



DÁIL ÉIREANN

TUARASCÁIL

ÓN

gCoiste um Nós Imeachta agus Pribhléidí

MAIDIR LE

**hImeachtaí an Fhochoiste ar an Teagmhas i Mainistir Leathrátha arna bhunú ag
an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na
mBan**

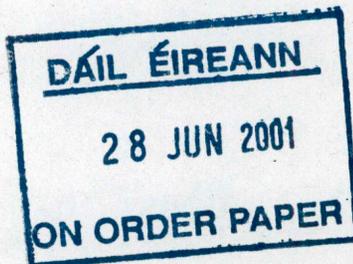
REPORT

OF THE

Committee on Procedure and Privileges

CONCERNING

**the Proceedings of the sub-Committee on the Abbeylara Incident established by the
Joint Committee on Justice, Equality, Defence and Women's Rights**



REPORT

1. The Committee on Procedure and Privileges ("the Committee") received identical complaints by letters in writing dated 30 April, 2001 from four members of an Garda Síochána ("the Complainants") who were directed to appear as witnesses before the sub-Committee on the Abbeylara Incident ("the sub-Committee") established by the Joint Committee on Justice, Equality, Defence and Women's Rights ("the Joint Committee"). The complaints were-
 - (a) that the sub-Committee, through its Chairman and Members, had made serious, unfounded, unwarranted, unreasonable and unfair allegations against their legal representative by way of remarks made in proceedings of the sub-Committee and on television;
 - (b) that, given that the sub-Committee had indicated that it was satisfied that it could make findings of fact, members of the sub-Committee had not in its proceedings so far displayed sufficient objectivity to fairly deal with any allegation against the Complainants;
 - (c) that members of the sub-Committee had abused the privilege of the Oireachtas in the remarks made about Counsel's submissions;

and the Complainants asked that the Committee investigate the attitude of the sub-Committee towards Counsel and its lack of objectivity.

2. At its meeting held on 16 May, 2001, the Committee decided to seek the views of the sub-Committee on the matters raised by the Complainants and further decided that the Complainants should be informed of the action taken by the Committee at that stage. A letter on behalf of the Committee issued from the Ceann Comhairle to the Chairman of the sub-Committee on 17 May, 2001, requesting that the views of the sub-Committee be given within two weeks.
3. The Chairman of the sub-Committee replied by letter dated 25 May, 2001, stating that the sub-Committee had considered the correspondence from the Complainants and had decided that it would not be appropriate to respond to correspondence of this nature which had been sent by persons directed to give evidence before a committee of the Houses. The sub-Committee also referred to the fact that the matters addressed in the correspondence had given rise to High Court proceedings challenging the right of Oireachtas Committees to conduct inquiries. The sub-Committee stated that it would respond to any remaining questions relating to privilege on conclusion of the High Court proceedings.
4. At its meeting held on 30 May, 2001, the Committee considered the response of the sub-Committee and decided to write again to the sub-Committee, informing it that, by virtue of Article 15.10 of the Constitution and Standing Orders, the Committee is the appropriate authority appointed by the House to consider matters of privilege and to oversee procedure in committees generally and that the role of the Committee in this regard was without prejudice to any judicial proceedings. The Committee requested that the sub-Committee would reconsider its decision not to give its views on the particular issues raised by the Complainants and asked to have provided to it the transcripts of the proceeding of the sub-Committee, details of the procedures adopted by the sub-Committee and of the guidelines to which the sub-Committee had regard in its proceedings. A letter to this effect on behalf of the Committee issued from the Ceann Comhairle to the Chairman of the sub-Committee on 31 May, 2001.

5. The Chairman of the sub-Committee replied by letter dated 12 June, 2001, conveying the view of the sub-Committee that the complaints made were without foundation and that this was evident from the papers which were being forwarded by it in response to the Committee's request. The sub-Committee also stated that it had been more than diligent in ensuring that its proceedings were at all times conducted in a fair and objective manner with regard to constitutional and natural justice and that its intention from the outset was to conduct proceedings in a sensitive manner. The sub-Committee assured the Committee of its continued cooperation in the review of its procedures.
6. At its meeting held on 27 June, 2001, the Committee considered the second response of the sub-Committee and decided that, having examined the transcripts of evidence and other papers forwarded to it, the Sub-Committee had conducted the inquiry in accordance with the Standing Orders and Rules (including established parliamentary practice) and, accordingly, that the complaints of lack of objectivity, unfairness and breach of parliamentary privilege could not be upheld.
7. In so doing the Committee noted that, while the orders of reference of the sub-Committee had been amended by the Joint Committee on 10 April and 12 April, 2001, they had also been amended by the Joint Committee on 26 April, 2001, subsequent to the commencement of the sub-Committee's public hearings. The Committee considered that, while as a general rule a change in orders of reference should not be made without due notice to all parties concerned and should be avoided in so far as possible once the proceedings to which it relates have been commenced, but that since the amendment was of a minor technical nature - in order to make an existing power more explicit for the purpose of clarity- no breach of procedure had occurred in so doing and in any event neither the Committee nor the Dáil itself had laid down any rule up to this point on what would constitute due notice to parties concerned in these circumstances. Accordingly the Committee feels that any changes made to the orders of reference of the sub-Committee conform with parliamentary procedure.
8. In considering this complaint on behalf of Dáil Éireann in the first instance the Committee is cognisant of its duty and obligations which derive directly from Article 15.10 of the Constitution and is satisfied that in the circumstances there is no basis to the complaints made and so finds accordingly.

(Signed) SEAMUS PATTISON,
Chairman.

27th June, 2001

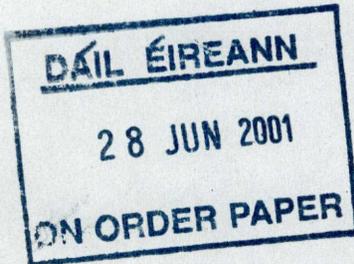
D 56 (28/06/2001)

P.N. 10210

DÁIL ÉIREANN



An Coiste um Nós Imeachta agus Pribhléidi
Committee on Procedure and Privileges



Ms. [REDACTED]
Oireachtas Librarian

Please find enclosed 6 copies of the following Report (non-statutory) which is to be laid before Dáil Éireann:

Report of the Committee on Procedure and Privileges concerning the Proceedings of the sub-Committee on the Abbeylara Incident established by the Joint Committee on Justice, Equality, Defence and Women's Rights.



[REDACTED] V D
Clerk to the Committee

27 June, 2001

Houses of the Oireachtas



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