

GUIDELINES FOR PERSONS GIVING EVIDENCE OR DOCUMENTS TO THE COMMITTEE OF INQUIRY

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Introduction

1. The Committees on Procedure and Privilege of Dáil and Seanad Éireann make these Guidelines under s.19 of the *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013* (“the Inquiries Act”).¹ Their purpose is to give general assistance to persons² who are required to interact with a Committee of the Oireachtas (“the Committee”) which is conducting a Part 2 Inquiry³ (“the Inquiry”). This interaction may include, for example, attending before the Committee to give oral evidence or providing documents to the Committee.
2. If you have been directed (i.e. compelled) to give evidence or provide documents to an Inquiry, please read these Guidelines in conjunction with the *Guidelines for Witnesses and other persons on Compellability*. For further information on the powers of a Committee and the nature of the Inquiry you may wish to have regard to the Terms of Reference of the Committee conducting the Inquiry and the Terms of Reference of the Inquiry.
3. This document is intended to assist witnesses in understanding their role in an Inquiry. This document does not purport to be a legal interpretation of the Inquiries Act or any other legislation. This document should not be used as a substitute for legal advice. Where something, the consequences of which may be significant for you, arises or occurs, you should consider raising the matter with the Witness Liaison Officer⁴ or seeking separate legal advice.⁵ Further, whilst it is intended that Committees will follow the procedures described in these Guidelines particularly insofar as they are designed to ensure that all witnesses have the benefit of fair procedures whilst appearing before the Committee, this may not be possible or appropriate in all circumstances. Consequently, these Guidelines should not be regarded as legally binding. These Guidelines may be supplemented or modified from time to time for particular purposes or in particular circumstances. Where this is the case, the Committee will endeavour to make you aware of the changes applying.

Aims

4. These Guidelines are designed to ensure that:
 - (1) you can fully assist the Committee in discharging its remit efficiently and effectively and as the Committee considers appropriate;
 - (2) you are aware of:
 - (a) how the Committee will conduct its business insofar as your attendance is concerned and that you know what to expect from the Committee and its staff;
 - (b) how your attendance will be managed;

¹ These Guidelines are in substitution for the general “*Protocol for Witnesses giving evidence to Committees of the Houses of the Oireachtas*” as that Protocol deals with “other committee business”.

² For convenience, both persons giving evidence to and otherwise appearing before a Committee are referred to as “witnesses” throughout this document.

³ See s.2 of the Inquiries Act for the definition of Part 2 Inquiry.

⁴ You should be provided with details of the Witness Liaison Officer in the initial correspondence from the Committee. The Witness Liaison Officer will assist you in general with any practical issues you might encounter in your engagement with the Inquiry. In the absence of a Witness Liaison Officer being identified to you, please contact the Clerk to the Committee.

⁵ Please refer to the Guidelines on Legal Costs.

- (c) your rights and privileges as a witness and how these will be applied in practice as well as your responsibilities as a witness;
 - (d) the status of your evidence (i.e. how it may be used) and
 - (e) whether you may expect to be identified and to give evidence in public or private session;
- (3) you have confidence that you will be treated fairly, with respect and consideration and that your evidence will be assessed on its merits alone;
 - (4) the public, having all reasonable access to the evidence and other information upon which the Committee has based its opinions and recommendations, can have confidence in how the Inquiry is conducted, the conclusions arrived at and recommendations made by the Committee;
 - (5) your good name is respected and otherwise dealt with appropriately; and,
 - (6) the information imparted by witnesses, is respected and otherwise dealt with appropriately.

