position in the matter¹. The Vice-Chairman's letter also referred to the Committee's determination that the background to the early release of Mr. Sheedy would be more fully explored and sought any suggestions that the Chief Justice might have to make in this regard.
5. The Chief Justice responded by way of letter dated 10 June² in the following terms:

“I have to acknowledge receipt of your letter dated the 2nd inst. and wish to express my surprise at your action in releasing the contents thereof to the media before I had an opportunity to reply thereto.

In my letter dated the 25th ult. to the Secretary of your Committee I stated that I was unable to accede to the Committee's request to make further enquiries into the circumstances surrounding Philip Sheedy's release from prison.

I have completed all the enquiries, which are open to me, in connection with this matter and my position in this regard is as stated in my said letter.

It is not a matter for me to advise or make any suggestions to your Committee as to how they should proceed in this matter.”

The Committee's response to Developments

6. It is the view of the Committee that the Vice-Chairman's letter of 2 June constituted a necessary attempt to
 - (a) reconcile the apparent conflict between the Chief Justice's earlier involvement in the matter and his position as set out in his letter of 25 May; and
 - (b) explore the wider implication of the Chief Justice's position in the matter.
7. The Committee regrets that the Chief Justice declined to respond to the specific questions raised, particularly in view of the ambiguities which the Vice-Chairman's letter had sought to address. The Committee had expected, given what the judiciary regards as the sweeping nature of its constitutional independence, that the judiciary would assist in resolving issues outstanding as a result of the reports of the Chief Justice and the Department of Justice, Equality and Law Reform. The Committee reluctantly accepts however, having regard to the correspondence with the Chief Justice, that the avenue of enquiry favoured by

¹ See Appendix 2.

² See Appendix 3.

the Committee at its meeting of 20 May must now be regarded as closed.

8. In its first interim report, the Committee had indicated that, if the Chief Justice considered himself unable to assist it in the matter, it would consider other options available. The Committee has now reviewed these options and considers that the authority and powers currently available to it will not enable it to obtain additional information in relation to the facts surrounding the early release from prison of Mr. Sheedy.
9. It is the view of the Committee that two options offer some prospect of progressing the matter, one entailing the continued involvement of the Committee itself (or of some other parliamentary committee appointed for that particular purpose), the other entailing the establishment of a tribunal of inquiry.
10. The proposal favoured by a number of members to recommend the establishment of a Tribunal of Inquiry, headed by a judicial figure, did not command majority support at the Committee. The Committee therefore confines itself to outlining both options and the difficulties likely to arise in some greater detail without formally recommending either.

Parliamentary Inquiry

11. The Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act, 1997, provides for the granting to those Oireachtas Committees whose orders of reference permit them to send for persons, papers and records, of powers of compellability in respect of witnesses and evidence (both written and oral). Witnesses giving evidence to such committees, or sending papers and records to such committees, are accorded the same level of privilege as is enjoyed by a witness appearing before the High Court. However, the Act exempts certain office holders and officials from compellability. Members of the judiciary are so exempt.
12. One necessary precondition for further enquiries by a parliamentary committee would therefore be the amendment of the 1997 Act to qualify the exemption enjoyed by members of the judiciary. The possibility of a successful constitutional challenge to the amended legislation could be minimised (but not eliminated entirely) by providing in the legislation that judges (and, for clarity, former judges) could not be compelled to give evidence in relation to the exercise by such judge or former judge of their judicial functions. Such amendment is likely, however, to give rise to a potential dispute as to what amounts to judicial functions.
13. There are arguments against this option. It is the view of the Committee that any enquiry in this area will be entering uncharted constitutional terrain, fraught with legal difficulty and the virtual certainty of legal challenge. It is questionable as to whether a parliamentary committee would have the time, expertise or resources

necessary to bring its enquiries to a speedy conclusion. Furthermore, such an enquiry would be likely to seriously compromise the work programme of any existing committee.

14. The Committee notes that this is the second occasion on which recourse to the 1997 Act has become an issue. Difficulties with the Act have been encountered in both instances. In the case of the inquiry by the Committee of Public Accounts into the assessment and collection by the Revenue Commissioners of amounts representing income tax that were required by law to be deducted by certain financial institutions from interest payable by them and paid to the Collector-General, this led to the enactment of the Comptroller and Auditor General and Committees of the Houses of the Oireachtas (Special Provisions) Act, 1998. The Committee is of the opinion that there is now *in any event* a need for a comprehensive review of the Act.

