

Determination of the Chairperson of the Disclosures Tribunal pursuant to section 4B of the Tribunals of Inquiry (Evidence) (Amendment) Act 1997, as amended by section 3 of the Tribunals of Inquiry (Evidence) (Amendment) Act 2004

WHEREAS the Tribunal of Inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters (the “Disclosures Tribunal”), was established by the Minister for Justice and Equality under the Tribunals of Inquiry (Evidence) Acts 1921 to 2004 by instrument dated the 17th of February 2017 and,

WHEREAS the said instrument was amended by instrument dated the 7th of December, 2018 and,

WHEREAS the Honourable Mr. Justice Sean Ryan, the former President of the Court of Appeal has also been appointed as a member of the Tribunal of Inquiry by the said instrument and,

WHEREAS the Honourable Mr. Justice Peter Charleton was appointed Chairperson of the Tribunal of Inquiry by instrument dated the 7th of December, 2018 and,

1. Now I, Mr. Justice Peter Charleton, chairperson of the Tribunal of Inquiry as established, determine the following in accordance with Section 4B of the Tribunals of Inquiry (Evidence) (Amendment) Act 1997, as amended,
 - (a) The Tribunal of Inquiry shall act in two divisions.
 - (b) The Chairperson of the Tribunal shall act as the chairperson of the first division to continue and conclude the work of the Tribunal of Inquiry under terms of reference (a) to (o) in accordance with the terms of reference thereof and in particular all questions and issues in relation to costs that may arise thereunder.

- (c) Mr. Justice Sean Ryan shall act as the chairperson of the other division of the Tribunal to continue and conclude the work of the Tribunal of Inquiry under term of reference (p) as set out in the terms of reference.
- (d) The functions conferred on Mr. Justice Sean Ryan pursuant to section 4B(2)(b) of the said 1997 Act, as amended, shall include the following:
 - (i) To interpret and publish the interpretation of term of reference [p],
 - (ii) To amend as and whenever necessary the interpretation of term of reference [p],
 - (iii) To publish rules of procedure for the functioning of the Tribunal of Inquiry in relation to term of reference [p],
 - (iv) To amend as and whenever necessary the rules of procedure for the functioning of the Tribunal of Inquiry during term of reference [p],
 - (v) To request an amendment or to consent to the amendment of the instrument to which section 1A of the Tribunals of Inquiry (Evidence) Act 1921, as amended, applies,
 - (vi) Conduct any and all preliminary inquiries into term of reference [p] as he deems necessary,
 - (vii) Engage and retain solicitor, counsel (including such senior, junior and/or documentary counsel as required), researchers and other persons assisting,
 - (viii) Hear and determine applications for representation,
 - (ix) Hold whatever hearings as appear necessary, whether in public or otherwise, whether for the purposes of its preliminary sittings, preliminary enquiries or otherwise,
 - (x) Apply to the High Court pursuant to section 4 or section 4A of the Tribunal of Inquiry (Evidence) (Amendment) Act 1997 as and when necessary,

- (xi) Appoint investigators in accordance with section 6(1) of the Tribunals of Inquiry (Evidence) (Amendment) 2002,
- (xii) Give such directions, from time to time, to the Tribunal investigators, already appointed, to perform the functions conferred on investigators by section 6 of the Tribunals of Inquiry (Evidence) (Amendment) Act 2002 as the divisional chairperson deems necessary,
- (xiii) Determine all matters in relation to costs pursuant to section 6 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979 and the said instrument as amended,
- (xiv) Make any such orders in relation to discovery, preservation, inspection or production of documents or other material as the divisional chairperson deems necessary,
- (xv) All other functions under the Tribunals of Inquiry Acts 1921-2004 as are necessary, ancillary or consequent upon or related to the exercise of any of the functions above for the purposes of the fulfilment of term of reference [p].

2. The matter pursuant to section 4B(2)(c) of the said 1997 Act in relation to which the division of the Tribunal of Inquiry under Mr. Justice Sean Ryan shall perform these functions is term of reference [p] as follows;

To consider any other complaints by a member of the Garda Síochána who has made a protected disclosure prior to 16th February, 2017 alleging wrong-doing within the Garda Síochána where, following the making of the Protected Disclosure, the Garda making the said Protected Disclosure was targeted or discredited with the knowledge or acquiescence of senior members of the Garda Síochána.

3. The Division shall compile a report of its findings in relation to term of reference [p], in such a form as appears appropriate to the chairperson of the Division, and shall furnish

the aforementioned report to the Disclosures Tribunal chairperson for the purpose of furnishing it to the Clerk of the Dáil.

4. This determination shall come into effect on 11th December 2018.
5. This determination shall continue in force until either revoked or amended or when it ceases to have effect by operation of law.

Signed: *Peter Chanellian*

Dated: *11 December 2018*