Principles

- 5. The Committee will proceed in a manner that fosters and maintains public confidence in its objectivity and fairness. It will endeavour to ensure that its meetings are as open as possible, recognising that this is one of the ways in which the public can have confidence in the integrity and independence of the Inquiry.
- 6. In the interests of openness and transparency, all evidence given before the Committee will be given in public unless the Committee feel it is desirable to hear certain evidence in private, or unless the Chairman gives a direction that the matter go into private session.⁶ A decision to take evidence in private session is one entirely for the Committee or Chairman to take. Reasons may be given for any such decision.
- 7. Committee meetings will proceed in a spirit of co-operation. In particular, the Chairman of the Committee will endeavour to ensure that meetings are conducted in a manner consistent with these Guidelines, that each witness is given a fair hearing at the meeting, and that any request made by a witness is given due consideration and not unreasonably refused.
- 8. The Committee is not bound by the strict rules of evidence that apply in Court but in accepting evidence, the Committee will always have regard to fair procedures and natural justice and the rights of those affected by such evidence having regard to and in a manner consistent with the provisions of the Inquiries Act.⁷

Purpose of the Meeting

- 9. The broad purpose of the Inquiry will be set out in the Terms of Reference of the Inquiry. The Inquiry may proceed in one part, or by way of a number of phases. Insofar as is possible, witnesses will be informed, in advance of their attendance date, of the broad areas where they will be expected to give evidence or other assistance.

⁶ See s.31 of the Inquiries Act. Note that privilege against defamation shall not apply to the publication by a person, not being a member, of evidence given, or a deliberation done, in private contrary to s.31 of the Inquiries Act.

⁷ It can also be noted that in Part 2 Inquiries the standard of proof is that applicable to civil proceedings (per s.27 of the Act.) Witnesses to the Banking Inquiry may also have reference to s.18 of the Act, which ensures that such witnesses have the same immunities and privileges as a witness to proceedings in Court.

10. It is a matter for the Committee to decide if witnesses are to be invited and, if so, who such witnesses will be.

Communication with Witnesses

11. Communications from the Committee to witnesses will generally issue through the Clerk to the Committee (“the Clerk”).
12. A Committee who wishes to hear from a particular witness can choose to proceed by inviting the witness to appear on a voluntary basis, or may issue a direction compelling the witness⁸:
 - i. Invitation: Communications inviting persons to attend will generally issue not less than **seven to twenty-one** calendar days in advance of the proposed date of the meeting (as appropriate). This initial communication with a witness will be in writing, providing contact details for the Clerk and setting out the date, time and location of the proposed meeting. The initial communication will also, where possible, set out the broad areas where the Committee believes the person can offer evidence, and may invite the person to: confirm their availability to attend on the dates specified; make a written statement; and, make any other requests he or she wishes the Committee to consider (including whether he or she wishes to be accompanied).
 - ii. Direction: If the Committee wishes to compel a person attend before it, it will first issue a Notice of Intention to Issue a Direction (“Notice of Intention”). This Notice of Intention⁹ will generally issue not less than **twenty-one calendar days** in advance of the proposed attendance date. In the case of a Notice of Intention, the Committee will provide details of the proposed meeting, and will invite submissions under a number of headings on the proposed direction.¹⁰ Following the consideration of those submissions a direction may issue to the witness or the Committee may choose not to issue a direction.
13. This initial communication will make clear to witnesses that the Committee will meet in public unless there are circumstances which make it more appropriate to have a meeting in private session.¹¹
14. Proposed witnesses will also be furnished with:
 - (a) a copy of the Inquiries Act;¹²
 - (b) a statement advising the witness that, if he or she does not co-operate with the Part 2 Inquiry, or ceases to co-operate with the Inquiry, the Committee may exercise, in respect of that person, such of its powers set out in the Inquiries Act as it considers necessary or appropriate.¹³
15. The Clerk or a member of staff acting on behalf of the Clerk will endeavour, **one week** before the relevant meeting of the Committee, to provide you with the following information in writing:

⁸ Where such Inquiry has the power to compel the production persons, papers and records in its Terms of Reference.

⁹ Witnesses who receive a notice of intention to issue a direction have 14 days within which to make submissions about whether they should be so compelled under s.26(2). Only once the 14 day period for these submissions has expired may the Committee exercise its power to compel the person to attend. If you have been directed to attend, you should refer to s.26 of the Act and the Guidelines for Witnesses and other persons on Compellability

¹⁰ See s.26 of the Inquiries Act

¹¹ See s.31 of the Inquiries Act

¹² See s.28(1)(a) of the Inquiries Act.