Tribunal of Inquiry

15. The second option which suggests itself is the establishment of a tribunal of inquiry under the Tribunals of Inquiry (Evidence) Acts.
16. The Committee appreciates that there may well be considerable public resistance to the establishment of a further tribunal of inquiry but considers that appropriately narrow terms of reference which included a fixed time for reporting back may go at least some way to allaying concerns in this regard.
17. The nature of the matters to be inquired into would appear to require the appointment of a serving or former member of the judiciary. However, this gives rise to potential difficulty on two counts:
 - (a) the impact an appointment would have on the hearing of cases before the courts; and
 - (b) the extent to which members of the judiciary would be personally acquainted with one or more of those involved in the release of Mr. Sheedy.
18. The Committee is of the opinion that these difficulties could be avoided if a former member of the judiciary of another jurisdiction were appointed as presiding member.
19. Notwithstanding this, the Committee must emphasise that a tribunal of inquiry would find itself entering the same uncharted constitutional terrain as a parliamentary committee, facing the same legal difficulties and same prospect of legal challenge. It may well be that a tribunal of inquiry would stand little better prospect of bringing matters to a satisfactory conclusion.

Constitutional constraints on both forms of Inquiry

20. Article 35.2 of the Constitution provides as follows:

“All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law”.
21. Legal advice to the Committee drew attention to the fact that this provision is similar, but not identical to, Article 39 in the Constitution of the Irish Free State of 1922, which read as follows:

“All judges shall be independent in the exercise of their functions and subject only to the Constitution and law”,

viz. the word 'judicial' is inserted before 'functions' in the 1937 Constitution.
22. The opinion of Counsel to the Committee drew attention to the fact that, by inserting the word 'judicial' in Article 35.2 of the 1937 Constitution before the word 'functions', it would appear that the intent of the framers of the Constitution was to expressly limit the protection given to judges to the exercise of their judicial functions and not other functions. The Committee is in agreement with the view of counsel that a literal and correct reading of the terms of the Constitution allows and permits judges and former judges to give evidence and offer explanations in relation to matters not concerned with the exercise of their judicial functions (the contrary interpretation having the effect of extending the independence of the judiciary provided for in the Constitution and the theory of separation of powers beyond the protection provided on a literal reading of Article 35.2 of the Constitution); but that it would not be open, in the absence of constitutional amendment, to make any enquiry into the exercise of their judicial function by a judge or former judge.
23. In practice, this may be a significant impediment to either form of inquiry and it may well be that the desirability of a constitutional amendment which provides for some limited form of accountability should be considered. This matter should appropriately be considered by the All-Party Committee on the Constitution.

Accountability of the Judiciary

24. It is the view of the Committee that the background to the early release of Mr. Sheedy, the constitutional uncertainty preceding the resignations of Messrs. Kelly and O'Flaherty and the difficulties encountered by the Committee in its attempts to obtain additional information in relation to the facts surrounding Mr. Sheedy's release all point to the need for a measure of accountability within the judicial system which clearly does not exist at present.

25. The Sixth Report of the Working Group on a Courts Commission¹, published in the immediate aftermath of the resignations, focused, *inter alia*, on judicial conduct and ethics. The Report recommends that the Chief Justice “establish a Committee to advise and prepare the way, if determined appropriate, for the creation of a Judicial Body which would contribute to high standards of judicial conduct and establish a system for the handling of complaints of judicial conduct”.
26. The Committee notes that the Working Group has been requested to examine and prepare a report on the procedures which are adopted in other countries relating to the handling of judicial conduct that might be considered unsuitable for a member of the judiciary.
27. The Committee further notes that the Minister for Justice, Equality and Law Reform has conveyed to the Chief Justice the Government's wish that he would give the issue early consideration.
28. The Committee trusts that the issue will indeed be given early consideration; and that it will shortly find itself in a position to review the adequacy of any proposals emerging.

