Independent review of certain matters concerning the investigation team working to the Joint Committee of Inquiry into the Banking Crisis

Terms of Reference

The Acting Clerk of Dáil Éireann, Peter Finnegan, has engaged Mr Senan Allen SC to carry out an independent review of certain matters concerning the investigation team working to the Joint Committee of Inquiry into the Banking Crisis (the “Banking Inquiry”).

The decision to initiate this review was made following consideration of a detailed report from a member of staff.

The review is being conducted on behalf of the Acting Clerk of Dáil Éireann to establish if further action is required to be taken by the Houses of the Oireachtas Service (“Service”).

Terms of Reference

1. To conduct an independent review on behalf of the Acting Clerk of Dáil Éireann of the issues raised in a document entitled Report on the Operation of the Investigation Team dated 10 July 2015 by a member of staff of the Investigation Team and in particular in relation to the following matters:

   a. The allegation that the Joint Committee was provided with false information.
   b. The allegations of irregularity and poor practices and procedures in relation to the redaction and withholding of materials and documents.
   c. The allegation that investigators assisted Participants in their attempts to obtain favourable treatment.
   d. The alleged failure of procedures for dealing with conflicts of interest and the management of same during the course of the Banking Inquiry.
   e. The alleged leaking of information or documents to a named journalist.

2. To consider the matters set out in paragraph 1 in the context of the statutory framework that the Banking Inquiry is operating under, the extent of the Terms of Reference of the Banking Inquiry as passed by Dáil Éireann and Seanad Éireann, the time limit under which the Inquiry must be conducted and any other material factors.
3. This review will be conducted in accordance with fair procedures and will in particular respect the rights of all parties who participate in the procedure.

4. To deliver a report to the Acting Clerk of Dáil Éireann on matters set out at No. 1 above and to identify and recommend if any further action should be taken by the Service.