¹³ See s.28(1)(b) of the Inquiries Act

- (a) the date, time and place of the meeting, its expected duration, planned breaks and an indicative timetable;
- (b) whether the meeting will be in public or in private session (while at the same time advising you that the Committee and Chairman retain a power to transfer the meeting from public session to private and vice versa);¹⁴
- (c) a schedule of documents the Committee may wish to refer to during the meeting (which will normally be limited to documents to which you have access including any documents furnished to you by the Committee); and,
- (d) details of other Guidelines which may be of relevance to you and providing instructions on how to access those Guidelines.

Written Statements

- 16. The Committee may invite a written statement or direct that one be provided¹⁵ in advance of the meeting. You are expected, and where so directed obliged, to cooperate with the Inquiry in terms of the structure, length or content of the statement to be submitted.
- 17. Unless otherwise specified, you must provide an electronic version of your witness statement in Word format.
- 18. Statements should be sent to the Clerk to arrive at least **two working days** before the date of the meeting unless earlier delivery has been requested or directed.
- 19. In general, statements may be circulated to other witnesses and Committee members and may be published online.¹⁶ The final decision on whether or not to circulate or publish all or part of a statement is the Committee's.¹⁷ If any issue arises in respect of a statement, the Committee and the witness will engage with each other in order to resolve any such issues. This may include, for example, giving you an opportunity to amend or withdraw your statement.

At the Meeting

Role of the Chairman

- 20. The Chairman of the Committee is responsible for the conduct of the meeting and for ensuring that it remains orderly, relevant and fair. If you have concerns in any of these areas in the course of a meeting, you should raise them with the Chairman.
- 21. For example, the Chairman has a role, if of the opinion that a person's good name is being impugned in contravention of the Inquiries Act, to direct the witness or Committee member responsible to cease questioning or giving evidence as appropriate.¹⁸

¹⁴See s.31 of the Inquiries Act. Further, if a private session was requested but the Committee has decided to hear all or part of the evidence in public, but the Committee disagrees, reasons will be given for such decisions.

¹⁵ See s.67(1)(a) of the Inquiries Act.

¹⁶ Such statements, if circulated to the Committee, may become a "document of a committee" under s.92. Please see below for further guidance on these legal provisions.

¹⁷ Subject to law including the Inquiries Act.

¹⁸ See s.23 of the Inquiries Act. Section 20 also sets out important powers of the Chairman to give such directions as are necessary to avoid contraventions of the Inquiries Act.

What the Committee will expect of Witnesses (Witness Responsibilities)

22. You will be expected to:
- (a) attend the Inquiry when directed or invited;
 - (b) arrive punctually for the meeting and make yourself known;
 - (c) assist the Committee, to the fullest extent possible, in its consideration of matters falling within the areas in which you have been asked to assist by giving evidence;
 - (d) give relevant, succinct and complete replies to questions asked;
 - (e) give the Committee documents it requests or directs;
 - (f) ensure that any documents you give the Committee are true, accurate and complete;
 - (g) preserve any relevant evidence¹⁹;
 - (h) behave in an appropriate manner;
 - (i) show respect to other witnesses;
 - (j) generally assist the forward progression of the Inquiry.
23. You should also be aware that certain misbehaviour:
- (a) may have serious consequences under the Inquiries Act (including, for example, that you may have to pay the legal costs of other witnesses to the Inquiry²⁰); and,
 - (b) may also amount to a criminal offence.²¹