Conclusion

29. It remains the intention of the Committee to determine the lessons which can be learned and the procedures and policies which can be identified and, where appropriate, recommended so as to avoid a repetition of what occurred. However, its ability to do so has obviously been compromised by its failure to elicit further information in relation to the early release from prison of Mr. Sheedy.
30. The Committee wishes to stress that, throughout its proceedings and in each of the reports it has made on this matter, it has been mindful of the need to have due regard to the necessary independence of members of the judiciary *in the exercise of their judicial functions* as provided for in the Constitution. At all times it has attempted to minimise any further hurt which might be caused to those whose lives and careers have been so adversely affected.
31. The Committee had hoped that the report of the Chief Justice would allay public concern and, when this proved not to be the case, attempted to resolve outstanding issues with the voluntary co-operation of those concerned. This too proved impossible to achieve.
32. Mindful of this and of the fact that it was approaching uncharted constitutional

¹ The Working Group was established in October, 1995, to review the operation of the courts and consider the establishment of a Commission on the management of the Courts as an independent and permanent body with financial and management autonomy.

terrain, the committee requested that the Chief Justice would resume his private inquiries in the matter or, alternatively, suggest some other way in which matters could be progressed within the existing constitutional and legal framework. The Chief Justice found himself unable to do this.

33. The Committee has therefore fully explored the various options currently available to it. The Committee acknowledges the unconditional offer of co-operation made by Mr. Michael Quinlan¹ and notes that Mr. Cyril Kelly had not adopted a final position in the matter². It regrets that Mr. Hugh O'Flaherty found himself unable to co-operate with the Committee.
34. The Committee further regrets that the Chief Justice found himself unable to assist the Committee in its task.
35. While the Committee concedes that there may good and valid reasons for the positions adopted by Mr. O'Flaherty and the Chief Justice, such reasons have not been made known to the Committee to any meaningful extent.
36. Unfortunately the Committee finds itself unable to inquire further into the circumstances surrounding the early release from prison of Mr. Sheedy for the legal, constitutional and other reasons already stated.
37. The Committee requests that this report be the subject of debate in both Houses and seeks the views of the Oireachtas as to how the outstanding issues can be resolved.

24th June, 1999

(Signed) Monica Barnes, T.D.,
Vice-Chairman

¹ See Appendix 4.

² See Appendix 5.

Appendix 1: Letter from Chief Justice dated 25 May, 1999

AN CHÚIRT UACHTARACH
BAILE ÁTHA CLIATH 7



THE SUPREME COURT
DUBLIN 7
Telephone: (01) 872 5555
Fax: (01) 872 6006

An Príomh-Bhreitheamh
Mr. Justice Liam Hamilton
The Chief Justice

25th May 1999

Tom Malone, Esq. *Refer 31/5*
Clerk to the Joint Committee on Justice,
Equality and Women's Rights
Leinster House
Dublin 2

Dear Sir,

I have to acknowledge receipt of your letter dated the 21st inst. and its enclosure, being an Interim Report of the Joint Committee on Justice, Equality and Women's Rights on '*Matters arising from the Early Release from Prison of Philip Sheedy*'.

I note from Paragraph 12 of the said Interim Report that the Committee decided to request me as Chief Justice to make further enquiries into the circumstances surrounding Mr. Sheedy's release and to advise it of the outcome to the extent that I considered appropriate to do so.

I regret that I am unable to accede to the Committee's request. It would be quite improper and inappropriate for the Chief Justice to make any further inquiries into this matter at the request of the Committee and to report thereon to it and would be constitutionally impermissible.

Yours sincerely,

Liam Hamilton

Appendix 2: Text of Vice-Chairman's letter of 2 June

2 June 1999
Chief Justice Liam Hamilton, S.C.,
Four Courts,
Dublin 7

Dear Chief Justice,

The Clerk to the Joint Committee on Justice, Equality and Women's Rights has brought to my attention your reply of 25 May to his letter of 21 May in relation to matters arising from the early release from prison of Mr. Philip Sheedy.

The Joint Committee has yet to consider your reply and, in that context, it might expedite matters if, before the next meeting of the Committee, you could clarify a number of points arising from the final paragraph of your letter, viz.:

- (a) You indicate that it would be "quite improper and inappropriate for the Chief Justice to make any further enquiries into this matter at the request of the Committee". Is it the case that you would be prepared to undertake further enquiries if the request came from another source (e.g. Government or one or both of the Houses of the Oireachtas)? and if so, what source or sources would you consider to be appropriate?
- (b) You also appear to indicate that further inquiries at the request of the Committee would be "constitutionally impermissible". It would be of assistance if you were to clarify the nature of the constitutional difficulty that would arise.
- (c) You also appear to indicate that it would be improper and inappropriate and also constitutionally impermissible for the Chief Justice to report to the Committee. Is it your view that the Chief Justice cannot, in any circumstances, report to the Houses of the Oireachtas or a Committee thereof but may instead report to some other person or body (the report then, perhaps, being furnished to the Houses or a Committee thereof). Further, is it your view that circumstances have so materially altered that you consider yourself precluded from further involvement in the matter currently under consideration? (in which case I would be grateful if you could elaborate further).

