



*Minutes of Commission Meeting
Wednesday, 8 October, 2014*

1. The eighth meeting of the Commission of 2014 took place at 2.00 p.m. in Room 2, Leinster House.

2. **MEMBERS PRESENT**

Deputy Seán Barrett, Ceann Comhairle (Chairperson), Senator Paddy Burke, Cathaoirleach of the Seanad (Deputy Chairperson), Deputy Bernard Durkan, Senator Marc MacSharry, Senator Tom Sheahan and Senator John Whelan.

Apologies were received from Deputy John Browne, Deputy Frank Feighan, Deputy Dan Neville and Deputy Jack Wall.

3. **CONDOLENCES**

The Chairperson, on behalf of the Commission, expressed condolences to Deputy Jack Wall on the death of his wife Anne.

4. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 23 September 2014 were agreed by the Commission.

5. **RESPONSE TO THIRD PARTY LEGAL PROCEEDINGS INITIATED AGAINST MEMBERS OF THE COMMITTEE OF PUBLIC ACCOUNTS AND OTHERS**

The Commission was briefed by Senior Counsel on the legal opinion furnished in connection with the legal proceedings initiated against members of the Committee of Public Accounts and others.

The Commission agreed to table a motion in the Dáil to seek authorisation, pursuant to section 4(2)(f)(iv) of the Houses of the Oireachtas Commission Acts 2003 to 2013, to instruct legal representatives in relation to the proceedings on behalf of the members concerned and as regards matters arising solely from the performance by them of their parliamentary functions as members of Dáil Éireann.

The Commission approved the wording of the motion to be tabled in the Dáil for this purpose [see attachment].

The Commission further agreed that the proceedings should be conducted in a manner that safeguards public funds.

The Commission agreed that the members of the Committee of Public Accounts would be advised of the terms upon which the proceedings would be conducted. It requested that a draft letter to each named respondent be prepared by the Office of the Parliamentary Legal Adviser.

The Commission granted authorisation to instruct legal representatives in accordance with the Houses of the Oireachtas Commission Acts in relation to the legal proceedings initiated against members of the staff of the Service who have been joined as respondents to the proceedings.

The Commission noted that interim sanction for legal fees in respect of the proceedings was provided by the Assistant Secretary General in consultation with the Chair of the Finance Committee.

In order to minimise the use of public resources in legal services by the Houses, the Commission requested that a protocol on legal and procedural advice to Oireachtas Committees, including the obligations of Committees in respect of such advice, be prepared and issued to Committee Chairs and Committee Clerks.

6. ANY OTHER BUSINESS

There being no other business, the meeting adjourned at 3.30 p.m.

SEÁN BARRETT, T.D.,
Ceann Comhairle and Chairperson of the Commission.

Dated:

APPENDIX

Motion

Proposed authorisation by Dáil Éireann for the Houses of the Oireachtas Commission to instruct legal representatives

That Dáil Éireann, pursuant to section 4(2)(f)(iv) of the Houses of the Oireachtas Commission Acts 2003 to 2013, hereby authorises the Houses of the Oireachtas Commission to instruct legal representatives, in a manner that safeguards public funds, in relation to legal proceedings initiated against Deputy John McGuinness, Deputy Mary Lou McDonald, Deputy Shane Ross, Deputy Áine Collins, Deputy Paul J. Connaughton, Deputy John Deasy, Deputy Robert Dowds, Deputy Seán Fleming, Deputy Simon Harris, Deputy Eoghan Murphy, Deputy Gerald Nash, Deputy Derek Nolan and Deputy Kieran O'Donnell, in the matter of *Angela Kerins v Deputy John McGuinness and others* (Record No. 2014/431JR) arising solely out of the performance by the members concerned of their parliamentary functions as members of Dáil Éireann.