How Witnesses can expect to be treated

24. Witnesses can expect to be treated fairly and with respect and consideration.
25. The Chairman and members of the Committee will give due consideration to reasonable requests for support and assistance from witnesses.²² They will also endeavour to:
- (a) put nervous or vulnerable witnesses at ease;
 - (b) pay special care to vulnerable witnesses;
 - (c) cater for witnesses with special needs;
 - (d) keep witnesses informed about delays;
 - (e) ensure that witnesses understand the meeting in which they are taking part;
 - (f) ensure that a person's right to their good name is respected;²³
 - (g) ensure that witnesses are treated in a respectful way.
26. Witnesses can expect that the following standards will apply in relation to Committee meetings:
- (a) you will be aware of the broad areas for consideration in your meeting (where possible you will have this information in advance of the meeting) and will only be questioned on matters coming within those areas. Note that under the Inquiries

¹⁹ See s.30 and s.32(2) of the Inquiries Act, which provide that there is an obligation to retain "relevant material" and failure to do so may amount to a criminal offence. If a witness is unsure about their obligations in this regard, they should contact the Witness Liaison Officer. In general, all persons are advised to take a prudent and cautious approach to any materials which may be of relevance to an Inquiry.

²⁰ See s.48(1)(d) and s.48 of the Inquiries Act. See also the *Guidelines for witnesses and other persons on Offences*.

²¹ See the *Guidelines for witnesses and other persons on Offences*.

²² Witnesses should also make contact with their Witness Liaison Officer if they have any practical issues when engaging with the Inquiry.

²³ See s.17, s.23, s.24 of the Inquiries Act and the *Guidelines for Witnesses or other persons Against whom Allegations are Made*.

Act a Committee will not direct (i.e. compel) a person to give evidence which is not relevant to the meeting.²⁴ If you have a concern in this regard, you may raise that concern with the Committee²⁵;

- (b) any and all undertakings given to you will be respected, including undertakings to protect the anonymity of witnesses where relevant;
- (c) you will not be questioned or otherwise involved in discussion of matters that are *sub judice* (i.e. before the Courts) save as provided for in the Inquiries Act and/or the Standing Orders of Dáil Éireann and/or Seanad Éireann.²⁶ If you have concerns in this regard, those concerns should be brought to the attention of the Witness Liaison Officer at the earliest opportunity;
- (d) during meetings held in public session reference will not, in general, be made to information discussed during private session.²⁷
- (e) witnesses will not be subjected to unduly lengthy questioning or required to attend meetings for an unreasonably lengthy period of time. As a general rule:
 - i. you will not be required to attend or present evidence or be subjected to questioning by members for periods in excess of three hours;
 - ii. where your attendance for longer periods is required, the meeting will be suspended for an appropriate period [minimum 15 minutes] after any three hour period of questioning;
 - iii. you will not be questioned continuously for a period of longer than three hours unless your express consent is given to proceed;
 - iv. if a witness has indicated to the Committee before their attendance date that, due to exceptional personal circumstances,²⁸ they will be unable to undergo standard periods of questioning, the Committee may schedule more frequent breaks.

27. If you are a civil servant, member of the Permanent Defence Force or Garda Síochána, or are a “*relevant person*”²⁹ under the Inquiries Act, you may give evidence for the purpose of establishing facts and giving the Committee a factual account of a matter. You may not be compelled to offer an opinion (nor indeed may you volunteer such an opinion) on the merits of a Government or Ministerial policy.³⁰ Further, if you are directed to furnish a Committee with a document which an “*appropriate person*”³¹ (essentially, your Principal Officer or Secretary General) believes contains material which includes an expression of opinion on Government or Ministerial policy, he or she must work with you to redact that document if necessary.³²

²⁴ See s.70 of the Inquiries Act. A person is also (in general) not obliged to answer any question which would reveal the contents of a private paper (see s.110), or official document (see s.115).

²⁵ See s.70(2) which in certain circumstances, gives the witness the right to a notice in writing of their decision (s.70(3)). See also the right to raise certain issues with the Chairman under s.94 of the Inquiries Act.

²⁶ These are available online at www.oireachtas.ie

²⁷ See s.31 of the Inquiries Act and the rules on privilege for details on the consequences of publication of such material.

²⁸ This might include, for example, serious ill health. If a witness feels that they have exceptional personal circumstances, they should furnish any supporting documentation for this to the Committee.