You will appreciate that there is an expectation, both within the Houses of the Oireachtas and amongst the wider public, that the background to the early release of Mr. Sheedy will be more fully explored. You will be aware, from the interim report furnished to you, of the Committee's determination to progress this matter and that it would therefore be grateful for any further suggestions you may have to make in this regard.

The Joint Committee is scheduled to meet again on 17 June. Accordingly, I would be grateful for your early attention to this letter.

Yours sincerely,

Monica Barnes, T.D.,
Vice-Chairman of the Joint Committee

Appendix 3: Letter from Chief Justice dated 10 June, 1999

AN CHÚIRT UACHTARACH
BAILE ÁTHA CLIATH 7



THE SUPREME COURT
DUBLIN 7
Telephone: (01) 872 5555
Fax: (01) 872 6006

An Priomh-Bhreitheamh
Mr. Justice Liam Hamilton
The Chief Justice

10th June 1999

Monica Barnes, T.D.
Vice-Chairman of the Joint Committee on
Justice, Equality and Women's Rights
Leinster House
Dublin 2

Dear Vice-Chairman,

I have to acknowledge receipt of your letter dated the 2nd inst. and wish to express my surprise at your action in releasing the contents thereof to the media before I had an opportunity of replying thereto.

In my letter dated the 25th ult. to the Secretary to your Committee I stated that I was unable to accede to the Committee's request to make further enquiries into the circumstances surrounding Philip Sheedy's release from prison.

I have completed all the enquiries, which were open to me, in connection with this matter and my position in this regard is as stated in my said letter.

It is not a matter for me to advise or make any suggestions to your Committee as to how they should proceed in this matter.

Yours sincerely,

Appendix 4: Correspondence from Solicitors representing Mr. Michael Quinlan dated 28 April and 13 May, 1999

LK SHIELDS
SOLICITORS

19-40 UPPER MOUNT STREET
DUBLIN 2, IRELAND

TELEPHONE 153-1 061 100
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D D E. BOX NO. 123
E MAIL email@lkshields.ie
WEBSITE http://www.lkshields.ie

Eoin Ryan, T.D.,
Chairman,
The Joint Committee on Justice, Equality
and Women's Rights,
Leinster House,
Dublin 2.

OUR REF 1222-001/LKS/RB/99042811

YOUR REF

By Hand

28 April 1999

Re: Our Client: Michael Quinlan

Dear Chairman,

Your letter of the 23rd of April 1999 addressed to Mr. Quinlan c/o this office has now been forwarded to him.

We confirm that we represent Mr. Quinlan.

Mr. Quinlan has instructed us to indicate to you that he will accept the invitation extended in your letter to appear before the Committee voluntarily on the 6th of May 1999.

Mr. Quinlan has also asked us to indicate that he would have a preference for his appearance before the Committee being dealt with in public.

Our client fully accepts that there are public concerns which require to be urgently addressed. In order to facilitate that process we would ask on his behalf that a list of the questions which it is proposed to be put to him be forwarded to this firm comfortably in advance of the day upon which the Committee proposes to sit. It is Mr. Quinlan's belief shared by this firm and Counsel that the adoption of such a procedure on the part of the Committee would expedite matters considerably and would, hopefully, allow Mr. Quinlan to deal comprehensively with all matters which he is required to address speedily and effectively.

For the avoidance of doubt it is intended that Mr. Quinlan will be accompanied to the hearing of the Committee by the Writer and by Mr. Colm Allen, S.C. who has been retained by this firm to represent Mr. Quinlan's interests.

We look forward to hearing from you.

Yours faithfully,

L K Shields Solicitors.
L. K. SHIELDS, SOLICITORS

Houses of the Oireachtas

LK SHIELDS

SOLICITORS

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Mr. Tom Malone
Clerk to the Joint Committee on Justice, Equality
and Women's Rights
Leinster House
Dublin 2

1222-001 LKS RB 99051311

13 May 1999

Re: Our Client: Mr. Michael Quinlan

Dear Sir,

We refer to previous correspondence herein and in particular to our letter of 28th April in which we expressly indicated that Mr. Quinlan accepted your invitation to attend before the Committee voluntarily on the 6th May, 1999. As you will see, clearly, from this letter Mr. Quinlan did not impose any conditions. He merely requested that in order to facilitate the process that a list of questions proposed to be put to him be forwarded to this firm comfortably in advance of the day upon which the Committee proposes to sit in order to expedite matters considerably and to enable our client, Mr. Quinlan, to deal comprehensively with all of the matters which he would be required to address speedily and effectively. We also indicated that Mr. Quinlan would be accompanied by his legal representatives.

