



## EXPLAINER - WHAT IS A COMMISSION OF INVESTIGATION? (SIMILAR TO A PUBLIC INQUIRY)

A Commission of Investigation in Ireland is a formal, independent body established by the government to investigate specific matters of significant public concern. These commissions are typically set up when there are issues of considerable complexity or sensitivity, where it is deemed necessary to have a thorough and impartial inquiry.

Here's how they work:

### **Purpose**

**Investigative Role:** The primary role of a Commission of Investigation is to investigate matters of significant public concern that may require detailed examination. These could include issues related to governance, public safety, historical abuses, or failures in public services.

**Fact-Finding:** The commission is tasked with uncovering facts and gathering evidence. It does not determine legal guilt or innocence but provides a factual basis that may inform future actions or reforms.

### **Establishment**

**Legal Framework:** Commissions of Investigation are established under the Commissions of Investigation Act 2004. This legislation provides the framework for their operations, including powers, procedures, and obligations.

**Terms of Reference:** The government defines the scope of the investigation by setting out the Terms of Reference. This document outlines the specific issues to be investigated, the period under investigation, and any particular focus areas.

### **Powers and Procedures**

**Compellability:** The commission has the power to compel witnesses to testify and to produce documents. This means it can require individuals and organisations to provide evidence under oath.

**Confidentiality:** Unlike public inquiries, much of the work of a Commission of Investigation is conducted in private. This is designed to encourage candid testimony and protect sensitive information.

**Interim Reports:** The commission may issue interim reports as it progresses, but its final report is the most significant outcome. These reports are typically made public, though some parts may be redacted to protect privacy or ongoing legal proceedings.

### **Reporting and Outcomes**

**Final Report:** After completing its investigation, the commission submits a final report to the government. This report includes findings of fact, conclusions, and often recommendations for changes in policy or legislation.

**Government Action:** The government decides how to respond to the commission's findings. This may involve implementing recommendations, taking disciplinary action, or initiating further criminal investigations.

### **Importance**

Commissions of Investigation play a crucial role in addressing issues that have deeply impacted Irish society. They provide a mechanism for accountability, transparency, and reform, ensuring that the state addresses serious concerns in a thorough and structured manner.