



*Minutes of Commission Meeting
Tuesday 29 September 2015*

1. The ninth meeting of the Commission of 2015 took place at 12.00 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 Tom Sheahan and Senator John Whelan.

Apologies were received from Deputy John Browne, Deputy Olivia Mitchell, Senator Marc MacSharry, Deputy Dan Neville and Deputy Jack Wall.

3. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 15 July 2015 were agreed by the Commission.

4. **LEGAL UPDATE FROM THE OFFICE OF THE PARLIAMENTARY LEGAL ADVISER**

The Commission was briefed by the Office of the Parliamentary Legal Adviser on legal proceedings involving the Houses of the Oireachtas.

In noting that legal costs awarded to the Commission and other amounts remained outstanding, and in accordance with its statutory obligation to oversee ongoing expenditure by the Houses, the Commission agreed that further correspondence and, where necessary, legal proceedings would issue to seek recovery of costs and moneys owing.

5. **LEGAL PROCEEDINGS ISSUED AGAINST THE COMMITTEE ON PROCEDURE AND PRIVILEGES OF DÁIL ÉIREANN AND OTHERS**

The Chairperson, Deputy Seán Barrett (Ceann Comhairle) declared an interest in this item of business as Chairperson of the Committee on Procedure and Privileges of Dáil Éireann.

The Commission considered a letter on behalf of the Committee on Procedure and Privileges (CPP) of Dáil Éireann requesting the Commission to seek authorisation of the Dáil, pursuant to section 4(2)(f)(iv) of the Houses of the Oireachtas Commission

Acts 2003 to 2013, to conduct the defence of proceedings issued against members of the Dáil CPP and the Clerk of the Dáil. It was noted that the Clerk of the Dáil was joined to the proceedings in a representative capacity as representing the members of Dáil Éireann.

The Commission agreed to sponsor the tabling of a motion in the Dáil to seek authorisation, pursuant to the said section 4(2)(f)(iv) of the Commission Acts, to conduct the defence of the proceedings on behalf of the members concerned arising solely out of 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]. It was agreed the Deputy Bernard Durkan would move the motion on behalf of the Commission.

6. JOINT COMMITTEE OF INQUIRY INTO THE BANKING CRISIS

(i) Report on Banking Inquiry costs and project update

The Commission noted a report on the Banking Inquiry Costs and project update for the period June 2014 to June 2015. The report also included information on staff resources for the Inquiry and budgetary commitments.

The Commission also noted that further reports on inquiry costs will be published in October and at the conclusion of the Inquiry.

(ii) Report on certain matters concerning the investigation team working to the Joint Committee of Inquiry into the Banking Crisis

The Commission noted the redacted executive summary of the Independent Investigation Report into the protected disclosure made by a person engaged to assist members of the Banking Inquiry. The Commission welcomed the unambiguous finding of the independent Investigator, Mr. Senan Allen SC, that there was no substance whatsoever in any of the allegations.

7. NECESSARY MAINTENANCE WORKS IN LEINSTER HOUSE

The Commission noted the progress in relation to necessary maintenance works in Leinster House and agreed that the projects scheduled should proceed in the most cost effective manner.

8. ANY OTHER BUSINESS

(i) Letter from ASH Ireland

The Commission considered a letter from ASH Ireland requesting that consideration be given to making the Leinster House complex entirely smoke-free.

The Commission reaffirmed its earlier decision in this matter, that smoking is permitted only in the designated smoking areas in the complex, and requested the Superintendent to take steps to ensure strict compliance with this policy.

(ii) *Email from the Advisory Board Member of the 69th Regiment Historical Trust, New York*

The Commission considered correspondence from the Advisory Board Member of the 69th Regiment Historical Trust, New York, requesting a short term loan of the flag of the 69th Regiment, displayed in Leinster House, for the 1916 commemoration events planned to take place in New York.

In view of the historical significance of the flag the Commission did not approve the request.

(iii) *Library & Research Service's Proposed Survey of Members*

The Commission noted that the Library & Research Service (L&RS) proposed to undertake a survey of a cohort of up to 25 Members and their staff to evaluate their experience of the L&RS 'Digest' service and to identify and respond to their ongoing requirements in relation to the service.

There being no other business, the meeting adjourned at 1.45 p.m.

SEÁN BARRETT, T.D.

Ceann Comhairle and Chairperson of the Commission

Dated:

APPENDIX

Motion seeking authorisation of the Dáil, pursuant to section 4(2)(f)(iv) of the Houses of the Oireachtas Commission Acts 2003 to 2013, to conduct the defence of proceedings issued against members of the Dáil Committee on Procedure and Privileges and the Clerk of the Dáil (representing the members of Dáil Éireann)

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 conduct the defence of the proceedings initiated against the Clerk of Dáil Éireann (in a representative capacity as representing the members of Dáil Éireann), Deputy Seán Barrett, Ceann Comhairle, Deputy Joe Carey, Deputy John Halligan, Deputy Martin Heydon, Deputy Paul Kehoe, Deputy John Lyons, Deputy Dinny McGinley, Deputy Seán Ó'Fearghaíl, Deputy Aengus Ó'Snodaigh and Deputy Emmet Stagg (as members of the Committee on Procedure and Privileges of Dáil Éireann), in a manner that safeguards public funds, in the proceedings entitled *Denis O'Brien v Clerk of Dáil Éireann and others* (High Court Record No. 2015/4888P) arising solely out of the performance by the members concerned of their parliamentary functions as members of Dáil Éireann.