

CONSULTATIVE CONSUMER PANEL

Minutes of meeting of the 23 February 2009 at 10.00 am

Venue: Central Bank

The meeting was an all day one from 10.00 am – 5.00 pm

Panel Members in attendance: Raymond O'Rourke Chairman
 Kathleen Barrington
 Michael Culloty
 John Maher
 Noel Mulcahy
 Fidele Mutwarasibo
 Sean O'Sullivan
 Fiona Reynolds
 Eileen Walsh

Also in attendance: Colette Clancy Secretary to the Panel

Apologies: Frances Byrne
 James Doorley

1. **Apologies** are as noted above.
2. The **minutes** of the meeting of 8 September 2008 were agreed.
3. In **matters arising**, the Chairman reported that all actions arising from the September meeting had either been dealt with, or would be discussed during the meeting.
4. As it had been some time since the last Panel meeting, on 8 September 2008, the Chairman had decided that the first Panel meeting would be a day long meeting to discuss the following:
 - **Performance of the Financial Regulator in the financial crisis.**
 - **Anglo Irish Bank investigations**

The members of the Panel had quite a long and robust discussion on the above and decided to focus for the greater part of the meeting on preparing a presentation for submission to the Acting CEO – Mary O'Dea who was scheduled to attend the Panel meeting later in the day.

There was a suggestion that the submission should include a proposal that the Consumer Panel should call for the immediate resignation of all non-executive Board members of the Financial Regulator and Central Bank who were in situ during the present crisis. Following a long discussion, there was a vote on a proposal to send a letter requesting a response to the Panel's concerns. The vote was carried 5 to 4. The Panel's call for resignations would be dependent on the Financial Regulators reply.

The Panel had a passionate discussion about the lack of consumer confidence in the Financial Regulator and carefully analysed what changes should be made in the substance and style of financial regulation going forward for the Irish consumer in particular and what the Financial Regulator is doing to restore trust and confidence for consumers for the future. There was some discussion on the appointment of a new CEO of the Financial Regulator and the future structure of the Financial Regulator. The Panel discussed sanctions being considered for Anglo Irish and what provisions are being made in the Financial Regulator for any legal costs arising from the investigations. They discussed Section 33 AK, section 5(af), which the Panel believes that this section can be used to reveal information relating to the Anglo Irish case. The Panel raised concerns that it would be inappropriate for the Financial Regulator to investigate the Irish Life and Permanent/Anglo Irish Bank transaction in circumstances where it was being alleged that the Financial Regulator gave the nod to the deal.

The Panel agreed a presentation which was presented by the Chairman to the Acting CEO and Chairman which highlighted the above concerns of the Panel and the fact that in the last five months, in a time of great banking/financial crisis the Consumer Panel had not been reappointed by the Minister for Finance. The Panel requested that a number of major issues be addressed before the next meeting and a formal submission outlining the Panel's concerns will be forwarded to the Acting CEO and the Chairman immediately for a formal response before the next Panel meeting which is scheduled for two weeks time on 9 March 2009.

5. **Jim Farrell, Chairman of the Financial Regulator, Mary O'Dea – Acting CEO of the Financial Regulator and George Treacy, Head of Legal Department** - attended the Panel meeting for the Chairman's presentation.

The Chairman and Acting CEO responded to a number of the issues raised by the Chairman in it's presentation and undertook to respond to the Panel's formal written submission before the next Panel meeting on 9 March 2009.

6. Future role of the Consultative Consumer Panel – subcommittees

The Chairman suggested that a new sub group be formed to focus on Future Regulatory make-up 'Principles vs Rules'. He also asked the Panel members for volunteers to attend a Financial Regulator budget sub group meeting. Sean O'Sullivan, Prof. Mulcahy, John Maher and Kathleen Barrington volunteered for the new sub-group and will meet early next week to draw up terms of reference for the group.

7. New Directors Loan Requirements

This item will be discussed at the March Panel meeting. Fiona Reynolds agreed to draft a response to Mr. Deasy's proposal.

8. Any Other Business

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Next meeting will be on the 9 March at 10.30

Prepared: _____ Date: _____

Secretary to the Panel

Approved: _____ Date: _____

Chairman