

*“The State faces a considerable challenge to achieve predictability and financial control in the case of tribunals of inquiry which operate under the authority of the legislature without compromising their independent investigations or the constitutional right of witnesses.”*

### ***C&AG Special Report on Tribunals 2008***

#### **Law Reform Commission Report on Public Inquiries 2005**

- Made 58 recommendations calling for reform of law on public inquiries/tribunals to ensure that tribunals continue to be available as a means of investigating matters of public importance, while at the same time recommending that they are focused and provide adequate procedural protections without incurring excessive public costs.
- Recommended reform on the procedures for drafting terms of reference, in particular how they might be made as precise as possible.
- With regard to the application of the principles of fair procedures to tribunals of inquiry, they recommended that a tailored approach to procedures should be applied.
- With regard to tribunal costs, they recommended:
  - Relevant Dept (in consultation with DPER) should set a broad budget figure at the outset
  - Consideration to what level of representation a tribunal engages for particular tasks – whether non-legal personnel should be engaged to carry out certain functions.
  - On fee structure for professionals, the Commission recommended that flexible arrangements should be put in place in relation to the engagement and remuneration of lawyers/counsel. This could include a combination of a fee structure, a tendering procedure or engaging a lawyer at an agreed level of remuneration.

#### **Comptroller & Auditor General Special Report on Tribunals 2008**

Examined the timescale, cost and efficiency of the Mahon, Morris and Moriarty Tribunals.

Report makes a range of suggestions for the more efficient conduct of tribunals, namely:

- More focused terms of reference
- Limiting new lines of enquiry to instances where the tribunal has reported that it is satisfied that the cost and duration of those additional enquiries are likely to be justified by the relevance of the tribunal’s terms of reference of the matters to be investigated
- Provision of periodic interim reports by the tribunal on its general progress to allow the Oireachtas to review the cost-justification of new lines of enquiry and the progress being achieved of the tribunal’s core mandate
- In order to make costs more transparent, a formal public statement of estimated costs, timescale and milestones at all key stages should be required
- Economies could be achieved engaging non-legal personnel to carry out support work (previously carried out by counsel at tribunals)
- Implementation of a pre-determined fee rate for future tribunals which takes account of the certainty of tribunal work in determining those rates.