Our client and ourselves are disturbed by reports in the media that our client is portrayed as having agreed to attend the Committee subject to conditions, which is not correct. Our client remains happy to attend before the Committee, as indicated in our letter of the 28th April.

It is still the view of this firm that it would greatly expedite the process for our client to have a list of questions proposed to be put to him forwarded to us comfortably in advance of the day upon which the Committee proposes to sit so as to enable our client to deal comprehensively with all of the matters which he will be required to address speedily and effectively.

However, for the avoidance of doubt, if this approach does not find favour with the Committee, Mr. Quinlan has no objection to appearing without notice of such questions that may be put to him.

We await hearing from you.

Yours faithfully,

L K Shields, Solicitors
L. K. SHIELDS, SOLICITORS

**Appendix 5: Letter from Solicitors representing Mr. Cyril Kelly
dated 5 May, 1999**

**HAYES & SONS
SOLICITORS**

LAVERY HOUSE, EARLSFORT TERRACE, DUBLIN 2
TELEPHONE + 353 - 1 - 662 4747 FAX + 353 - 1 - 661 2163 e-mail: hayesons@securemail.ie DX DUBLIN 173

Mr. Tom Malone
Clerk to the Joint Committee on Justice,
Equality and Women's Rights
Leinster House
Dublin 2

Our reference

Your reference

Date

AO'R/KO'C

5th May 1999

Dear Sir

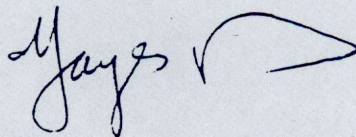
We refer to your letter of the 29th April concerning the Joint Committee's inquiry into the early release of Philip Sheedy.

We have advised our client that it would be inappropriate to take a decision regarding your request for his voluntary appearance before the Committee until the Committee has advised itself as to the constitutionality and appropriateness of the nature and extent of the inquiry it may lawfully hold.

We understand that this will in part happen on the 6th of May and that you will be writing to us further on the matter following that meeting.

We await hearing from you.

Yours faithfully



*E.R. Adrian Glover Robert E. Blakeney Peter S. Harrison Andrew O'Rourke Andrew P. Walker
Associates: Terence Moran Ciaran O'Rourke Caroline Crowley Ruth Shipsey Fiona Hunt
Assistant: Hilary Muldowney*



Appendix 6: Orders of Reference of the Joint Committee

Order of Dáil Éireann of 13 November, 1997, as amended by an order of Dáil Éireann of 28 April, 1998 :—

- (1) (a) That a Select Committee, which shall be called the Select Committee on Justice, Equality and Women's Rights, consisting of 14 members of Dáil Éireann (of whom 4 shall constitute a quorum), be appointed to consider such—
 - (i) Bills the statute law in respect of which is dealt with by the Department of Justice, Equality and Law Reform and the Department of Defence, and
 - (ii) Estimates for Public Services within the aegis of those Departments,as shall be referred to it by Dáil Éireann from time to time.
- (b) For the purpose of its consideration of Bills under paragraph (1)(a)(i), the Select Committee shall have the powers defined in Standing Order 78A(1), (2) and (3).
- (c) For the avoidance of doubt, by virtue of their *ex officio* membership of the Select Committee in accordance with Standing Order 84(1), the Minister for Justice, Equality and Law Reform and the Minister for Defence (or a Minister or Minister of State nominated in their stead) shall be entitled to vote.
- (2) (a) The Select Committee shall be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Justice, Equality and Women's Rights to consider—
 - (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including bodies under the aegis of those Departments in respect of Government policy,
 - (ii) such matters of policy for which the Ministers in charge of those Departments are officially responsible as it may select,
 - (iii) the strategy statement laid before each House of the Oireachtas by the Ministers in charge of those Departments pursuant to section 5(2) of the Public Service Management Act, 1997, and shall be authorised for the purposes of section 10 of that Act,
 - (iv)¹ such Annual Reports or Annual Reports and Accounts, required by law and laid before either or both Houses of the Oireachtas, of

¹ Paragraph inserted by order of the Dáil of 28 April, 1998

bodies under the aegis of the Department(s) specified in paragraph 2(a)(i), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select.

