



STATUTORY INSTRUMENTS.

S.I. No. 311 of 2018

COMMISSION OF INVESTIGATION (RESPONSE TO COMPLAINTS
OR ALLEGATIONS OF CHILD SEXUAL ABUSE MADE AGAINST
BILL KENNEALLY AND RELATED MATTERS) ORDER 2018

COMMISSION OF INVESTIGATION (RESPONSE TO COMPLAINTS
OR ALLEGATIONS OF CHILD SEXUAL ABUSE MADE AGAINST
BILL KENNEALLY AND RELATED MATTERS) ORDER 2018

WHEREAS, pursuant to section 3(1) of the Commissions of Investigation Act 2004 (No. 23 of 2004), the Minister for Justice and Equality, with the approval of the Minister for Public Expenditure and Reform, made a proposal to the Government for the establishment of a commission to investigate the matters specified in Article 3 of the following Order and to make any reports required under that Act in relation to its investigation;

AND WHEREAS the Government by decision made on 29 May 2018 considered those matters to be of significant public concern;

AND WHEREAS a draft of the following Order has been laid before each House of the Oireachtas, together with a statement of the reasons for establishing the commission, and a resolution approving that draft has been passed by each such House;

NOW, the Government, in exercise of the powers conferred on them by sections 3 and 7(2)(a) of the Commissions of Investigation Act 2004 (No. 23 of 2004), hereby order as follows:

1. This Order may be cited as the Commission of Investigation (Response to complaints or allegations of child sexual abuse made against Bill Kenneally and related matters) Order 2018.
2. In this Order “Act” means the Commissions of Investigation Act 2004 (No. 23 of 2004).
3. A commission is hereby established to—
 - (a) investigate the matters, which are considered by the Government to be of significant public concern, referred to in the terms of reference (the text of which is, for convenience of reference, set out in the Schedule) of the commission, and
 - (b) make any reports required under the Act in relation to its investigation.
4. The Minister for Justice and Equality is—
 - (a) specified as the Minister of the Government responsible for overseeing administrative matters relating to the establishment of the commission, for receiving its reports and for performing any other functions given to him or her under the Act, and
 - (b) authorised to appoint the member of the commission.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 13th July, 2018.*

SCHEDULE

Terms of Reference

1. The Commission is directed to investigate the following matters:
 - (A) To establish the full extent of complaints or allegations of sexual abuse against Bill Kenneally made to An Garda Síochána between 1985 and 1992 (inclusive)
 - (B) The extent of the knowledge, or otherwise, of members of An Garda Síochána, serving in the Waterford area, of the offences being committed by Bill Kenneally during the time period specified in Term A. In addition, if further information comes to light regarding the extent of the knowledge held by members of An Garda Síochána (i) prior to 1985, of offences committed by Bill Kenneally before 1985; or (ii) prior to November 2012, of offences committed by Bill Kenneally after 1992; the Commission shall proceed to investigate the extent of that knowledge.
 - (C) To ascertain the nature of the Garda response to any allegations or complaints in relation to, or knowledge of, the offences referred to in term (B) above and whether such response and/or investigation was adequate or appropriate.
 - (D) Whether a "caution" was given to Bill Kenneally by An Garda Síochána in 1987, and whether he was formally, or informally, questioned by An Garda Síochána, and whether those actions were an adequate response to the allegations being made against him.
 - (E) Whether, following this "caution", or other form of questioning as outlined in term (D) above, in 1987, there was ongoing monitoring of any form of Bill Kenneally by An Garda Síochána stationed in Waterford.
 - (F) Whether An Garda Síochána contacted or notified the South Eastern Health Board or Basketball Ireland (or the Irish Basketball Association as it was then known) in relation to the allegations made against Bill Kenneally and if not why not.
 - (G) Whether the South Eastern Health Board took any action upon receipt of the information supplied by An Garda Síochána, or any other third party, in 1987, if any, regarding allegations against Bill Kenneally, and whether the action taken was an adequate response.
 - (H) Whether Basketball Ireland took any action upon receipt of the information supplied by An Garda Síochána, or any other third party, if any, regarding allegations against Bill Kenneally, and whether the action taken was an adequate response.
 - (I) The knowledge, or otherwise, of a member of the clergy related to Bill Kenneally and serving as Monsignor in the Waterford parish, or other members of the clergy, of the offences being committed by Bill Kenneally

during the time period specified in Term A, and whether there was any contact between the Garda Síochána in Waterford and the Monsignor; and the nature, purpose and appropriateness of such contact.

- (J) The knowledge, or otherwise, of any political figure or public official of the offences being committed by Bill Kenneally during the time period specified in Term A, and whether there was any contact between the Garda Síochána in Waterford and those political figures or public officials, if any, and the nature, purpose and appropriateness of such contact.
- (K) whether there was any investigation undertaken by An Garda Síochána in 1992 relating to a B&B in Inchicore, Dublin, where it is alleged Bill Kenneally stayed with young boys on basketball trips, and whether the action taken was an adequate response.
- (L) The adequacy of the Garda Síochána response and investigation in 2012; specifically whether or not all relevant evidence was seized, and appropriately utilised as evidence.

2. The Commission shall have due regard to any criminal prosecution, currently in train or pending, that may be affected by evidence adduced at the Commission.

3. The Commission shall be conducted in accordance with the provisions of the Commissions of Investigation Act, 2004.

4. The adequacy or appropriateness of the response from An Garda Síochána should be measured by reference to the prevailing standards and guidelines applicable at the time.



GIVEN under the Official Seal of the Government,
10 July 2018.

LEO VARADKAR,
Taoiseach.

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