



Coimisiún um Chaighdeán in Oifigí Poiblí **Standards in Public Office Commission**

Investigation by the Standards in Public Office Commission of Alleged
Contraventions of the Ethics in Public Office Act 1995 and 2001 and Part 15 of the
Local Government Act 2001

Councillor Seamus Treanor
of Monaghan County Council

December 2021

Report under Section 24 of the Ethics in Public Office Act 1995, as amended by the
Standards in Public Office Act 2001 and as applied by the Local Government Act
2001

Foreword

The Standards in Public Office Commission (the “**Commission**”), in accordance with section 23 of the Ethics in Public Office Act 1995 (the “**Ethics Act**”) as amended by the Standards in Public Office Act 2001 (the “**Standards Act**”), has carried out an investigation to determine whether Councillor Seamus Treanor, of Monaghan County Council, has contravened Part 15 of the Local Government Act 2001 (the “**Local Government Act**”). The Commission, in accordance with section 24 of the Ethics Act, has prepared the following report of the result of that investigation, copies of which, in accordance with section 24(1) of the Ethics Act and section 180(3) of the Local Government Act, are being furnished to—

- Councillor Seamus Treanor,
- Mr Eamonn O’Sullivan, Chief Executive, Monaghan County Council,
- Councillor Aidan Campbell, Cathaoirleach, Monaghan County Council, and
- the Minister for Public Expenditure and Reform.

Mr Justice Garrett Sheehan
Chairperson

Mr Seamus McCarthy
Comptroller and Auditor General

Mr Peter Tyndall
Ombudsman

Mr Peter Finnegan
Clerk of Dáil Éireann

Mr Martin Groves
Clerk of Seanad Éireann

Ms Geraldine Feeney
Former member of Seanad Éireann

December 2021

Contents

1. Introduction
2. Background
3. Investigation hearing of the commission
4. The alleged contraventions
5. Findings

Appendices

- A. *Statement of Intended Procedures*, January 2011.
- B. Statement of alleged contraventions.
- C. Relevant extracts from legislation and the *Code of Conduct for Councillors*.
- D. Transcript of investigation hearing on 1 November 2021.

1 Introduction

1.1 The Commission was established by section 21 of the Ethics Act, as amended by section 2 of the Standards Act, which was brought into operation by the Standards in Public Office Act 2001 (Commencement) Order 2001. The members of the Commission for the purposes of this investigation are—

Mr Justice Garrett Sheehan (Chairperson)
Mr Seamus McCarthy, Comptroller and Auditor General
Mr Peter Tyndall, Ombudsman
Mr Peter Finnegan, Clerk of Dáil Éireann
Mr Martin Groves, Clerk of Seanad Éireann
Ms Geraldine Feeney, former member of Seanad Éireann

1.2 In brief, the Commission's role is to supervise the operation of the Ethics Acts¹ in so far as they concern office holders, an Attorney General who is not a member of a House of the Oireachtas, ministerial special advisers, designated directors and employees of specified public bodies and certain civil servants, to provide guidance and advice on the applicability of the Ethics Acts, and to carry out investigations into possible contraventions of the Ethics Acts and/or Part 15 of the Local Government Act.

1.3 The investigative function of the Commission is a formalised procedure giving its Chairperson statutory powers that include the power to compel the attendance of witnesses and to procure documents or other material. The Ethics Acts oblige the Commission to hold hearings for the purpose of investigations. The procedures determined by the Commission for the conduct of investigations, at the time that this matter was referred to it, are available at Appendix A of this report.

1.4 Having carried out an investigation hearing under section 23 of the Ethics Act to determine whether there has been a contravention of the Ethics Acts or of Part 15 of the Local Government Act, the Commission, pursuant to section 24 of the Ethics Act and section 180 of the Local Government Act, is required to prepare a report and to furnish a copy of the report to:

- the person the subject of the investigation,
- the person who made the complaint,
- where a report relates to the Cathaoirleach of a local authority, to the Leas-Cathaoirleach and the Chief Executive of the authority,
- where a report relates to any other member of a local authority, to the Cathaoirleach and the Chief Executive of the authority; and

¹ The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 are together referred to as the Ethics Acts.

- the Minister for Public Expenditure and Reform.

1.5 In addition, section 24(2) of the Ethics Act provides that, where the Commission is of the opinion that a person the subject of an investigation may have committed an offence relating to the performance of his or her functions, it shall prepare a report in writing in relation to the matter and furnish it to the Director of Public Prosecutions.

1.6 This report, under section 24 of the Ethics Act, sets out the findings of the Commission together with its determinations in relation to the following matters:

- whether there has been a contravention of Part 15 of the Local Government Act, and whether the contravention is continuing,
- in case the determination is that there has been a contravention of Part 15 -
 1. if the determination is that the contravention is continuing, the steps required to be taken to secure compliance with Part 15, and the period of time within which such steps should be taken,
 2. whether the contravention was committed inadvertently, negligently, recklessly or intentionally,
 3. whether the contravention was, in all the circumstances, a serious or a minor matter, and
 4. whether the person being investigated acted in good faith.
- in case the determination is that there has not been a contravention of Part 15 of the Local Government Act, whether the Commission is of the opinion that the complaint made was frivolous or vexatious or that there were no reasonable grounds for it.

1.7 The Commission must be satisfied to the civil standard of proof, i.e. satisfied on the balance of probabilities, in finding that a contravention was committed or a 'specified act' was done.

2. Background

- 2.1 Councillor Seamus Treanor is an independent member of Monaghan County Council.
- 2.2 Under cover of letter dated 2 October 2019, the Commission received a report from the Cathaoirleach and the Chief Executive of Monaghan County Council, concerning various alleged breaches of the relevant provisions of the Local Government Act and the *Code of Conduct for Councillors* by Councillor Treanor. The report was furnished to the Commission in accordance with section 174(8)(a)(iii) of the Local Government Act.
- 2.3 The background to the report lay in a canvassing leaflet issued by Councillor Treanor in the lead up to the 2019 local elections on 24 May 2019. The leaflet contained a statement from Councillor Treanor in relation to immigration.
- 2.4 The report submitted by Monaghan County Council centred on alleged contraventions of Part 15 of the Local Government Act arising from this canvassing material. In particular, the report referred to section 169 of the Local Government Act and to the *Code of Conduct for Councillors*.
- 2.5 The view expressed by Monaghan County Council in the report was that Councillor Treanor had breached section 169 of the Local Government Act and the *Code of Conduct for Councillors* by failing to—
- act in a way that enhances public trust and confidence,
 - serve his local authority and its citizens honestly, conscientiously and impartially,
 - promote equality and avoid bias, and
 - act courteously and respectfully when using written communications.
- 2.6 Having considered the matter, the Commission appointed an Inquiry Officer on 25 November 2019 under section 6 of the Standards Act. The Inquiry Officer's role was to conduct a preliminary inquiry into the complaint, to prepare a report of the inquiry, to furnish any statements made by the persons complained of and any other relevant persons, along with any relevant documents. The Commission also requested the Inquiry Officer to express an opinion as to whether there was *prima facie* evidence to sustain the complaint. The Inquiry Officer presented the report to the Commission in August 2020, along with relevant statements and documents. The Inquiry Officer expressed the opinion that there was *prima facie* evidence to sustain an investigation of the complaint that Councillor Treanor contravened Part 15 of the Local Government Act and was in breach of the *Code of Conduct for Councillors*.

2.7 Having examined the provisions of the Ethics Acts and the Local Government Act and having taken account of the report of the Inquiry Officer, the Commission decided on 25 January 2021 that it was appropriate to hold an investigation hearing under section 23 of the Ethics Acts to determine whether Councillor Treanor had contravened Part 15 of the Local Government Act. The statement of alleged contraventions was furnished to Councillor Treanor on 28 September 2021. A copy of the statement of alleged contraventions is included at Appendix B to this report.

2.8 The alleged contraventions in respect of Councillor Treanor relate to sections 168 and 169 of the Local Government Act. Section 168 provides as follows:

“In carrying out their functions under this or any other enactment, it is the duty of every member and every employee of a local authority and of every member of every committee to maintain proper standards of integrity, conduct and concern for the public interest.”

2.9 Section 169 of the Local Government Act provides that the Minister with responsibility for local government may, after consultation with the Commission and the Minister for Public Expenditure and Reform, *“issue codes of conduct for the guidance of members of local authorities and of employees of local authorities”*. Section 169(3)(a) of the Local Government Act provides:

“Each member shall have regard to and be guided by the relevant code of conduct in the exercise of his or her functions.”

2.10 In 2004, the Minister issued a *Code of Conduct for Councillors*. This states that the object of the Code is to *“set out principles and standards of conduct and integrity for councillors, to inform the public of the conduct it is entitled to expect and to uphold public confidence in local government”*. In paragraph 1.1, it states that *“[t]he public is entitled to expect conduct of the highest standards from all those involved in the local government service...”*.

