



**Tithe an  
Oireachtais  
Houses of the  
Oireachtas**

# **Witness Protocol**

## **for Persons Giving Evidence to Committees of the Houses of the Oireachtas**

**Last updated December 2020**

**Approved by the Committees on Parliamentary Privileges and Oversight of  
Dáil Éireann and Seanad Éireann**

## Contents

Introduction .....	3
Aims .....	4
Principles .....	4
Purpose of the Meeting.....	5
Communication with Witnesses.....	5
Written Statements.....	6
At the Meeting .....	7
Role of the Chair .....	7
Privilege.....	8
What the Committee asks of Witnesses.....	9
How Witnesses can expect to be treated .....	9
Remedies.....	11
Attendance at and Broadcasting of Meetings .....	13
Witnesses may be Accompanied .....	13
Miscellaneous matters relevant to the conduct of the meeting .....	13
After the Meeting.....	14
Publication of Evidence .....	14
Further evidence .....	14
The Committee’s Report .....	15

## Introduction

1. This Protocol applies to witnesses who are asked to appear before or provide documents to Oireachtas Committees while engaged in ordinary committee business.<sup>1</sup> If you have been directed (i.e. compelled) to attend before a Committee or to give evidence or provide documents to a Committee, please read this Protocol in conjunction with the [Guidelines for Witnesses on Compellability](#).<sup>2</sup>
2. For further information on the particular Committee which you will be assisting, please see [www.oireachtas.ie/en/committees/](http://www.oireachtas.ie/en/committees/) where you will find general details about the Committee, as well as its Terms of Reference.<sup>3</sup> The Terms of Reference set out, among other things, some of the powers and areas of remit of the Committee.
3. This Protocol addresses:
  - what a Committee expects from witnesses<sup>4</sup>;
  - the rights and responsibilities of witnesses; and
  - what witnesses may expect from the Committee and the staff acting on its behalf or otherwise in support of it.
4. This document is intended to assist witnesses in engaging with a Committee. The Protocol does not expressly distinguish between persons who are accountable to a Committee under a statutory or other duty from individuals with no such obligation. However, Committees will take a witness's status into account, and accountable persons should expect to be held to a different standard to, for example, a private individual. The provisions of this Protocol should be read accordingly.
5. **This Protocol does not purport to be a legal interpretation of the [Houses of the Oireachtas \(Inquiries, Privileges and Procedures\) Act 2013](#) or any other legislation mentioned within it. This document should not be used as a substitute for legal advice. This Protocol is not intended to have binding legal effect.**
6. **This document has been approved by the Committees on Parliamentary Privileges and Oversight of Dáil Éireann and Seanad Éireann<sup>5</sup> and is subject to periodic review.**

---

<sup>1</sup> This Protocol has been prepared under s.79 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 and in particular, s.79(2)(a).

<sup>2</sup> In case of any conflict, the *Guidelines for Witnesses on Compellability* should take precedence.

<sup>3</sup> Also referred to as "Orders of Reference".

<sup>4</sup> For convenience, both persons giving evidence to and otherwise appearing before a Committee are referred to as "witnesses" throughout this document.

<sup>5</sup> The predecessors-in-title for these Committees were the Committee on Procedure of Dáil Éireann and the Committee on Procedure and Privileges of Seanad Éireann.

## Aims

7. This Protocol is 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 the purpose of your attendance is concerned;
    - b) how your attendance will be managed;
    - c) your rights and privileges as a witness and how these will be applied in practice;
    - 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 at a meeting held in public or private session;
  - 3) you have confidence that you will be treated fairly, with respect 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 meetings are conducted, the conclusions arrived at and recommendations made by the Committee.

## Principles

8. Committees are committed to proceeding in a manner that fosters and maintains public confidence in their objectivity and fairness. They will endeavour to ensure that their 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 their process.
9. In the interests of openness and transparency, all evidence given before Committees should be given in public unless there are compelling reasons for the taking of evidence in private session. A decision to take evidence in private session is one entirely for the Committee to take. Any such decision will, however, be taken for stated reasons.
10. Committee meetings should proceed in a spirit of co-operation. In particular, the Chair of the Committee will endeavour to ensure that proceedings are conducted in a manner consistent with this Protocol, 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. Witnesses' assistance to the Committee is voluntary and they may leave the Committee meeting at any stage in the proceedings.

