

THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY, 19TH FEBRUARY,
1999 AT 10AM:

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CHAIRMAN: Good morning. Ladies and gentlemen, may I say that the reason why I am sitting very substantially late is that I received a request from Mr. Gogarty's solicitors to give him a little time because he is not feeling well. In fact, I have been asked not to sit before 11 o'clock and I think it is appropriate that I should advise you of that fact here in public. I am acceding to that request.

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MR. COONEY: Could we perhaps avail of this opportunity to mention a matter relating to a broadcast on Radio FM1 yesterday evening in which Mr. Frank Connolly was a participant. We are very disturbed by the contribution which Mr. Connolly made on that programme and we want to draw to the Tribunal's attention. Now we do have an audio tape of that interview and we have a script which is being copied at the moment. Perhaps we could furnish you with copies of the script and audio tape and then make some submissions to you.

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CHAIRMAN: Wouldn't it be the best way that I look at the script so that we are starting from... whether we do it today or by Tuesday is another matter. I am not in any way committing myself until I see what's in the script.

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MR. COONEY: With your permission, Mr. Chairman, we will get a script to you immediately.

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CHAIRMAN: Certainly, as soon as you can and we are talking about two, three pages?

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MR. COONEY: A little more than that.

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CHAIRMAN: I see. We are talking about --

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MR. COONEY: Six or seven.

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CHAIRMAN: Maybe ten?

MR. COONEY: Quite easily, Mr. Chairman.

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CHAIRMAN: Could we have the audio tape as well and we can play it.

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MR. COONEY: We have the audio tape also, Mr. Chairman.

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CHAIRMAN: I mean, I have a radio inside in chambers which will play an audio tape.

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MR. COONEY: Very well, we will arrange to send those into you.

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CHAIRMAN: Thank you very much. For the moment I am going to rise and certainly sit again at 11 o'clock.

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THE TRIBUNAL THEN ADJOURNED AND RESUMED AS FOLLOWS AT 11:10AM:

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CHAIRMAN: Again, ladies and gentlemen, I am ten minutes later on the time I said I would sit at. I have been asked for a further quarter of an hour or thereabouts but I think in all the circumstances, it is fairly manifest that

Mr. Gogarty is in some distress and my view is that I have to take the decision rather than have it ramble on and in the circumstances, what I am going to do in the hope that I will get, when I use the phrase a good result, I am talking -- I am going to adjourn until Tuesday morning because there's plenty of work to do with the Tribunal as such, we are not in any way inactive, until Tuesday morning. That will give Mr. Gogarty the balance of the day, Saturday Sunday and Monday and I would hope to see him back with us in the very best of spirits on Tuesday morning at 10 o'clock.

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In relation to the matter mentioned to me, there are two aspects. I have read the transcript and I obviously wouldn't make any comment or view in detail. Secondly, Mr. Connolly has made an application to the Tribunal for representation. In fact, it was declined. I don't think I am publishing private affairs in that but in the context I would certainly like Mr. Connolly to be represented, I am not in any way giving representation, it's an entirely different concept but I think any man in a public tribunal who is in any way being criticised, whether validly or otherwise - I will make no comment - should have an opportunity of either presenting his case himself or having it presented for him at his choice.

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MR. COONEY: I respectfully agree, Mr. Chairman.

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CHAIRMAN: In those circumstances, perhaps the better thing to do is to sit at 10 o'clock on Monday morning to deal with that aspect, sorry, Tuesday morning to deal with that aspect of the matter and half past ten for Mr.

Gogarty.

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MR. COONEY: May it please you, Sir.

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CHAIRMAN: Is that for your personal convenience as well?

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MR. COONEY: It would of course.

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CHAIRMAN: Very good.

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MR. FARRELL: My Lord, I have been asked by Mr. Connolly to appear for him today to watch his interests so I have heard what you said to Mr. Cooney and would be very happy to --

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CHAIRMAN: I wasn't aware of that fact when I was addressing --

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MR. FARRELL: It is very short notice.

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CHAIRMAN: In due course of time we will hear from you on Tuesday morning and indeed if you have any submissions to make you might wish to circulate them both to Mr. Cooney and to me, submissions in writing and I hope they will be extremely brief. Thank you very much.

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THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 23RD FEBRUARY 1999 AT 10AM.