2.11 Section 2 of the Code deals with general conduct and behaviour. Section 2.1 provides:

“The general conduct and behaviour of councillors in carrying out their role is an important yardstick by which the honesty, integrity, impartiality and performance of local government is judged and public trust maintained. It is important therefore that these core values underpin all actions of councillors affecting local authority business. As holders of elected office they have a duty to keep faith with the public trust placed in them. This is a personal responsibility and requires them to observe the highest ethical standards in the performance of their role”.

2.12 Section 2.2 of the Code provides:

“Councillors in carrying out their role should abide by this Code and:-

- act in a way which enhances public trust and confidence;*
- avoid conflicts of interest and never seek to use improper influence;*
- make decisions based solely on consideration of the public interest and the common good;*
- serve their local authority and its people conscientiously, honestly and impartially;*
- promote equality and avoid bias;*
- perform their functions in a responsible and diligent manner;*
- treat their colleagues and local authority employees with courtesy and respect.”*

2.13 Section 2.3 provides that, *“[m]ore generally, councillors should in all matters seek to ensure that their conduct does not bring the integrity of their office or of local government into disrepute.”*

2.14 Appendix C contains Part 15 of the Local Government Act and the *Code of Conduct for Councillors*.

3. Investigation hearing of the Commission

- 3.1 The investigation hearing of the Commission took place on Monday, 1 November 2021. The transcript of the hearing is included at Appendix D to this report. Councillor Treanor was represented by Barry Healy of Healy Law solicitors. The Commission was represented by Brian Gageby BL (instructed by Gary Fitzgerald, legal adviser to the Commission).
- 3.2 In advance of the hearing, which took place remotely via Zoom, the date and time of the hearing were notified to Councillor Treanor. Councillor Treanor's legal advisers were also informed of the right to make a preliminary application at the beginning of the hearing.
- 3.3 At the outset of the hearing, Counsel for the Commission made opening submissions.
- 3.4 Councillor Treanor's solicitor then made a preliminary application challenging the jurisdiction of the Commission on the ground that the complaint to the Commission had been made by the Chief Executive and the Cathaoirleach of Monaghan County Council, but had not been formally referred to them by the ethics registrar of the Council. Councillor Treanor's solicitor relied, in that regard, on s. 174(7) of the Local Government Act, which provides, *inter alia*, as follows:
- “Where the ethics registrar... becomes aware of a possible contravention of this Part it is his or her duty to bring the matter to the attention of—*
- ...
- (e) the Cathaoirleach and the chief executive for the local authority in case the matter relates to a member of the local authority other than the Cathaoirleach...”*
- 3.5 Councillor Treanor's solicitor submitted that the effect of this provision was that an ethics complaint in relation to a member of a local authority had to go through the authority's ethics registrar before being referred on to the Cathaoirleach and Chief Executive, and then on to the Commission. It was submitted that, in this case, complaints had been made by four members of the public directly to the Cathaoirleach of the Council and that the ethics registrar had been bypassed.
- 3.6 In response, counsel for the Commission submitted that there was no jurisdictional issue as the four complaints had been investigated by the Council before the Cathaoirleach and the Chief Executive referred the matter to the Commission.
- 3.7 In reply, Councillor Treanor's solicitor referred to Appendix 1 of the Commission's *Statement of Intended Procedures* (January 2011), which is a chart describing the

prescribed routes for making a complaint to the Commission. In particular, he referred to the eleventh entry in that chart, which is as follows:

Complainant	Subject of Complaint	Subject Matter of Complaint
The person or persons notified by an Ethics Registrar of a local authority of an alleged contravention of the Local Government Act (Section 174(8) of the Local Government Act; section 4 of the Standards Act) ⁸	A member or an employee of a local authority; a member of a committee of a local authority and a person whose services are being availed of by a local authority.	A provision of Part 15 of the Local Government Act

3.8 Councillor Treanor’s solicitor submitted that there had been a failure to comply with these procedures and the Local Government Act.

3.9 In reply, counsel for the Commission relied upon s. 4(1) of the Standards Act, which provides, *inter alia*, as follows:

“Where a person (“the complainant”) considers that—

(a) a specified person or a person who, in relation to a specified person, is a connected person may have done an act or made an omission after the commencement of section 2 that is, or the circumstances of which are, such as to be inconsistent with the proper performance by the specified person of the functions of the office or position by reference to which he or she is such a person or with the maintenance of confidence in such performance by the general public, and the matter is one of significant public importance,

...

the complainant may make a complaint in relation to the matter to the Commission.”

3.10 Relying upon this provision, counsel for the Commission submitted that any person may make a complaint to the Commission that a “*specified person*” (which includes a member of a local authority) has committed an act inconsistent with the proper performance of the functions of his or her office or with the maintenance of confidence in such performance by the general public.

3.11 By way of final reply, Councillor Treanor’s solicitor submitted that s. 4(1) of the Standards Act only applied to members of the Dáil and the Seanad.

- 3.12 Having considered the submissions made, the Chairperson gave the decision of the Commission on the preliminary application. The Commission decided that section 4 of the Standards Act applied to complaints about councillors and that there was therefore no procedural infirmity in the complaint made to the Commission. The Commission dismissed the preliminary application.
- 3.13 Councillor Treanor’s solicitor then made a second preliminary application. He noted that, at its meeting of 25 January 2021, the Commission had decided to have the complaint investigated subject to clarification on the following queries:
- whether a criminal complaint is currently under investigation.
 - whether canvassing is included in the functions of a Councillor.
- 3.14 Councillor Treanor’s solicitor submitted that canvassing is not a function of a councillor. He further submitted that, if there was no criminal complaint, Councillor Treanor was protected by Article 40.6 of the Constitution, which guarantees liberty for the exercise of various rights, including freedom of speech, subject to public order and morality.
- 3.15 In response, counsel for the Commission submitted that there was no question of the hearing interfering with Councillor Treanor’s rights, even if a criminal complaint was live, and that he was not aware of any criminal complaint. He further submitted that canvassing could form part of a councillor’s functions and relied, in that regard, on s. 63 of the Local Government Act, which provides that “[t]he functions of a local authority are to provide a forum for the democratic representation of the local community... and to provide civic leadership for that community”. In addition, counsel referenced the *Code of Conduct for Councillors* and submitted that it covers communications with members of the public. However, counsel concluded that that was a matter for the Commission to determine.
- 3.16 Having considered the submissions in relation the second preliminary application, the Commission decided that it was unable to uphold the application and that the hearing would proceed.
- 3.17 The Commission first heard evidence from the Inquiry Officer, Mr Mark Shanahan. Mr Shanahan gave evidence in respect of his Inquiry Report dated August 2020 in which he had concluded that there was *prima facie* evidence to sustain an investigation of the complaint that Councillor Treanor contravened Part 15 of the Local Government Act and was in breach of the *Code of Conduct for Councillors*.
- 3.18 The Commission then heard evidence from Mr John Murray, the Head of Finance and Director of Services for Housing and Cultural Services at Monaghan County Council.

- 3.19 Councillor Treanor did not give evidence or call any witnesses to give evidence on his behalf.
- 3.20 Counsel for the Commission then made submissions in relation to the evidence and the nature of the contraventions which were alleged against Councillor Treanor.
- 3.21 Councillor Treanor's solicitor made oral submissions in response and was given a two-week period within which to furnish written submissions. The hearing then concluded.

4. The alleged contraventions

4.1 The issue to be determined by the Commission is whether Councillor Treanor contravened Part 15 of the Local Government Act by publishing and distributing the canvassing leaflet described above.

4.2 The Statement of Alleged Contraventions sets out detailed particulars of alleged inaccuracies in the leaflet and alleged contraventions of the *Code of Conduct for Councillors*.

4.3 In terms of alleged inaccuracies, the Statement of Alleged Contraventions states that the canvassing material was inaccurate on the following grounds:

- “1. It was factually incorrect and misleading in claiming that 92% of asylum seekers are ‘deemed to be bogus’.*
- 2. It was legally incorrect to claim that EU migrants could claim benefits after 72 hours in Ireland.*
- 3. It was factually incorrect and misleading in relation to the claim that 22 economic migrants were housed on instruction of the Department of Justice.”*

4.4 The Statement of Alleged Contraventions goes on to allege that, in making the canvassing material available, Councillor Treanor contravened s. 169(3) of the Local Government Act in that he failed to have regard to the Code of Conduct for Councillors as follows:

- “1. Did not keep faith with the public trust and did not observe the highest ethical standards in the performance of your role contrary to Section 2.1 of the Code of Conduct for Councillors.*
- 2. Did not act in a way that enhances public trust and confidence contrary to Section 2.2 of the Code of Conduct for Councillors.*
- 3. Did not act in a way that served your local authority and its people conscientiously, honestly and impartially contrary to Section 2.2 of the Code of Conduct for Councillors.*
- 4. Did not act in a way that promotes equality and avoids bias contrary to Section 2.2 of the Code of Conduct for Councillors.*

5. *Did not seek to ensure that your conduct did not bring the integrity of your office or of local government into disrepute contrary to Section 2.3 of the Code of Conduct for Councillors.”*

4.5 In addition, it is alleged that, in making the material available, Councillor Treanor contravened s. 168 of the Local Government Act by “*failing to maintain proper standards of integrity, conduct and concern for public interest*”.

