



22 May 2023

Ms Sarah Cremin
Clerk
Committee of Public Accounts
Dáil Éireann
Leinster House
Dublin 2

Ref: S1290 PAC33

Dear Ms Cremin,

I refer to your letter to me of 9 May 2023.

I note that the Committee had agreed to refer the response received from the Department of Justice (your reference R1806 (ii) PAC33) and expresses dissatisfaction with it, in so far as that Department indicates that it is not, at present, undertaking any particular research on international best practice in respect of Tribunals of Inquiry and Commissions of Investigation.

On behalf of the Committee, you have sought views from this Department on the response provided to the Committee by the Department of Justice. In that regard I must observe that the detailed response provided by the Department of Justice sets out the current position in respect of the issues at hand.

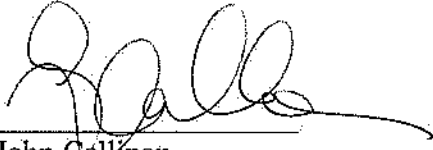
The point is emphasised in the letter from the Department of Justice that a principal reason for the length and cost of such inquiries is the importance of ensuring a high standard of procedural fairness if followed by the inquiries, given that very important constitutional rights of individuals are engaged, and that these rights must be protected properly if any inquiry is to be conducted appropriately.

As the Committee will appreciate, the powers provided in law to inquiries are very significant and the impact on individuals could be very adverse indeed if high standards of procedural fairness are not afforded to them in the conduct of inquiries.

It would appear also not an unreasonable point for the Department of Justice to advance that as the protection of those procedural rights must take place in the context of the State's legislative and constitutional framework, the immediate value of international comparison is reduced when the Irish legal context must be the relevant frame of reference.

I trust this will be of assistance to the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Callinan', written over a horizontal line.

John Callinan
Secretary General