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993.

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body or by the Minister in charge of that Department; and

- (v) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department, and
- (vi) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas,

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be 5, of whom at least 1 shall be a member of Dáil Éireann and 1 a member of Seanad Éireann.
- (c) The Joint Committee shall have the powers defined in Standing Order 78A(1) to (9) inclusive.

- (3) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be Chairman of the Select Committee.

Order of Seanad Éireann of 19 November, 1997, as amended by an order of Seanad Éireann of 30 April, 1998 :—

- (1) (a) That a Select Committee consisting of 5 members of Seanad Éireann shall be appointed to be joined with a Select Committee of Dáil Éireann to form the Joint Committee on Justice, Equality and Women's Rights to consider—
 - (i) such public affairs administered by the Department of Justice, Equality and Law-Reform and the Department of Defence as it may select, including bodies under the aegis of those Departments in respect of Government policy,
 - (ii) such matters of policy for which the Ministers in charge of those Departments are officially responsible as it may select,
 - (iii) the strategy statement laid before each House of the Oireachtas by the Ministers in charge of those Departments pursuant to section 5(2) of the Public Service Management Act, 1997, and shall be authorised for

the purposes of section 10 of that Act,

- (iv)¹ such Annual Reports or Annual Reports and Accounts, required by law and laid before either or both Houses of the Oireachtas, of bodies under the aegis of the Department(s) specified in paragraph 2(a)(i), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select.

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993.

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body or by the Minister in charge of that Department; and

- (v) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department, and
- (vi) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas,

and shall report thereon to both Houses of the Oireachtas,

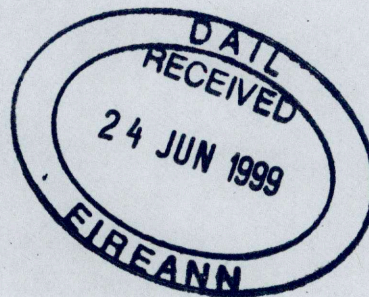
- (b) The quorum of the Joint Committee shall be 5, of whom at least 1 shall be a member of Dáil Éireann and 1 a member of Seanad Éireann.
- (c) The Joint Committee shall have the powers defined in Standing Order 62A(1) to (9) inclusive.

- (2) The Chairman of the Joint Committee shall be a member of Dáil Éireann.

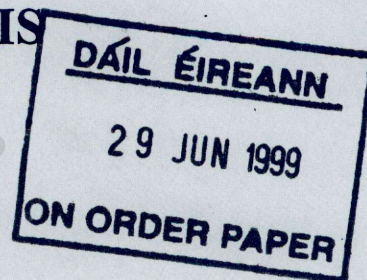
¹ Paragraph inserted by order of the Seanad of 30 April, 1998

✓ ✓
D53 (29.6.1999)

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TITHE AN OIREACHTAIS

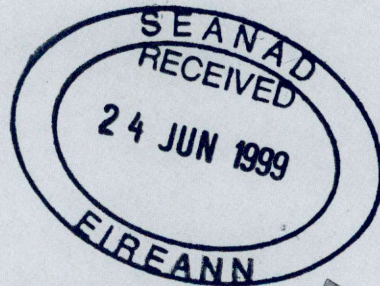


Tuarascáil
ón
gComhchoiste um Dhlí agus Ceart, Comhionannas agus
Cearta na mBan
ar
Nithe ag Éirí as Philip Sheedy a scaoileadh amach go
luath as Príosún

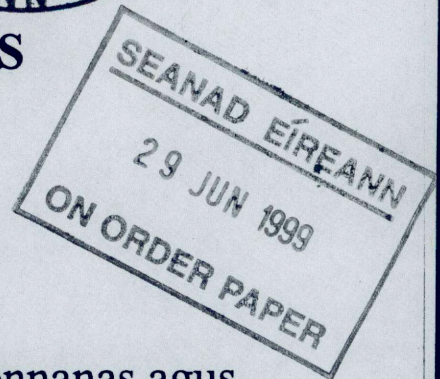
Report
of the
Joint Committee on Justice, Equality and Women's
Rights
on
Matters arising from
the Early Release from Prison of Mr. Philip Sheedy

541 (29. 6. 1999)

Pn. 7455



TITHE AN OIREACHTAIS



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