Statement in canvassing leaflet

4.6 The primary evidence relied upon in respect of the alleged contraventions was the canvassing leaflet and, in particular, the following statement printed thereon:

“With regards to immigration, I have no problem with any person or family coming to this country to work or start a new business, providing they can pay for their own housing and provide for their families themselves and obey our laws and customs. Unfortunately, our political elite in Ireland (FF, FG, SF) and their masters in Europe have encouraged uncontrolled migration into this country. We have a large number of asylum seekers entering the country and up to 92% of these are deemed to be bogus and should be deported immediately. They abuse our free legal aid system to extend their stay at huge expense to the tax payer. I object to criminals coming into this country without background checks. We will never know if they have a criminal record until they commit a crime here. A person entering this country from another EU country can claim benefits after 72 hours. Every other country in Europe do not allow this until they are resident in the country for 6 months. Every other country has a moratorium on handing out benefits. I also object to the unfair allocation of 22 houses to economic migrants last year in County Monaghan on the instructions of the Department of Justice. There is a €4,000 grant available for furniture and household items. They get access to social welfare, medical cards and pensions etc. Local people on the housing list for many years were pushed aside and houses were allocated to migrants who never spent a day on the housing waiting list. The silence was deafening from my colleagues in Monaghan County Council chamber as most of them were towing the party line. The only councillor who objected in the County Council chamber was myself.

Vote 1, Cllr. Seamus Treanor, Independent.”

Evidence of Mr Shanahan

4.7 In examination by counsel for the Commission, Mr Shanahan gave evidence in relation to his appointment and the inquiry he carried out, including his communications with Councillor Treanor. He also answered questions in relation to the opinion he expressed at the conclusion of his report.

- 4.8 Under cross-examination, it was put to Mr Shanahan that he had been presented with a *fait accompli*, in that the report of the Cathaoirleach and Chief Executive had already concluded that Councillor Treanor had committed breaches. Mr Shanahan responded that he had conducted an inquiry in accordance with the legislation and that the matter was now under investigation by the Commission.
- 4.9 It was also put to Mr Shanahan that the Cathaoirleach and the Chief Executive had used the wrong *Code of Conduct for Councillors* in assessing the complaints against Councillor Treanor. Mr Shanahan accepted that they had been wrong to use the updated code, which was published in July 2019, after the local election the subject of the complaints. However, Mr Shanahan stated that he had considered the case by reference to the previous (2004) code. It was also put to Mr Shanahan that the code should be read as a comprehensive document and not “*nit-picked... in order to put councillors under pressure*”. Mr Shanahan did not accept that.
- 4.10 Finally, Councillor Treanor’s solicitor put it to Mr Shanahan that the matter ought to have been investigated by the ethics registrar of the Council in the first instance. Mr Shanahan responded that he could not speak to the procedures of the Council.

Evidence of Mr Murray

- 4.11 Mr John Murray, the Head of Finance and Director of Services for Housing and Cultural Services in Monaghan County Council, then gave evidence in relation to the allocation of housing by the Council. He explained that, in July 2017, the Council had been selected under the Irish Refugee Protection Programme to allocate housing to 90 Syrian refugees. The Council allocated accommodation to 20 families. Eleven of the properties were owned by approved housing bodies and the other nine were acquired from the private rental market, with Housing Assistance Payment support from the Council.
- 4.12 Mr Murray stated that none of the properties utilised came from the Monaghan County Council housing stock. However, in cross-examination, he accepted that the 11 properties owned by the approved housing bodies were originally intended for people on the Council’s housing list, before the Council was required to house the refugees.
- 4.13 Counsellor Treanor’s solicitor did not call any evidence, therefore the hearing proceeded to closing submissions.

Submissions on behalf of Commission

- 4.14 Counsel for the Commission highlighted three aspects of the canvassing leaflet, namely—
- (1) the claim that 92% of refugees are “*deemed to be bogus*”, “*abuse our free legal aid system*” and the linked objection to “*criminals coming into this country without background checks*”,
 - (2) the statement that a person entering the country from another EU member state “*can claim benefits after 72 hours*”, as opposed to the situation in other countries which require the person to be resident in the country for 6 months before he or she can claim benefits, and
 - (3) the objection to “*the unfair allocation of 22 houses to economic migrants last year in County Monaghan on the instructions of the Department of Justice*” on the basis that “*[l]ocal people on the housing list for many years were pushed aside and houses were allocated to migrants who never spent a day on the housing waiting list*”.
- 4.15 In relation to issue (1) above, counsel for the Commission opened the *Annual Report on Migration and Asylum 2018*, published by the Department of Justice, which stated that the rate of recognition in the State in 2018 for persons seeking international protection was in the region of 30%, with 23% being granted refugee status and 7% being granted subsidiary protection.
- 4.16 In relation to issue (2) above, counsel for the Commission opened the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015). Regulation 17(2)(a) of those Regulations provides that “*a person to whom Regulation 6(1) or 6(2) applies shall not be entitled to receive assistance under the Social Welfare Acts*”. Regulation 6(1) and 6(2) apply to EU citizens and their family members entering the State pursuant to the Regulations. The only welfare payments such persons may be entitled to are those under ss. 201 and 202 of the Social Welfare Consolidation Act 2005, which provide for single payments only in cases of exceptional needs, or payment of a supplementary welfare allowance only in an urgent case.
- 4.17 As regards issue (3) above, counsel for the Commission referenced the evidence given to the effect that 11 properties owned by approved housing bodies had been allocated, not to economic migrants, but to Syrian refugees.
- 4.18 Counsel for the Commission then opened the relevant provisions of the *Code of Conduct for Councillors*, as well as s. 168 of the Local Government Act. Counsel submitted that the Commission had to consider (1) whether there were factual inaccuracies in the leaflet and (2) whether those inaccuracies, together with the tone

of the document, resulted in a breach of the *Code of Conduct for Councillors* or s. 168.

Submissions on behalf of Councillor Treanor

- 4.19 Councillor Treanor's solicitor submitted that the fact that the Cathaoirleach and the Chief Executive had considered the wrong code had to be borne in mind from a procedural point of view. He also emphasised that no criminal offence had occurred.
- 4.20 In addition, he submitted that canvassing did not constitute a function of a councillor and that Councillor Treanor was simply exercising his right to free speech under Article 40 of the Constitution. He argued that Councillor Treanor's political opinions were a matter for his political opponents, not for the Commission.

Replying submissions on behalf of Commission

- 4.21 In reply, counsel for the Commission submitted that the issue of whether or not the Council considered the correct version of the *Code of Conduct for Councillors* had no effect or impact on the hearing. It was not for the Commission to review the procedures of the Council. The matter was legitimately before the Commission, in accordance with the legislation.
- 4.22 Counsel for the Commission also submitted that the fact that there was no criminal charge had no impact on the matter before the Commission, which was an entirely separate jurisdiction.

Written submissions on behalf of Councillor Treanor

- 4.23 Following the hearing, Councillor Treanor's solicitor filed written submissions.
- 4.24 It was submitted again that the matter ought to have been considered, in the first instance, by the ethics registrar of the Council and that the fact that it was not, meant that the complaint to the Commission was procedurally defective.
- 4.25 It was also submitted that, in publishing the canvassing leaflet, Councillor Treanor had relied on what he believed to be accurate sources of information in relation to the issue of immigration. As regards issue (1) above, he pointed to a note of a call between Mr Shanahan and Councillor Treanor, in which Councillor Treanor had "*stated that the figure quoted in his election flyer that 92% of asylum seekers in Ireland are deemed to be bogus was sourced from a Government report*".

- 4.26 As regards issue (2), it was submitted (though not by reference to any evidence furnished to the Commission) that Councillor Treanor believes that the Council wrote to the Department of Social Protection in relation to that issue.
- 4.27 In terms of issue (3), it was submitted that the evidence of Mr Murray showed that Councillor Treanor's statement had been "*inaccurate in detail only and not entirely factually incorrect as alleged*" and that the Council had not provided all relevant documents in that regard to the Commission.
- 4.28 It was further submitted that Councillor Treanor had, in the leaflet, expressed political opinions and convictions which he believed to be true and accurate and that he had received a first preference vote on 12.71% of the ballots cast.
- 4.29 The submissions went on to rely upon the right to freedom of expression and to argue that there was no allegation or suggestion that the statements concerned had any effect on public order or morality. It was submitted that, where the Code of Conduct was used as a method of "*censuring, punishing or preventing the free expression of a person's convictions or opinions*" it amounted to an unlawful breach of the constitutional guarantee.
- 4.30 It was also submitted that, under the Ethics Act and the Local Government Act, the "*functions*" of a member of a local authority referred to "*the exercise of the powers and the carrying out of the duties*" of the member, and that that did not encompass standing for election and canvassing for votes. It was submitted that a candidate who was not a serving member could not be the subject of a complaint for producing such election material, therefore Councillor Treanor should not be either.
- 4.31 Finally, it was submitted that the fact that Councillor Treanor was returned as a county councillor on the first count in the election showed that he had not brought the integrity of his office, or the local government, into disrepute.

