

# Terms of Reference of the Forum on Parliamentary Privilege

---

1. The Ceann Comhairle has engaged persons to form a group to be known as the Forum on Parliamentary Privilege (hereinafter referred to as 'the Forum') to ensure that a fair balance is struck between freedom of debate for Members of the Dáil and the rights of individuals. The Forum will offer advice and recommendations to the Ceann Comhairle, who will bring the Forum's report to the Dáil Committee on Procedure for its consideration and to decide whether Dáil Standing Orders need to be amended.
2. The Forum shall consider and make recommendations on how to strike a fair balance in relation to:
  - (i) freedom of debate and protection of the citizen's constitutional rights to his or her good name and to privacy; and
  - (ii) freedom of debate and the rights of the individual in the context of court proceedings.

In particular the Forum shall consider the relevant provisions of the Constitution and Dáil Standing Orders, including:

- the use of parliamentary privilege under Article 15.10 of the Constitution, specifically the privilege arising from each House's power to ensure freedom of debate under that Article, and what amounts to a responsible use of this privilege;
- the operation of Dáil Standing Order 59 ('the *sub judice* rule');
- the operation of Dáil Standing Order 61 ('Defamatory Utterances');
- similar issues of privilege arising under Articles 15.12 and 15.13 of the Constitution;
- avenues of redress for persons who have been found to have been adversely affected by statements made under privilege;
- the sanctions which the Dáil may impose for abuse of privilege;

together with proposed changes to Dáil Standing Orders, and such other matters as the Forum thinks fit, in relation to the above.

3. The Forum shall include the following persons:
  - Professor David Farrell, Chair of Politics at University College Dublin and Head of the School of Politics and International Relations;
  - Ms Mary Hanafin, former Government Chief Whip;
  - Mr Conor Brady, writer and former editor of the Irish Times; and
  - Mr Conleth Bradley, Senior Counsel.
4. The chair of the Forum shall be Professor Farrell.
5. The Forum shall agree its own operating procedures, and shall hear and/or consider such submissions as it thinks fit, either verbal or written, as relate to its remit. The Forum may publish submissions on its website and it may include submissions received in its report under paragraph 7 of this proposal.
6. The Forum may prepare interim reports addressed to the Ceann Comhairle for transmission to the Dáil Committee on Procedure as it thinks fit.
7. The Forum shall make a final report to the Ceann Comhairle, for transmission to the Dáil Committee on Procedure, not later than 30 November 2017.
8. Any extension of the deadline for submission of the final report shall be approved by the Ceann Comhairle.

**Dublin, Tuesday, 01 August 2017**