11. The Committee is not bound by the strict rules of evidence that apply in the Courts but in accepting evidence, the Committee will always seek to have regard to fair procedures and natural justice and the rights of those affected by such evidence.

### Purpose of the Meeting

12. A broad purpose for the meeting will be agreed by the Committee which will be within the Terms of Reference of the Committee. 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. This will enable witnesses to give maximum assistance to Committees in their deliberations. 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

13. Communications from the Committee to witnesses will generally issue through the Clerk.
14. Communications requesting or directing (i.e. compelling) persons to attend will generally issue not less than **ten calendar days** in advance of the proposed date of the meeting.<sup>6</sup> This initial communication with a witness will be in writing, signed by the Committee Chair, will provide contact details for the Clerk to the Committee (to whom correspondence should be directed or copied) and will set out the date, time and location of the proposed meeting and the broad areas for consideration.
15. This communication will also, where possible, set out the broad areas where the Committee believes the person can offer evidence, and invite the person to:
  - a) confirm their availability to attend on the dates specified;
  - b) where relevant, make a written statement;
  - c) make any other requests he or she wishes the Committee to consider (including whether he or she wishes to be accompanied).
16. This initial communication will make clear to witnesses that Committees meet in public unless there are exceptional circumstances which necessitate a private meeting.
17. Proposed witnesses will also be furnished with:
  - a) a copy of this Protocol;
  - b) [Guidance Note: Making Witness Submissions and Oral Presentations to Oireachtas Committees](#); and
  - c) the Terms of Reference of the Committee.

---

<sup>6</sup> As mentioned above, if you have been directed to give evidence please also have reference to the *Guidelines for Witnesses on Compellability*.

18. The Clerk to the Committee or a member of staff acting on behalf of the Clerk will endeavour, **five calendar days** before the relevant meeting of the Committee, to provide each witness with the following information in writing:

- a) the date, time and place of the meeting, its expected duration, planned breaks and an indicative timetable;
  - b) whether the meeting will be held in public or in private session (while at the same time advising the witness that the Committee retains a discretion to transfer the meeting from public session to private and vice versa);<sup>7</sup>
  - c) a schedule of documents the Committee may wish to refer to during the meeting (which will normally be limited to documents the witness has access to or would have had access to, including those furnished to the person by decision of the Committee); and
  - d) an indicative list of names of proposed attendees at the meeting (including committee members and other witnesses, save for witnesses who have been granted anonymity etc.)
- The Clerk will endeavour to inform you of any change in details of witnesses attending the meeting as they arise.

The timeframes set out above are best practice and should be met save in exceptional circumstances. If a Committee fails to meet those timelines, for example, where you have not received the recommended 10 days' notice of the meeting, clear reasons should be provided to you as to why this it is necessary to shortcut this process. If you feel you are unable to prepare adequately for a meeting as a result of the timeframes not being met, please contact the Clerk to the Committee.

Equally, if any of the other matters which should be contained in the communications to you have not been addressed adequately (for example if the matters for which you are being invited to attend have not been clearly outlined) please contact the Clerk to the Committee.

### Written Statements

19. The Committee may invite<sup>8</sup> a written statement in advance of the meeting and the person concerned may in any case provide a written statement if he/she wishes. Witnesses should comply with reasonable requests of the Committee as regards structure, length or the content of statements to be submitted.

---

<sup>7</sup>If a private session was requested but the Committee has decided to hear all or part of the evidence in public, or if the witness has asked not to be identified, but the Committee disagrees, reasons will be given for such decisions.

<sup>8</sup> In certain circumstances a Committee also has the power to direct (i.e. compel) you to give a statement. As mentioned above, if you have received such a direction please have reference to the *Guidelines for Witnesses on Compellability*.