5. Findings

- 5.1 The ethical framework for councillors under Part 15 of the Local Government Act and the *Code of Conduct for Councillors* adopted thereunder play an important role in ensuring the public trust in members of local authorities in Ireland.
- 5.2 The Commission has had regard to the evidence presented to it in the form of documents, statements and oral evidence adduced at the investigation hearing. The Commission has also had regard to the submissions made to it on behalf of the Commission and on behalf of Councillor Treanor.
- 5.3 The Commission's findings in relation to each of the alleged contraventions are stated below. The Commission is required by section 24 of the Ethics Acts to determine whether the alleged contraventions were committed, and if so, whether they were committed inadvertently, negligently, recklessly or intentionally. The Commission considers a determination that an act was committed intentionally to be at the higher end of the spectrum, with acts committed inadvertently at the lower end. A determination of acting intentionally arises where an act was done consciously with a view to the result intended. In determining the manner in which Councillor Treanor acted, the Commission has had regard to the nature of the contraventions and acts as appears from the evidence before it.

Scope of legislative provisions and *Code of Conduct*

- 5.4 As explained above, s. 169(3)(a) of the Local Government Act requires that a member of a local authority "*shall have regard to and be guided by the relevant code of conduct in the exercise of his or her functions*". The phrase "*exercise of his or her functions*" is not defined, but s. 2(1) of that Act provides that the term "*function*" includes "*powers and duties*". The Commission regards this as a clear indication that the "*functions*" of a councillor go beyond his or her "*powers and duties*" and considers that they extend to his or her communications and dealings with members of the public.
- 5.5 This is supported by the *Code of Conduct for Councillors*, which, pursuant to s. 169(1) of the Local Government Act, is issued "*for the guidance of members of local authorities*", "*shall deal with the conduct and standards of integrity of members... in performing their functions*" and "*shall also deal with matters which... will help to uphold public confidence in the integrity of the discharge of local authority functions*". The scope of the Code goes beyond the exercise of a councillor's powers and duties, covering the overall "*standards of behaviour*" that can be expected of councillors by the public and requiring councillors, in their general conduct, to fulfil their "*duty to keep faith with the public trust placed in them*".

- 5.6 In section 10.3 of the Code it is acknowledged that “[g]iven the range and complexity of local government activity a code such as this cannot deal with all situations and eventualities which may arise” and “if instances of perceived questionable conduct arise, councillors should aim to deal with them in accordance with the principles and intent of the Code”. It is clear, therefore, that the Code does not set out an exhaustive list of the situations in which its provisions must be complied with.
- 5.7 Section 2.1 of the Code stresses that it is important that the core values set out therein “underpin all actions of councillors affecting local authority business”. The Commission considers that public pronouncements made by sitting councillors in the context of an upcoming election come within the scope of actions affecting local authority business. In issuing printed material setting out his views on matters of public interest, Councillor Treanor was stating how he conducted himself in relation to those issues and how he intended to continue to conduct himself if re-elected. This sharing of views and positions with the electorate is a part of the functions of a councillor and cannot be excised therefrom on the basis that it occurred in the context of an election.
- 5.8 It is impossible and undesirable to seek to distinguish some parts of a councillor’s functions from others, and in particular those parts that might also be motivated by a desire to be re-elected. It is unreasonable to assume that electoral consequences are ever entirely absent from the mind of a local councillor when carrying out any public act or making any public pronouncement. Clearly, in the lead up to an election, the electoral consequences are likely to be to the fore in the councillor’s mind. However, that does not mean that actions at that time can be readily divided between “functions” and “canvassing”. Further, there are clear dangers in allowing a councillor to breach the code by merely branding his or her actions as “canvassing”. If such a division of activities were permissible, the Code of Conduct would be entirely undermined.
- 5.9 For these reasons, the Commission does not accept the submissions of Councillor Treanor’s solicitor to the effect that the leaflet the subject of this complaint was outside the scope of the provisions of the Local Government Act and the *Code of Conduct for Councillors*.
- 5.10 While the Commission acknowledges and respects councillors’ constitutional right to “express freely their convictions and opinions”, under Article 40.6.1(i) of the Constitution, that provision is “subject to public order and morality” and cannot be presumed to extend to the freedom to publicise inaccurate statements targeting particular groups of people. In Part 15 of the Local Government Act, and the Codes of Conduct issued thereunder, the Oireachtas has attempted to regulate the actions of local representatives by requiring them to maintain a high ethical standard, including, in the opinion of the Commission, by not abusing their freedom of expression in a manner harmful to public order and morality.

Findings in relation to assertions in leaflet

- 5.11 The first assertion in the leaflet with which issue has been taken was the claim that 92% of refugees are “*deemed to be bogus*” and “*abuse our free legal aid system*”, and the linked objection to “*criminals coming into this country without background checks*”.
- 5.12 The Commission is satisfied that the relevant Department of Justice figures for the relevant time do not support this claim and that, in using terms such as “*bogus*”, “*abuse*” and “*criminals*”, Councillor Treanor deliberately adopted emotive, open-ended and accusatory language, without reference to sources or evidence.
- 5.13 Similarly, the statement that a person entering the country from another EU member state “*can claim benefits after 72 hours*” was, on the evidence presented by counsel for the Commission, without foundation and calculated to denigrate and anger.
- 5.14 Finally, the objection to “*the unfair allocation of 22 houses to economic migrants last year in County Monaghan on the instructions of the Department of Justice*” on the basis that “[*]local people on the housing list for many years were pushed aside and houses were allocated to migrants who never spent a day on the housing waiting list*”, has, on the evidence, been shown to be inaccurate. The inaccuracy in these assertions has the effect of demonising an identifiable group of people and, in this case, it also has the effect of generating a sense of grievance among another group of people. The Commission considered this inaccuracy to be particularly egregious, given the proximity of the issue to Monaghan County Council, the ease with which Councillor Treanor could have ascertained the true position and the inflammatory creation of a “*them versus us*” narrative.

Alleged contraventions 1 to 5

“That being a member of a local authority you contravened the provisions of Section 169(3) of the Local Government Act, 2001 in that you failed to have regard to and be guided by the Code of Conduct for Councillors insofar as you made available the aforementioned canvassing material on dates unknown and in so doing you:

- 1. Did not keep faith with the public trust and did not observe the highest ethical standards in the performance of your role contrary to Section 2.1 of the Code of Conduct for Councillors.*
- 2. Did not act in a way that enhances public trust and confidence contrary to Section 2.2 of the Code of Conduct for Councillors.*

3. *Did not act in a way that served your local authority and its people conscientiously, honestly and impartially contrary to Section 2.2 of the Code of Conduct for Councillors.*
 4. *Did not act in a way that promotes equality and avoids bias contrary to Section 2.2 of the Code of Conduct for Councillors.*
 5. *Did not seek to ensure that your conduct did not bring the integrity of your office or of local government into disrepute contrary to Section 2.3 of the Code of Conduct for Councillors.”*
- 5.15 Given its findings above in relation to the inaccuracies in the leaflet and the tone of the language adopted in conveying such inaccuracies, and following consideration of the evidence and submissions, the Commission finds that, in issuing the leaflet, Councillor Treanor failed to keep faith with the public trust, or to observe the highest ethical standards, as required by section 2.1 of the Code of Conduct.
- 5.16 The public has a right to trust that its local representatives will not spread inaccurate information unfairly targeting particular groups of people. In this instance, Councillor Treanor breached that trust and fell significantly below the standard the public would expect of him.
- 5.17 For the same reasons, the Commission also finds that Councillor Treanor breached the requirements in section 2.2 of the Code of Conduct that he act in a way that enhances public trust and confidence.
- 5.18 The Commission also finds that, in further breach of section 2.2, Councillor Treanor failed to serve the local authority and its people conscientiously and impartially, and failed to promote equality and avoid bias. There was a distinct lack of conscientiousness in the manner in which Councillor Treanor drafted the leaflet, and issued it containing serious inaccuracies, distortions and baseless accusations. Furthermore, the inaccuracies were all skewed in such a way as to denigrate and demonise immigrants and to incite fear and resentment in the general public.
- 5.19 Finally, the Commission finds that, in breach of section 2.3 of the *Code of Conduct for Councillors*, the issuing of the leaflet by Councillor Treanor brought the integrity of his office and of Monaghan County Council into disrepute. The respect held by the public for the office of county councillor and for the local authority as an organisation is, in the opinion of the Commission, in danger of being seriously diminished and damaged when a sitting councillor issues leaflets such as this.
- 5.20 The Commission is satisfied, on the balance of probabilities, that these contraventions of s. 169(3) of the Local Government Act were committed recklessly. On the basis of the evidence, Councillor Treanor must have foreseen the risk that issuing the leaflet, in the manner in which it was worded, would amount to a failure to comply with these ethical requirements, but proceeded to issue it nonetheless.

- 5.21 The Commission further finds that Councillor Treanor’s conduct in this regard was a serious contravention of the statutory provision, and that he did not act in good faith when he prepared and issued the leaflet.