²⁹ See s.93(4) of the Inquiries Act.

³⁰ See s.93 of the Inquiries Act.

³¹ See s.93(4) of the Inquiries Act.

³² See s.93(2) and (3) of the Inquiries Act.. Please refer to section 93 of the Inquiries Act if this section applies to you for full details on its operation.

28. In general, witnesses are entitled to certain limited expenses, but are not entitled to legal costs. The position in relation to legal costs and expenses is set out in the Guidelines on Legal Costs and the Guidelines on Expenses.
29. If at any point you feel that any matter is not being inquired into or otherwise dealt with in accordance with the Inquiries Act, you should raise these issues with the Chairman and/or the Witness Liaison Officer on an informal basis. Alternatively, or if you do not feel that the issues you have raised informally have been satisfactorily addressed, you may give the Chairman a notice of objection in line with s.94 of the Inquiries Act. The Committee will then consider the notice and if it agrees with the notice, may take action on foot of same.³³ If the Committee disagrees with the notice, you are entitled to apply to Court for directions.³⁴ Alternatively the Committee may apply directly to Court for directions on the notice of objection.³⁵ If any of these steps are taken, the Committee may cease to inquire into the matter.³⁶
30. Witnesses should rest assured that reliance on any of their legal rights cannot amount to a finding of “relevant misbehaviour”³⁷ in line with the Inquiries Act. However in all other respects you are expected to cooperate to the fullest extent possible with the Inquiry.

Privilege

31. Privilege refers to a zone or area of legal immunity. The Inquiries Act bestows witnesses with numerous privileges which provide those witnesses with important protections. For full detail of those privileges witnesses should have regard to the Inquiries Act. A number of the most important privileges are as follows:
 - (a) In general³⁸, when giving a document to or giving evidence before the Inquiry, you have the same immunities and privileges and are subject to the same liabilities as a witness to proceedings in Court. This applies irrespective of whether the document or evidence is being given voluntarily or by direction of the Committee.³⁹ However you may still have to answer questions or furnish documents even if it will incriminate you or some other person.⁴⁰
 - (b) You are protected by absolute privilege against defamation in respect of any statement made in a Committee meeting (unless the Chairman of the Committee informs you to the contrary).⁴¹ This means that, in general, you have a full defence in any defamation action for anything said at a Committee meeting. However, you are expected not to abuse this privilege and may be directed to cease giving evidence on an issue at the Chairman’s direction. If you are directed to cease giving evidence in relation to a particular matter, any such evidence given after that direction will only attract qualified privilege in any defamation action. This will apply until the direction is withdrawn. Witnesses should note that privilege against defamation does not apply:

³³ See s.94(3)(a) of the Inquiries Act.. See also the prohibition on the direction of certain evidence under s.71 and 72. Further Guidance on these sections is available in the *Guidelines for Witnesses and other persons on Compellability*.

³⁴ See s.94(3)(b) of the Inquiries Act.

³⁵ See s.94(3)(d) of the Inquiries Act.

³⁶ For full details on this procedure, see s.94 of the Inquiries Act.

³⁷ See s.15 of the Inquiries Act.

³⁸ Note however the limitations set out in s.18(2) and (3). Witnesses should also have reference to s94.

³⁹ See s.18 of the Inquiries Act.

⁴⁰ See s.18(2) of the Inquiries Act. See also the section on Privilege in these Guidelines.

⁴¹ See further s.18 of the Inquiries Act and s.17 of the Defamation Act 2009.