20. In order to allow the Houses of the Oireachtas to comply with their obligations under the [Disability Act 2005](#), witnesses are asked, so far as possible, to e-mail their statements in Word format to the Clerk to the Committee.
21. All statements relating to evidence to be heard in public will be treated as publishable unless reasons are given why they should not be published, and the Committee agrees that the statement should not be published. If the Committee does not agree, you will be informed and given an opportunity to amend or withdraw your statement. The final decision on whether to publish all or part of a statement is the Committee's.
22. Statements should be sent to the Clerk to the Committee to arrive at least **three calendar days** before the date of the meeting unless earlier delivery has been requested. These statements may be circulated to other witnesses and Committee members, unless they contain confidential information which has been clearly identified by the witness as being confidential, and which the Committee agrees is in fact confidential. If the Committee does not agree, you will be informed and given an opportunity to amend or withdraw your statement.
23. Documents circulated to Committee members, including documents sent in by witnesses, generally become "committee documents". Once such a committee document is published, it becomes privileged.<sup>9</sup> Privilege refers to a zone or area of legal immunity. In the case of committee documents which become privileged, it means that you may have a defence of privilege in defamation proceedings in respect of those documents.

## At the Meeting

### Role of the Chair

24. The Chair of the Committee has overall responsibility for the conduct of committee meetings. Some specific responsibilities of the Chair are provided for in Standing Orders<sup>10</sup> and some of the more significant ones are set out in this Protocol. If a witness has any questions about rights and responsibilities stemming from the Standing Orders s/he may raise these with the Clerk.
25. The Chair is the sole judge of order in proceedings and has authority to suppress disorder and to enforce obedience to his or her ruling.<sup>11</sup> The Chair also has authority to interpret Standing Orders and to rule on matters which are not expressly covered in Standing Orders, including matters relating to relevance, repetition and appropriate use of privilege during debate.<sup>12</sup>

---

<sup>9</sup> 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.

<sup>10</sup> Standing Orders are the rules which govern the work of the Oireachtas

<sup>11</sup> Dáil Standing Order 72(2) and Seanad Standing Order 50(2).

<sup>12</sup> Dáil Standing Order 72(3) and Seanad Standing Order 50(3).

26. The Chair is responsible for ensuring compliance by his/her Committee with the Standing Orders and rules laid down by the House/s and for the orderly and fair conduct of the proceedings of the Committee.<sup>13</sup> .
27. The responsibility of the Chair also includes<sup>14</sup>:
- balancing the rights of persons referred to during proceedings with the rights of members, and ensuring that the Committee complies with the terms of this Witness Protocol;
  - ensuring that the Committee acts within the scope of its Terms of reference (also referred to as Orders of Reference) as agreed by the House or Houses by which it was appointed;
  - ensuring that the Committee acts within the scope of the terms of any invitation issued to any witness to appear before the Committee;
  - ensuring order in the Committee, including ruling on matters of order when requested to do so by a member, witness or third party;
  - ensuring compliance with such administrative rules governing Committees as may be determined by the Houses of the Oireachtas Commission.

If a witness has concerns in respect of any of the above during a meeting, they should be raised with the Chair<sup>15</sup>. See further the section on 'Remedies' below.

## Privilege

28. Witnesses giving evidence from within the parliamentary precincts are protected by absolute privilege in respect of the evidence they give to a Committee<sup>16</sup>. This means that a witness has a full defence in any defamation action for anything said at a Committee meeting. However, witnesses are expected not to abuse this privilege and may be directed to cease giving evidence on an issue at the Chair's direction. Witnesses should follow the direction of the Chair in this regard and are reminded of the longstanding parliamentary practice to the effect that, as is reasonable, no adverse commentary should be made as against an identifiable third person or entity.
29. Witnesses who are to give evidence from a location outside the parliamentary precincts are asked to note that they may not benefit from the same level of immunity from legal proceedings as a witness giving evidence from within the parliamentary precincts, and may consider it appropriate to take legal advice on this matter.

---

<sup>13</sup> Dáil Standing Order 105 (1) and Seanad Standing Order 79(1).