Alleged contravention 6

“That being a member of a local authority you contravened the provisions of Section 168 of the Local Government Act 2001 insofar as you made available the aforementioned canvassing material on dates unknown and in so doing you:

6. Failed to maintain proper standards of integrity, conduct and concern for the public interest.”

- 5.22 Following consideration of the evidence and submissions, the Commission finds that Councillor Treanor also contravened s. 168 of the Local Government Act. In issuing the leaflet, Councillor Treanor failed to maintain proper standards of integrity, conduct and concern for the public interest. The statements contained in the leaflet were in writing, printed and distributed. They were not off-the-cuff statements made in the heat of a debate. They were deliberate and considered and were designed to pit one group of the community against another. They displayed a distinct lack of consideration for the public interest and for the integrity of the local authority.
- 5.23 The Commission is satisfied, on the balance of probabilities, that this contravention of s. 168 of the Local Government Act was committed recklessly. On the basis of the evidence, Councillor Treanor must have foreseen the risk that issuing the leaflet, in the manner in which it was worded, would amount to a failure to maintain proper standards of integrity, conduct and concern, but proceeded to issue it nonetheless.
- 5.24 The Commission further finds that Councillor Treanor’s conduct in this regard was a serious contravention of the statutory provision, and that he did not act in good faith when he prepared and issued the leaflet.

Other findings

- 5.25 By their nature, the Commission finds that the contraventions are not continuing.

**INVESTIGATIONS UNDER
THE ETHICS IN PUBLIC OFFICE ACTS 1995 AND 2001 AND
THE LOCAL GOVERNMENT ACT 2001**

STATEMENT OF INTENDED PROCEDURES

JANUARY 2011

CONTENTS

- 1. INTRODUCTION**
- 2. COMPLAINTS**
- 3. THE DECISION TO INVESTIGATE**
- 4. THE INVESTIGATION**
- 5. THE CONSEQUENCES OF FAILURE
TO CO-OPERATE WITH THE COMMISSION**
- 6. THE REPORT OF THE COMMISSION**
- 7. COSTS**

APPENDIX 1

1 INTRODUCTION

1.1 The Standards in Public Office Commission ("the Commission") was established by section 21 of the Ethics in Public Office Act 1995 ("the Ethics Act") as amended by section 2 of the Standards in Public Office Act 2001 ("the Standards Act") for the purpose of discharging the functions conferred on it by both Acts.¹ In accordance with section 29(3) of the Standards Act, these Acts will be referred to in this document as "the Ethics Acts". By virtue of section 21(2) of the Ethics Act as amended by section 2 of the Standards Act, the Commission consists of the following persons:

- (a) a chairperson who shall be a judge or a former judge of the Supreme Court or the High Court,
- (b) the Comptroller and Auditor General,
- (c) the Ombudsman,
- (d) the Clerk of Dáil Éireann,
- (e) the Clerk of Seanad Éireann, and
- (f) a person who is appointed by the Government following resolution passed by each House approving the proposed appointment, and who is a former member of one of the Houses and is not a representative in the European Parliament.

1.2 The Commission's functions include the formulation of guidelines to assist persons in complying with the requirements of the Ethics Acts and the provision of advice to certain persons in relation to the provisions of those Acts. The Commission also has certain functions under Part 15 of the Local Government Act 2001 ("the Local Government Act") and the Electoral Acts 1997 to 2009 ("the Electoral Acts").

1.3 Section 22 of the Ethics Act provides for the making of complaints to the Commission relating to suspected contraventions of the provisions of Part II, III or IV of the Ethics Act or the doing of a specified act (as defined in section 2(2) of the Ethics Act, as inserted by Schedule 1 of the Standards Act, see footnote ⁶ in Appendix 1). Section 4 of the Standards Act provides for the making of complaints to the Commission where a specified person (as defined in section 4(6)(a) of the Standards Act) has carried out a specified act or has contravened a provision of the Ethics Act or a provision of the Electoral Acts.

¹ *The Ethics in Public Office Act 1995 was extensively amended by the Standards in Public Office Act 2001. Unless otherwise indicated, references in this document to a provision or provisions of the earlier Act are to those provisions as amended by the later Act.*

- 1.4 Section 180(2) of the Local Government Act provides that the Ethics Acts shall apply in relation to a local authority, subject to the provisions of that section, including inter alia, the powers of investigation and report conferred on the Commission. Accordingly, under section 174(8) of the Local Government Act, a complaint in relation to a member or employee of a local authority may fall to be investigated by the Commission where the complaint is one made to the Commission by the appropriate person or persons in that local authority to whom the matter of an alleged contravention of Part 15 of the Local Government Act by that member or employee has been brought to their attention by the Ethics Registrar of that local authority. A person may complain directly to the Commission about an alleged contravention of Part 15 of the Local Government Act. However, the Commission is of the view that all local avenues should be exhausted before a complaint is made to it, and that accordingly in the first instance, the local authority's ethics registrar should be made aware of any alleged contravention. Under section 174(7) of the Local Government Act, where the ethics registrar becomes aware of a possible contravention, it is his or her duty to bring the matter to the attention of either the manager for and/or the Cathaoirleach of the local authority, who shall consider what action should be taken.
- 1.5 Section 23 of the Ethics Act provides for the investigation of such complaints by the Commission and also confers on the Commission the power to carry out such an investigation on its own initiative. Further and more detailed provision for such investigations is made elsewhere in the Ethics Act, particularly in section 32. Section 6 of the Standards Act empowers the Commission to authorise inquiry officers, if it so decides, to assist it in carrying out an investigation.
- 1.6 While, in general, the Commission's functions in relation to members of the Houses of the Oireachtas are confined to "office holders", section 22(5) of the Ethics Act, as amended, provides that complaints in relation to members of the Oireachtas may fall to be investigated by the Commission where the complaint is one made to the Commission by the chairman of the relevant Committee on Members' Interests itself or where, in the case of a third party complaint, the complaint is referred to the Commission by the chairman of the Committee concerned.
- 1.7 Section 32(6) of the Ethics Act, so far as it is relevant to the Commission, provides that "The procedure of ... the Commission in relation to an investigation by it under this Act shall, subject to the provisions of this Act, be such as shall be determined by ... the Commission." and then proceeds to set out certain specified matters for which provision is required to be made by the Commission.
- 1.8 The purpose of this document is to state the procedures which the Commission proposes to follow in carrying out investigations under the Ethics Acts. This statement of procedures is intended to reflect the mandatory provisions of the Ethics Acts but it also sets out the approach of the Commission to issues likely to arise which are not provided for, or not provided for in detail, in the Ethics Acts. The Commission emphasises that its functions are inquisitorial rather than adversarial in nature. Furthermore, the Commission has no coercive or punitive power. However, the Commission appreciates that the outcome of investigations carried out by it under the Ethics Acts may have significant implications for

those concerned. The procedures set out in this document are intended to ensure that such investigations are conducted in accordance with fair procedures and so as to ensure a fair result.

- 1.9 It is not, however, possible to anticipate every issue which may arise in relation to investigations under the Ethics Acts or to provide, in advance, a detailed blueprint of the Commission's procedures in every eventuality. Therefore, it may be necessary to supplement or modify these procedures in the particular circumstances of individual investigations and the Commission reserves the right to so do, subject of course to the provisions of the Ethics Acts. It may also be necessary to revise the procedures described in this statement in the light of the Commission's experience of the actual operation of the Ethics Acts.
- 1.10 The Commission is committed to exercising its investigative powers under the Ethics Acts fairly and thoroughly and as expeditiously as possible, consistent with these over-riding imperatives.
- 1.11 This document is not intended to be an exhaustive statement of the provisions of the Ethics Acts so far as they relate to investigations and should be read in conjunction with both Acts. Obviously, in the event of there being any conflict between any part of this document and any provision of the Ethics Acts, the latter will prevail.

2 COMPLAINTS

- 2.1 Detailed provision for the making of complaints to the Commission is made in section 22 of the Ethics Act and section 4 of the Standards Act to which reference should be made. Section 174 of the Local Government Act requires ethics registrars to bring possible contraventions of Part 15 of that Act by members or employees of local authorities, members of committees of local authorities and persons whose services are being availed of by a local authority to the attention of the manager for and/or the Cathaoirleach of the local authority who in turn can submit a complaint to the Commission. A summary of these provisions is contained in Appendix 1.
- 2.2 Subject to section 22(1)(b) of the Ethics Act (which provides for complaints in relation to an office holder in respect of an alleged contravention of Part II of the Act dating from the period before the person concerned became an officer holder), and section 22(5) (which provides for the referral of a complaint, made or referred to it, to the Commission, by the Chairman of either of the Committees on Members' Interests of Dáil Éireann or of Seanad Éireann or the making of a complaint by the Chairman of either Committee in relation to a member) the Commission has no power to receive complaints against members of the Houses of the Oireachtas as such, such powers being conferred on the appropriate Committee of the House by sections 8 and 9 of the Ethics Act.
- 2.3 The Commission's function in relation to complaints is to receive and consider complaints against office holders and the other categories of person referred to in section 22 of the Ethics Act, section 4 of the Standards Act and sections 167(1) and 167(2) of the Local Government Act. The provisions of section 22 identify the persons who may make complaint regarding the different categories of persons who are subject to requirements of the Ethics Acts. All complaints under section 22 of the Ethics Act and section 4 of the Standards Act are to be made directly to the Commission.
- 2.4 Other than providing that all complaints made under section 22 of the Ethics Act, and section 4 of the Standards Act are to be made "in writing", the Ethics Act is silent on the form that such complaints should take. However, in order to enable the Commission to discharge properly its function of deciding whether or not it is appropriate to carry out an investigation of that complaint, it is essential that it be as detailed and as specific as possible. The Commission is therefore of the view that every complaint made under section 22 of the Ethics Act and section 4 of the Standards Act should clearly identify the person against whom complaint is made, should specify the alleged contravention of the provisions of the Ethics Act and/or the Standards Act and/or the Local Government Act, the subject-matter of the complaint, and set out in detail the basis for alleging that contravention. Where documentary material is relevant, copies of that material should be furnished with the complaint where possible.
- 2.5 Section 8 of the Standards Act precludes the Commission from investigating a complaint unless the identity of the person making the complaint is disclosed. However, section 8 permits the Commission, if it considers it appropriate to do so, to restrict the disclosure of such identity to those persons whom the Commission is of the view should know the

identity of the person making the complaint for the purposes of or by reason of the investigation of the complaint or otherwise in the interests of justice.