- i. to the publication by you, in the public session of a meeting, of evidence or deliberations of matters arising from private session⁴²;
 - ii. to the publication by you, in any proceedings before the Inquiry, of an allegation which the Chairman directed should not be published⁴³ as it impugned the good name of a person;⁴⁴ or,
 - iii. to the publication by you, outside of the meetings held by the Committee, of any matters arising from the Inquiry.⁴⁵
- (c) Documents circulated to Committee members, including documents sent in by witnesses, may become “*documents of a committee*”.⁴⁶ Once a document of a committee is published, it becomes privileged.⁴⁷ In the case of documents of a committee which become privileged, it means you may have a defence of privilege in defamation proceedings in respect of any allegations within those documents.
- (d) The Inquiries Act provides that any statement or admission made during the course of the Inquiry, any document sent to the Committee under a direction⁴⁸ and any relevant report will be inadmissible in any other proceedings save for proceedings for an offence under the Inquiries Act or perjury.⁴⁹

Rights of Persons you identify in Evidence

32. If you identify a person who is not present at the Inquiry by name or in some other way such that they are identifiable, the Committee may send a transcript of the relevant part of the meeting to that person.⁵⁰ If that person believes that the transcript contains mistakes of fact or misstatements (including a misstatement which arises through an omission of context) in relation to them, they may then send a statement of evidence and any relevant documents to the Committee and/or may be allowed, on their request, to give oral evidence or to have the Committee direct another specified person to give oral evidence.⁵¹
33. If you impugn, or are likely to impugn, the good name of a person, that person may have extensive rights under the Inquiries Act.⁵²

⁴² See s.31(3) of the Inquiries Act.

⁴³ See s.23(1)(b) of the Inquiries Act.

⁴⁴ See s.23(2) of the Inquiries Act. See s.18 for the related issue of the privilege against defamation dropping to qualified privilege only in the case of a witness giving evidence.

⁴⁵ Save where otherwise provided by law, e.g. in the Defamation Act 2009. See also s.31(3) of the Inquiries Act.

⁴⁶ See s.92 of the Inquiries Act.

⁴⁷ Note also the power under s.92(4) whereby a document can cease to be a document of the Committee if it so decides. If this is done, the document will no longer have privilege against defamation. In s.2 of the Inquiries Act, “publish” is defined as follows: “*publish*”, in relation to a statement, utterance, allegation or document, means publish to the public or a section of the public”. See further s.92(2)(a) of the Inquiries Act.

⁴⁸ Within the meaning of either s.29(1) (b) or (c) of the Inquiries Act.

⁴⁹ See s.29(1) of the Inquiries Act. Note the further conditions at s.29(2) and (3), namely that if a document is otherwise available and was not created for the Inquiry it will be admissible in other proceedings, and that the House has the power to resolve to make documents of the Part 2 Inquiry available to other statutory authorities (not being a Court or disciplinary body).

⁵⁰ See s. 25(1) of the Inquiries Act.

⁵¹ See s.25(2)(a) and (b) of the Inquiries Act.

⁵² See the *Guidelines on witnesses or other persons against whom allegations are made*.

Witnesses may be Accompanied

34. Witnesses to the Inquiry are entitled to be accompanied by a legal practitioner.⁵³ If not availing of this option, witnesses may alternatively wish to be accompanied at the meeting by one person, for example a friend, colleague, counsellor or trade union representative, who may sit next to them. In public sessions, other friends and colleagues can in the normal course attend as members of the public and sit in the public gallery.
35. If you wish for any reason to be accompanied when giving evidence, you should notify the Committee, ideally when first invited to give evidence.⁵⁴ For requests to be accompanied other than by your legal practitioner, the Committee will decide such applications on a case by case basis.
36. It should be noted that the Committee will not pay the expenses incurred by virtue of having any person accompany a witness. The rules on whether you may be entitled to your legal costs are set out in the Guidelines on Legal Costs.
37. Save where agreed by the Committee or otherwise provided by law,⁵⁵ a person accompanying a witness will not be permitted to address the Committee or speak on behalf of the witness. Communication between the witness and the person accompanying them is permitted, but should not disrupt the meeting.

Attendance at and Broadcasting of Meetings

38. Meetings held in public session may be attended by the media and members of the public, and may be broadcast on television or radio, or streamed on the internet, in accordance with the Rules of Coverage.⁵⁶

Miscellaneous matters relevant to the conduct of the meeting

39. Written statements from people/bodies not invited to attend a meeting may, at the Committee's discretion, be taken into account by the Committee and where so taken into account, may be published in whole or in part by the Committee.