<sup>14</sup> Dáil Standing Order 105 (2) and Seanad Standing Order 79(2).

<sup>15</sup> Where a Chair fails to meet his/her responsibilities, he/she may be censured by the Committee and reported to the Committee on Parliamentary Privileges and Oversight – see Dáil Standing Order 105(4) and Seanad Standing Order 79(4).

<sup>16</sup> Article 15.12 Irish Constitution.



30. Privilege against defamation does not apply to the publication by you, outside of the proceedings held by the Committee, of any matters arising from the proceedings.

### What the Committee asks of Witnesses

31. You are asked to:
- a) attend the meeting when invited or directed;
  - 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 invited by giving relevant, succinct and complete replies to questions asked;
  - d) give the Committee documents it requests;
  - e) ensure that any documents you give the Committee are true, accurate and complete;
  - f) preserve any relevant evidence;
  - g) behave in an appropriate manner;
  - h) show respect to other witnesses;
  - i) generally, assist the forward progression of the Committee meeting.

### How Witnesses can expect to be treated

32. Witnesses can expect to be treated fairly and with respect.
33. The Chair will give due consideration to reasonable requests for support and assistance from witnesses. The Chair will also endeavour to:
- a) put nervous or vulnerable witnesses at ease;
  - b) give special care and attention to vulnerable witnesses;
  - c) cater for witnesses with additional needs;
  - d) keep witnesses informed about delays and, in particular, will undertake to inform witnesses of foreseeable delays before the witness attends at the Houses of the Oireachtas;
  - e) ensure that witnesses understand the proceedings in which they are taking part;
  - f) ensure that a person's right to their good name is respected;
  - g) ensure that witnesses are treated in a respectful way.
34. 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 at the meeting which you have been asked to attend and can reasonably be expected to only be questioned on matters coming within those areas. It is your decision as a witness as to whether you consent or refuse to

answer questions which go beyond the remit of the Committee or beyond the terms of the letter of invitation and you will not be penalised if you so refuse;

- b) any or all undertakings given to you will be respected, including undertakings to protect the anonymity of witnesses where relevant;
- c) with the exception of cases where you have been directed (i.e. compelled) to give evidence under the [Houses of the Oireachtas \(Inquiries, Privileges and Procedures\) Act 2013](#), a decision by you to refuse to answer a question for a stated reason will be respected. If the stated reason refers to a matter which may in fact be suitable for private session (e.g. if it involves commercially sensitive or otherwise confidential information), the Committee may move the meeting to private session to deal with the particular issue at hand;
- d) witnesses will not be questioned or otherwise involved in discussion of matters that the Committee knows to be *sub judice* save as provided for in the Standing Orders of Dáil Éireann and/or Seanad Éireann.<sup>17</sup> If a witness has concerns in this regard, those concerns should be brought to the attention of the Chair at the earliest opportunity;
- e) during public session reference will not, in general, be made to information discussed during private session;
- f) witnesses will not be subjected to unduly lengthy questioning or required to attend meetings for an unreasonably lengthy period. 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 two hours;
  - ii. where your attendance for longer periods is required, the meeting will be suspended for an appropriate period [minimum 15 minutes] after any two-hour period of questioning;
  - iii. you will not be questioned continuously for a period of longer than two 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 their personal circumstances,<sup>18</sup> they will be unable to undergo standard periods of questioning, the Committee may schedule more frequent breaks.

35. If you are a civil servant, member of the Permanent Defence Force or Garda Síochána, or are a “relevant person”<sup>19</sup> under the [Houses of the Oireachtas \(Inquiries, Privileges and Procedures\) Act 2013](#), 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

---

<sup>17</sup> See Dáil Standing Order 69 and Seanad Standing Order 47.

<sup>18</sup> This might include, for example, serious ill health. Where appropriate, supporting documentation may be furnished to the Committee.

<sup>19</sup> See s.93(4).

volunteer such an opinion) on the merits of a Government or Ministerial policy.<sup>20</sup> Further, if you are directed to furnish a Committee with a document which an “*appropriate person*”<sup>21</sup> (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.<sup>22</sup> Please refer to section 93 of the Act if this section applies to you for full details on its operation.