3 THE DECISION TO INVESTIGATE

- 3.1 Where a complaint is made or referred to the Commission under section 22 of the Ethics Act or made to the Commission under section 4 of the Standards Act, the Commission shall carry out an investigation. However, in regard to a complaint made under section 4 of the Standards Act, if the Commission forms the view that the subject matter of the complaint is not of sufficient gravity to warrant investigation by the Commission, the Commission has the discretion either not to investigate the complaint or to refer the complaint to the appropriate entity or person as set out in section 4(5) of the Standards Act. Furthermore, the Ethics Acts envisage that where a complaint is made under section 4 in relation to the doing of a "*specified act*", then, unless the complaint is made or referred to the Commission by the chairman of a Committee, the Commission should not carry out an investigation unless it is of the opinion, after considering the report of an inquiry officer, that there is sufficient evidence to establish a prima facie case: see section 23(1A) of the Ethics Act (inserted by section 7 of the Standards Act).
- 3.2 In every other case, the decision whether or not to carry out an investigation is one for the Commission to make, having regard to what it considers "appropriate". Where, however, the Commission is considering whether to carry out an investigation of a matter relating to a person who holds or held a designated directorship of, or occupies or occupied a designated position in, a public body which was not the subject of a complaint under section 22, it is obliged to consult with the relevant Minister of the Government and must only carry out the investigation if the additional requirements of section 23(2) are met.
- 3.3 In deciding whether or not to carry out an investigation, as in the discharge of all its functions under the Ethics Acts, the Commission acts independently. The provisions of section 21 of the Ethics Act provide that the Commission's functions under section 23 must be discharged by the Commission as a whole and cannot be discharged while there is any vacancy amongst its members. Equally, these functions cannot be delegated to any of the Commission's staff. Section 32(7) of the Ethics Act provides that a decision of the Commission in relation to an investigation by it under the Ethics Acts or any question arising in the course of such an investigation may be that of a majority of its members. It should be noted, however, that section 21(2I) of the Ethics Act (inserted by section 2 of the Standards Act) permits such functions of the Commission as it may determine to be performed in relation to such matter or matters as the Commission determines by the Commission consisting only of the chairperson.
- 3.4 In considering whether or not to carry out an investigation, the Commission will have regard to all the material before it. The nature of the material before the Commission to support the complaint will clearly be of primary importance in deciding whether an investigation is warranted. However, having regard to the broad discretion conferred upon the Commission by the terms of section 23, it is neither practicable nor appropriate to seek to set out an

exhaustive list of all of the factors which the Commission may have regard to in making this decision.

- 3.5 It is important to emphasise that a decision by the Commission to carry out an investigation signifies only that it considers it appropriate to carry out an investigation in accordance with the Ethics Acts for the purpose of determining whether there has been a contravention of the provisions of either Act. It does not imply that the Commission has reached any view on the truth or otherwise of any complaint made to it.
- 3.6 Before deciding whether or not to carry out an investigation under the Ethics Acts, the Commission may communicate with the person who would be the subject of such investigation in relation to the subject matter of such investigation. Such communication may be appropriate in order to obtain information or to clarify matters which may have a bearing on the decision whether or not to initiate an investigation. Whether or not there will be any such communication, and the form and contents of it, will be a matter to be determined by the Commission having regard to the particular circumstances of each specific case. Where such communication takes place, the Commission will have due regard to anything said by the person concerned in deciding whether or not to carry out an investigation.
- 3.7 A significant aspect of the Standards Act is that, in section 6, it permits the Commission to appoint "Inquiry Officers" for the purpose of assisting the Commission in the performance of its functions. Whenever so requested by the Commission, an Inquiry Officer shall carry out a preliminary inquiry into a complaint made under section 22 of the Ethics Act or section 4 of the Standards Act. In conducting that inquiry, the Inquiry Officer may seek a statement from and/or interview the complainant and/or the person against whom the complaint has been made. The Inquiry Officer may also interview or seek a statement from any other person whose evidence would or might, in the opinion of the Inquiry Officer, be relevant to the inquiry. He or she may also request the production of any documents considered to be relevant to the inquiry. Following such an inquiry, the Officer is required to prepare a report of the results of the inquiry and to furnish that report, together with any statements and other documents furnished to the officer in the course of the inquiry. The report must not contain any "*determination or findings*" but, if the Commission so requests, it shall contain an expression of the opinion of the officer as to whether there is *prima facie* evidence to sustain the complaint.
- 3.8 The Commission's current view - which is, of course, subject to revision in the light of actual experience - is that the appointment of an inquiry officer is likely to be beneficial in most cases. Use of the section 6 procedure is likely to assist in ensuring that complaints are the subject of a full formal investigation by the Commission only where that is truly warranted and is also likely to assist in establishing the proper parameters for such an investigation, as well as avoiding the necessity of the Commission itself becoming involved in an information-gathering exercise. Accordingly, whenever a complaint is made to the Commission pursuant to section 22 of the Ethics Act or section 4 of the Standards Act, the Commission will, as a preliminary matter, give consideration to whether an inquiry officer should be requested to carry out a preliminary inquiry under section 6. There may, of course, be cases where the carrying out of such a preliminary inquiry will not be necessary as, for instance, where the facts are clear and not the subject of any dispute.

4 THE INVESTIGATION

- 4.1 This section deals with cases where the Commission is obliged or has decided to initiate an investigation. As already indicated, it is likely that, in most such cases, that decision will be made only after a preliminary inquiry into the complaint has been carried out and the report on that inquiry considered by the Commission.
- 4.2 Section 32(1) of the Ethics Act, so far as it relates to the Commission, provides that it shall hold sittings for the purpose of an investigation by it under the Act and further provides that it may receive submissions and evidence as it thinks fit at such sittings. Section 32(6) goes on to make detailed provision for the calling of witnesses at such sittings and other related matters. Further and more detailed reference will be made to the provisions of section 32(6) below.
- 4.3 Regardless of whether a preliminary inquiry had been conducted or not, it will normally be necessary for the Commission to obtain statements from potential witnesses and relevant documentation will also have to be obtained. The Commission anticipates that, in many cases, such statements and other material will be voluntarily furnished to it. Where necessary, however, the chairperson of the Commission will exercise the power to give directions conferred on him/her by section 32(2) of the Ethics Act and in particular section 32(2)(c) and (d). In addition, section 18 of the Standards Act permits the chairperson of the Commission to give directions to "any person" to make discovery on oath of any documents relating to any matter relevant to the functions of the Commission.² In certain cases - where, for instance, the chairperson proposes to exercise the power under section 32(2)(d) of the Ethics Act or section 18 of the Standards Act to direct the production of private bank accounts of the person the subject of the investigation - he or she will normally be notified of the proposal to give such a direction and afforded an opportunity to make any representations he or she wishes to make in that regard. In other cases, however, a direction under section 32(2) or section 18 may be given without any reference to the person the subject of the investigation. The precise steps taken by the Commission will vary from one investigation to the next, as will the duration of this stage of the Commission's work.
- 4.4 The Commission may, as it considers appropriate, hold a preliminary sitting (and, where necessary, more than one such sitting) for the purposes of dealing with any preliminary and/or procedural issues arising in relation to the particular investigation it is carrying out.

² It should also be noted in this context that section 19 of the Standards Act imposes on persons an obligation to preserve documents or information in their possession or control which he or she knows to be relevant to an investigation or intended investigation of the Commission until the investigation and any related proceedings are completed.