After the Meeting

Publication of Evidence

40. In terms of witnesses who give their evidence in public, the "official report of debates"⁵⁷ of each witness's evidence will, in general, be placed on www.oireachtas.ie

⁵³ See s.22 of the Inquiries Act.

⁵⁴ In terms of your legal practitioner, it is not a condition of your right to be accompanied that you give notice. In other words, you will be entitled to be accompanied even where you have not given notice. However it would greatly facilitate the smooth running of the Inquiry if witnesses did give prior notification of the fact that they will be accompanied by a legal practitioner.

⁵⁵ For example, a legal practitioner may cross-examine a witness under s.24(1)(b).

⁵⁶ The rules on broadcasting of meetings are set out at Standing Order 116 of the Standing Orders relative to Public Business of Dáil Éireann and at Standing Order 97 of the Standing Orders relative to Public Business of Seanad Éireann (both available on www.oireachtas.ie). These provide, *inter alia*, that "... recordings or extracts of the proceedings shall not be used in programmes of light entertainment, political satire, party political broadcasts or in any form of advertising or publicity, other than in the form of news and current affairs programme trailers..."

⁵⁷ The "official report of debates" is the phrase used to describe the record kept of evidence given by a witness at a public Committee meeting. In general, the official report is substantially but not strictly a verbatim record because it is accepted that the spoken word must be lightly edited for a readership rather than a listenership. However, where evidence is given under oath, the record of evidence given will be verbatim. The official report is always published in full (i.e. no parts of it are redacted.)

as soon as is practicable after the conclusion of their evidence.⁵⁸ The official report of debates may also be appended to any eventual report of the Committee.⁵⁹

41. Where evidence has been given at a meeting held in private session, an audio recording may be made of such evidence. The purpose of this recording is to assist the Clerk in compiling the minutes of the meetings. A transcript of evidence (in other words, an official report of debates) will not be prepared, printed or published unless a motion has been passed by the House to specifically sanction same. If it is proposed to bring such a motion, any witness who gave evidence in private session will be informed and will be given an opportunity to make submissions to the Committee on the proposed motion.

Further evidence

42. Any witness who wishes to give further evidence should contact the Clerk to the Committee. The Committee will consider such requests carefully. If the Committee wishes to recall a witness, the Clerk to the Committee will provide appropriate notice.
43. The Committee may also decide, at any point before it makes its report, to seek or accept further oral or written evidence from a witness or witnesses, either in relation to a particular aspect of the matter under examination or the matter generally.

The Committee's Report

44. Certain relevant persons must be furnished with a copy of the draft report⁶⁰ including a person who is named or is/would be otherwise identifiable or is/would be significantly affected by any proposed finding of fact or recommendation in the draft report. These persons have the right to make submissions on the content of the report⁶¹ in which the person can argue that certain information should be excluded. The Committee will then decide whether to amend the report on the basis of the submissions made.⁶² Note that, unless permitted by law, the Committee report will not make criticism of named or otherwise identifiable individuals.
45. Where evidence has been given in private session, the Committee will give careful consideration to how best to draw on, and explain in public, such evidence. It may also publish details of same, where appropriate and only where the consent of the witness has been obtained. This will be done with due regard to law and the rules and Standing Orders of the Houses.⁶³
46. Any Reports of the Committee will be published on the Oireachtas Website www.oireachtas.ie.

⁵⁸ For example, this process may be delayed if the circumstances in s.25 of the Inquiries Act arise.

⁵⁹ See s.33(1) of the Inquiries Act.

⁶⁰ See s.35 of the Inquiries Act.

⁶¹ See s.38 and s.39 of the Inquiries Act.

⁶² Further detail on this procedure will be furnished to any person given a draft report under s.35 of the Act.

⁶³ See the provisions of s.33 and in particular s.33(2) of the Inquiries Act which provide some of the key grounds under which a Committee may omit certain information from the Report.