## Remedies

36. Where a witness or a member requests a ruling on a matter of order, the Chair shall rule on the matter forthwith, or as soon as practicable.<sup>23</sup> This includes:<sup>24</sup>
- a) the relevance of proceedings to the orders of reference (or Terms of Reference) of the Committee;
  - b) the relevance of questioning to the matter or matters under examination during the proceedings as set out in the invitation to the witness;
  - c) utterances made in the course of the proceedings;
  - d) inadequate notice of matters raised during the proceedings, including documents;
  - e) compliance by the Committee with the terms of this protocol, or
  - f) any other matter relating to the general conduct of the proceedings.
37. If the Chair makes a ruling on a matter of order, and a member of the Committee fails to respect that ruling, the Chair has power to require the person to withdraw and/or in serious cases, to recommend the Member’s suspension from the Committee.<sup>25</sup>
38. Witnesses should be aware that under the [Houses of the Oireachtas \(Inquiries, Privileges and Procedures\) Act 2013](#) it is possible for witnesses to make an application to the High Court for directions. However, this only applies where a Committee is using a power under the Act to compel the witness to appear or provide documents and the witness believes that the actions of the Committee are not in accordance with that Act. Compelled witnesses should read the separate [Guidelines for Witnesses on Compellability](#).
39. Following the conclusion of a meeting, if you feel you have been adversely affected by an utterance at that meeting, you may make a written submission to the Clerk of the Committee within 6

---

<sup>20</sup> See s.93.

<sup>21</sup> See s.93(4).

<sup>22</sup> See s.93(2) and (3).

<sup>23</sup> Dáil Standing Order 96A(1) and Seanad Standing Order 72A(1).

<sup>24</sup> Dáil Standing Order 96A(2) and Seanad Standing Order 72A(2).

<sup>25</sup> See further Dáil Standing Order 113 and Seanad Standing Order 89.

weeks.<sup>26</sup> There is no provision to extend this deadline. The Clerk shall then bring your submission to the attention of the Chair. The relevant Standing Order defines “*adversely affected by an utterance*” as meaning that a person has been referred to in proceedings by name or in such a way as to be readily identifiable, and there is a significant likelihood that that person, to a substantial degree:

- a) has been adversely affected in reputation, or in respect of dealings or associations with others,
- b) has been injured in occupation, trade, office or financial credit, or
- c) has had their privacy unreasonably invaded,

by reason of that reference to them. An utterance which has had an adverse effect on a person will not necessarily constitute an abuse of privilege within the meaning of the Standing Orders.

40. The Chair has a duty to make a determination on your submission. If you are unhappy with that determination (or the Chair fails to make one within six weeks of your submission being received by the Clerk) you can make a further submission to the Committee on Parliamentary Privileges and Oversight no later than 12 weeks following the making of the initial submission.<sup>27</sup> Where your submission to the Committee on Parliamentary Privileges and Oversight has been made outside the 12 week period, it may extend the time for you to do so, but such extensions are exceptional, and the Committee will only grant such an extension where you have acted promptly, and there are compelling reasons supported by evidence. A complaint may be made under this Standing Order against any member of the Committee, including the Chair.
41. The Committee on Parliamentary Privileges and Oversight will determine the matter and may make such recommendations as it considers appropriate and will report to the Dáil thereon. The recommendations may, for example, include an instruction to a Committee to take specified actions or the censuring of a member for stated reasons<sup>28</sup>. When that committee is considering the matter, it will take into consideration such issues as are referred to the *Guidelines agreed by the Committee on Parliamentary Privileges and Oversight as to the appropriate and relevant considerations for the determination of submissions and referrals arising under Dáil Standing Orders 71, 71A and 71B and Seanad Standing Orders 49A, 49B and 49C* published on [www.oireachtas.ie](http://www.oireachtas.ie).

---

<sup>26</sup> Dáil Standing Order 71 and Seanad Standing Order 49A.