- 4.5 Prior to holding any sitting for the purposes of hearing evidence or receiving submissions in connection with its investigation (other than the preliminary sitting or sittings already referred to), the Commission will, in accordance with the provisions of section 32(6)(a) of the Ethics Act, notify the person the subject of the investigation of the date, time and place of the relevant sitting of the Commission. Where the investigation arises from a complaint made under section 22 of the Ethics Act or section 4 of the Standards Act, the complainant will receive a similar notification. To the maximum extent practicable, sittings of the Commission will be scheduled for a date and time that suits all interested parties. Sittings of the Commission will normally be held in the Commission's premises at Leeson Street. However, an alternative venue may be utilised by the Commission as it considers appropriate.
- 4.6 Again, prior to holding any sitting for the purposes of hearing evidence or receiving submissions (other than the preliminary sitting or sittings already referred to), the Commission will, in accordance with the requirements of section 32(6)(b) of the Ethics Act, give the person the subject of the investigation certain specified information relating to the investigation, including a statement of the contravention of the Ethics Acts alleged and copies of any statements intended to be used by the Commission. The Commission will also endeavour to comply with any reasonable request made by or on behalf of the person the subject of the investigation in relation to the exercise by the chairperson of his/her powers under section 32(2) of the Ethics Act for the purposes of securing the attendance of witnesses and/or the production of documents which that person wishes to present to the Commission.
- 4.7 The Commission will, in accordance with the requirements of section 32(6)(c), (f) and (g) of the Ethics Act, ensure that the person the subject of the investigation will be entitled to present his or her case to the Commission, to cross-examine witnesses called by the Commission and to call witnesses on his or her own behalf. The order in which witnesses will be called to give evidence will be determined by the Commission. The Commission will also determine whether or not evidence should be given on oath. However, while there may be exceptional cases which, for example, involve no disputed issue of fact and where sworn evidence may therefore appear unnecessary, the Commission envisages that evidence will normally be given on oath. Where evidence is being given on oath, the chairman of the Commission will administer the relevant oath to each witness. Where a witness objects to taking an oath, the witness will instead be asked to affirm.
- 4.8 A witness whose evidence had been, is being or is to be given before the Commission in proceedings under the Ethics Acts is entitled to the same privileges and immunities as a witness in a court, save that such witness cannot refuse to answer a question or refuse to produce a document on the ground that the answer or document might incriminate him or her. (See section 32 of the Ethics Act and section 16 of the Standards Act). However, any statement or admission made by a person before the Commission (or an inquiry officer or person appointed under section 32(4A) of the Ethics Act, as amended) shall not be admissible as evidence against that person in any proceedings, other than proceedings for breach of the provisions of section 32(4) (failure to obey a direction to attend and failure/refusal to answer a question or produce a document) and 35(5) (giving false

evidence) of the Ethics Act or section 17 of the Standards Act (obstruction of the Commission).

- 4.9 The Commission shall, as far as practicable, ensure that the evidence of all relevant witnesses is presented. Witnesses called by the Commission will be examined by the Commission or its legal advisers and will then be subject to cross-examination by or on behalf of the subject of the investigation. Where the person the subject of the investigation gives evidence and/or calls witnesses, they will be subject to cross-examination by or on behalf of the Commission.
- 4.10 The Commission is also empowered, where for sufficient reason it considers it appropriate to do so, to arrange for the examination of a person at any place in or outside the State by a member of the Commission, a member of the staff of the Commission or any other person and the evidence of that person will be admissible for the purposes of an investigation being conducted by the Commission: section 32(4A) & (4B) of the Ethics Act (inserted by Schedule 1 of the Standards Act).
- 4.11 Written statements may be admitted into evidence by the Commission, provided that the person the subject of the investigation consents to same. The Commission intends to avail of this procedure to the maximum possible extent, particularly where the statement concerned deals with uncontroversial issues and/or is directed to the proof of formal matters. The power to admit any written statement into evidence does not, however, prejudice the powers of the Commission, through its chairman, to direct the attendance of persons before the Commission for the purposes of giving evidence and/or producing documents where the Commission considers it appropriate.
- 4.12 The Commission will, subject to the provisions of the Ethics Act, rule on any evidential issues which may arise in the course of an investigation being carried out which appear to require determination by the Commission, including issues relating to the admissibility of evidence, (including any issue concerning privilege claimed by a witness), issues relating to relevance and issues as to the proper scope of the examination and cross-examination of witnesses before the Commission. Where objection is taken to any evidence (oral or otherwise) given or intended to be given before the Commission, the Commission shall consider such objection and rule on same as it considers appropriate.
- 4.13 The Commission will, subject to the provisions of the Ethics Act, rule on any procedural issues which may arise in the course of an investigation being carried out which appear to require determination by the Commission. Where objection is taken to any procedures adopted or intended to be adopted by the Commission, the Commission shall consider such objection and rule on same as it considers appropriate.
- 4.14 Any signature appearing on a document produced before the Commission (including, but not limited to, a witness statement) shall, in the absence of evidence to the contrary, be taken to be that of the person whose signature it purports to be.
- 4.15 The proceedings of the Commission shall be recorded in such manner as the Commission shall determine and such record of the proceedings prepared as may be directed by the Commission shall accurately set out such proceedings.

- 4.16 Sitings of the Commission for the purposes of an investigation by it under the Ethics Acts shall be held in public save where otherwise directed by the Commission pursuant to section 32(9) of the Ethics Act. The Commission may, at its discretion, direct that the whole or any part of any such sitting shall be held in private where it considers it appropriate to give such a direction. In determining whether or not to hold any sitting of the Commission in private, the Commission will have regard to, but will not be bound by, the views (if any) of interested parties, including in particular the views of the person the subject of the investigation. Where a sitting of the Commission, or any part of it, is held in private, the provisions of section 35(1) of the Ethics Act, which prohibit the disclosure by any person of information obtained by being present at such a private sitting, will apply.
- 4.17 Nothing in the previous paragraph, or in any other part of this document, prejudices or affects the capacity of the Commission to meet in private session from time to time where same appears expedient for the due discharge by the Commission of its functions under the Ethics Act or Standards Act or confers on any person any entitlement to be present at such private sessions.
- 4.18 The Commission may be assisted in the carrying out of investigations under the Act by such legal advisers as it appears appropriate to the Commission to retain. Such legal advisers may, at the request of the Commission and on its behalf, examine or cross-examine (as the case may be) witnesses called to give evidence before the Commission. Such legal advisers may also, at the request of the Commission, make submissions to the Commission on such matters as the Commission may consider appropriate. The Commission's legal advisers may also give such legal advice to the Commission as it may require. The Commission's legal advisers shall have no role in the Commission's decision-making but may give legal advice in relation thereto if so requested by the Commission.
- 4.19 The person the subject of the investigation may present his or her case to the Commission in person or through a legal or other representative. That person may, by him or herself or by such representative, make an opening statement to the Commission, may examine or cross-examine (as the case may be) witnesses called to give evidence before the Commission and may address the Commission on relevant matters which arise in the course of the Commission's investigation and may make a closing submission to the Commission upon the conclusion of the evidence.
- 4.20 Section 32(5) of the Ethics Act provides that, if a person gives false evidence before the Commission in such circumstances that, if he or she had given that evidence before a court, he or she would be guilty of perjury, he or she shall be guilty of that offence. It is also an offence to fail or refuse to attend before the Commission when directed or, being in attendance, to refuse to take the oath if required to do so, to refuse to answer any question put to which the Commission is entitled to require an answer or to produce any document which the Commission legally requires: section 32(4). Obstruction of the Commission is a separate offence under section 17 of the Standards Act.
- 4.21 Where a witness is directed to attend before the Commission pursuant to section 32(2)(b) of the Ethics Act, the reasonable expenses of that witness shall be paid out of moneys provided by the Oireachtas. What will constitute reasonable expenses will vary from case to case. In

the event of a dispute, the Commission will determine the appropriate amount of expenses. Where a witness is directed to attend before the Commission under this provision, a sum in respect of the expenses of his or her attendance, equivalent to the sum which a witness summoned to attend before the High Court would be entitled to have tendered to him, will be tendered to such witness at the same time as he or she is served with the direction in question. This sum - referred to in the context of court proceedings as a 'viaticum' - is intended to cover the cost of travel and related costs.

- 4.22 Section 9 of the Standards Act permits the Commission to make orders in relation to the costs incurred by any person appearing before it. Section 9 is addressed further in section 7 of this document.
- 4.23 The Commission may adjourn or postpone proceedings in relation to an investigation under section 23 of the Ethics Act as it considers appropriate. This power might, for instance, be exercised where criminal proceedings were being considered, or had been brought, by the Director of Public Prosecutions arising from the same matters as were the subject of the Commission's investigation. Where the Commission exercises this power, it may, if it considers it appropriate to do so, furnish an interim report on its investigation.
- 4.24 If, at any time in the course of investigating a complaint made to it, or referred to it, under section 22 of the Ethics Act, section 4 of the Standards Act or section 174 of the Local Government Act, other than a complaint made by a member or a person referred to in paragraphs (c) or (d) of section 22(4) of the Ethics Act, the Commission forms the opinion that the complaint concerned is frivolous or vexatious, it may discontinue such investigation, in which case the provisions of section 31(3) and 31(4) of the Ethics Act shall apply.
- 4.25 Where the Commission, either during or at the conclusion of an investigation under section 23, forms the opinion that the person the subject of the investigation has not contravened the provision of the Ethics Act, Standards Act, or Part 15 of the Local Government Act to which the investigation relates but may have contravened another provision of Part II, III or IV of the Ethics Act, the Standards Act or Part 15 of the Local Government Act, it may carry out an investigation to determine whether the person concerned has contravened that other provision.