<sup>27</sup> For full details on this process see Dáil Standing Orders 71 and 71A and Seanad Standing Orders 49A and 49B.

<sup>28</sup> Dáil Standing Order 71A(10) and Seanad Standing Order 49B(10).

## Attendance at and Broadcasting of Meetings

42. Public meetings 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.<sup>29</sup>

## Witnesses may be Accompanied

43. Witnesses may wish to be accompanied at meetings, for example, by a friend, colleague, counsellor or trade union representative, who may sit next to them if permitted to attend. For meetings held in public session, other friends and colleagues can in the normal course attend as members of the public and sit in the public gallery. If a witness wishes for any reason to be accompanied when giving evidence, he/she should so request, ideally when first invited to give evidence.<sup>30</sup>
44. The Committee will consider all such requests on a case by case basis. Save in exceptional circumstances, witnesses are expected to attend Committee meetings by themselves. Exceptional circumstances would include, for example, if a witness has additional needs. It should be noted that, save where required by law, the Committee will not pay the expenses incurred by virtue of having any person accompany a witness.
45. Save where agreed by the Committee, a person accompanying a witness will not be permitted to address the Committee or speak on behalf of witnesses. Communication between the witness and the person accompanying them is permitted but should not disrupt the meeting.

## Miscellaneous matters relevant to the conduct of the meeting

46. Written statements from people or 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, will be published in full by the Committee subject to the guidance on confidentiality above.
47. If during the meeting, a person is named or otherwise identified who is not present at the meeting, they may be, at the Committee's discretion, provided with transcripts of relevant evidence. Those persons may then send a statement and/or relevant documents to the Committee, if they are of the opinion that there is any mistake of fact or misstatement (including a misstatement which arises through omission of context) in the transcript which affects them. Such person may also make a

---

<sup>29</sup> The rules on broadcasting of proceedings are set out at Dáil Standing Order 158 and at Seanad Standing Order 97. 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..."

<sup>30</sup> If you have been directed (i.e. compelled) to attend before the Committee, you are entitled, under Standing Order 97(4) and Seanad Standing Order 73(4), to be accompanied by a legal practitioner. See further the *Guidelines for Witnesses on Compellability*.

submission to the Committee and to the Committee on Parliamentary Privileges and Oversight if they have been adversely affected by any utterance made in Committee proceedings<sup>31</sup>.

## After the Meeting

### Publication of Evidence

48. 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<sup>32</sup> 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.)
49. In terms of witnesses who give their evidence in public, the official report of each witness’s evidence will, in general, be placed on the Committee’s section of the Oireachtas Website, [www.oireachtas.ie](http://www.oireachtas.ie), as soon as is practicable after the conclusion of their evidence. The official report of debates may also be appended to any eventual report of the Committee.
50. 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 proceedings. 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 on the proposed motion. Though confidential to the Houses, such recordings are not considered to form part of the Official Record of the Houses and are deleted once they are no longer required.<sup>33</sup>

### Further evidence

51. 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 Committee will provide such notice as it considers to be reasonable in the circumstances.

---

<sup>31</sup> Dáil Standing Order 71 and 71A and Seanad Standing Order 49A and 49B.

<sup>32</sup> also commonly called “the transcript”

<sup>33</sup> i.e. once the recording is no longer required because the minutes of proceedings of the Committee or a draft report of the Committee to which they relate has been approved by the Committee.

52. 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

53. A Committee report will not make findings of fact which impugn the good name of named or otherwise identifiable individuals. The Committee has a discretion to furnish its draft report to certain persons, including any person who is named or is otherwise identifiable or is significantly affected by any proposed finding or recommendation in the draft report. Any person whom the Committee chooses to furnish with the draft report may be offered the opportunity to make submissions on the content of the report including arguing whether any information should be excluded. The Committee will then decide whether to amend the draft report based on the submissions made.
54. Where evidence has been given at a meeting held 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 (including the laws on breach of confidence) and the Standing Orders of the Houses.
55. Any Reports of the Committee will be published on the Committee's section of the Oireachtas Website, [www.oireachtas.ie](http://www.oireachtas.ie) .