5 THE CONSEQUENCES OF FAILURE TO CO-OPERATE WITH THE COMMISSION

- 5.1 In order to enable it to carry out its investigative function effectively, the Oireachtas has conferred on the chairperson of the Commission significant powers to direct the attendance of persons before the Commission (section 32(2)(a) & (b)) and the production of documents to it (section 32(2)(c) & (d)). The chairperson may also give other directions for the purposes of the proceedings that appear to him or her to be reasonable and just. By virtue of section 32(4) of the Ethics Act, failure to abide by such a direction may constitute a criminal offence, for which significant penalties are provided by section 37 of the Ethics Act. It is also a criminal offence to obstruct the Commission, an inquiry officer or a person who is a member of the staff of the Commission or who is carrying out an examination under section 32(4A): section 17 of the Standards Act. Such obstruction may occur "*by act or omission*". The penalties provided for in section 37 of the Ethics Act also apply to the offence of obstruction.

6 THE REPORT OF THE COMMISSION

- 6.1 In accordance with section 24 of the Ethics Act, the Commission will prepare a report in writing of the result of every investigation, other than investigations which have been discontinued by the Commission in accordance with section 31(2) (where the Commission has formed the view that the complaint concerned is frivolous or vexatious). Section 24(1) provides for the circulation of such reports and additional provision in this regard is contained in section 24(5). Section 24(3) makes detailed provision for the content of such reports. Section 180 of the Local Government Act makes detailed provision for the circulation of such reports by the Commission relating to a member or an employee of a local authority or to any other person to whom section 167(1) or 167(2) relates.
- 6.2 During the course of an investigation, if the Commission forms the opinion that evidence sufficient to sustain a complaint made or referred to it under section 22 of the Ethics Act or made under section 4 of the Standards Act is not or is unlikely to become available, the Commission may decide not to carry out, or to discontinue, an investigation but if it does so decide, it shall prepare a record of the decision and the provisions of section 24(1) and 24(4) of the Ethics Act shall apply in relation to such a record as if it was a report under that section.
- 6.3 Where the Commission determines that there is a continuing contravention of any of the relevant provisions of the Ethics Acts or of the Local Government Act, the Commission is obliged to include in its report its determination as to the steps required to be taken by the person the subject of the investigation to secure compliance with such provisions and the time period within which such steps are to be taken. Section 36 of the Ethics Act provides that the person concerned shall take the specified steps within the specified time.
- 6.4 Apart from the situation provided for in section 36, where the person the subject of the Commission's investigation is a member of either House of the Oireachtas, section 28 of the Ethics Act provides that it is a matter for the relevant House of the Oireachtas to determine what action, if any, ought to be taken on foot of the Commission's report. The Commission has no further function in this respect. Where the person the subject of the investigation is not a member of either House, he or she may be subject to disciplinary sanctions in the event of a contravention of the provisions of the Act being established. Again, however, the Commission has no further function in this respect.
- 6.5 Section 24(2) of the Ethics Act provides that, where either during or at the conclusion of an investigation, the Commission forms the opinion that the person the subject of the investigation may have committed a criminal offence relating to the performance of his or her relevant public duties, whether as an office holder or otherwise, it shall prepare a report in writing in relation to the matter and furnish that report, together with any relevant documents or other things, to the Director of Public Prosecutions. Section 24(2) further provides that the Director shall notify the Commission as to whether or not any criminal proceedings have been taken in respect of any matter mentioned in the report and, where proceedings have been brought, as to the final outcome of such proceedings. The Commission is, by virtue of section 24(2)(b), obliged to add to its report under section 24(1),

a copy of any report furnished to the Director of Public Prosecutions, together with a statement of any notification or notifications received by the Commission from the Director.

7 COSTS

- 7.1 Section 9 of the Standards Act provides that following an investigation by the Commission under section 23 of the Ethics Act the Commission may either at its own discretion or on the application of any person appearing before it order that the whole or part of the costs necessarily incurred by that person, as taxed by a Taxing Master of the High Court, be paid to that person by any other person named in the Order or that the whole or part of the costs incurred by the Commission, as taxed aforesaid, be paid to the Minister for Finance by any other person named in the Order. Such an order may be made if and only if, having regard to "*the findings of the Commission*" and "*all other relevant matters*", including the matters specified in section 9(1), the Commission is of the opinion that there are sufficient grounds rendering it equitable to do so.
- 7.2 Having regard to the terms of section 9, it is clearly impossible to anticipate in what circumstances and in what manner the Commission may exercise its power under section 9. It will, however, do so fairly and in accordance with fair procedures.
- 7.3 Section 26 of the Ethics Act provides that where, following investigation by the Commission of a complaint referred to, or made to the Commission under section 22 of the Ethics Act (other than complaints made under section 22(4) of the Ethics Act and section 4 of the Standards Act), the Commission determines that the complaint was frivolous or vexatious or determines that there has been no contravention of the relevant provisions of the Ethics Acts and that there were no reasonable grounds for the complaint, the Commission may order that such amount or amounts as it considers appropriate in all the circumstances, but in any event not exceeding €1,950.00, in respect of the reasonable costs and expenses incurred by any person before it (including costs incurred in respect of legal representation) in relation to the investigation should be paid by the complainant. For the purpose of exercising this power, the Commission is empowered to measure the costs and expenses concerned. The powers of the Commission under this section also apply when an investigation is discontinued under section 31(2) of the Act.

APPENDIX 1

The following chart describes the route prescribed by the Ethics Acts for the making of a complaint to the Commission regarding an office holder¹ or Part IV position holder² or a member of either House of the Oireachtas or other persons where a contravention of the Ethics Act and/or Standards Act and/or the Local Government Act may have occurred:

Complainant	Subject of Complaint	Subject Matter of complaint
A member of the public (section 22(1) of the Ethics Act)	An office holder ³	A provision of Part II, III or IV of the Ethics Act while an office holder or of Part II before becoming an office holder
A member of the Dáil or Seanad (section 22(3) of the Ethics Act)	A Part IV position holder	A provision of Part IV of the Ethics Act
A member of the Dáil or Seanad (section 22(3) of the Ethics Act)	An office holder ⁴	A provision of Part II, III or IV of the Ethics Act while an office holder or of Part II before becoming an office holder
The Minister for Finance (section 22(4)(a) of the Ethics Act)	A Part IV position holder (other than an office holder)	A provision of Part IV
Any Minister (with the consent of the Minister for Finance) (section 22(4)(b) of the Ethics Act)	Certain specified Part IV position holders	A provision of Part IV
A specified public body (section 22(4)(c) of the Ethics Act)	A designated director or employee of that body	A provision of Part IV
An individual to whom a statement in writing is furnished under section 17 or 18 of the Ethics Act (section 11(b) of the Standards Act)	A designated director or employee of that body	A provision of Part IV
The "appropriate authority" within the meaning of the Civil Service Regulation Act 1956, as amended, (other than a Minister of the Government) in relation to a civil servant (section 22(4)(d) of the Ethics Act)	A civil servant subject to the provisions of Part IV of the Ethics Act	A provision of Part IV
Committee on Members Interest of Dáil Éireann/or Seanad Éireann (section 22(5) of the Ethics Acts) ⁵	A member of Dáil Éireann or Seanad Éireann, as the case may be (other than a member who at the relevant time was an office holder)	A provision of Section 5, 7 or 12 of the Ethics Act or a 'specified act' ⁶
Any person (section 4 of the Standards Act)	Specified person ⁷	A provision of the Ethics Acts, of Part 15 of the Local Government Act or a 'specified act',
The person or persons notified by an Ethics Registrar of a local authority of an alleged contravention of the Local Government Act (Section 174(8) of the Local Government Act; section 4 of the Standards Act) ⁸	A member or an employee of a local authority; a member of a committee of a local authority and a person whose services are being availed of by a local authority.	A provision of Part 15 of the Local Government Act

¹ "Office holder" is defined in section 2(1) of the Act. It includes a Minister of the Government or a Minister of State (past or present), a TD or Senator who holds the office of Attorney General (past or present), the Chairman and Deputy Chairman of Dáil Éireann (past or present) and the Chairman and Deputy Chairman of Seanad Éireann (past or present).

² This expression is used as a shorthand description of the various offices referred in Part IV of the Act. Part IV of the Act applies to the Attorney General (section 16), persons holding designated directorships in certain public bodies referred to in the First Schedule of the Act (section 17), persons holding designated positions of employment within such a public body (section 18) and "special advisers" (section 19).

³ A complaint may be made in respect of an alleged contravention of Part II, III or IV of the Act which occurred while the person concerned was an office holder. In addition, complaint may be made against an existing office holder in respect of an alleged contravention of Part II which occurred before the person became an office holder.

⁴ See footnote 3 above.

⁵ A Committee may also refer to the Commission a complaint made to it by a third party regarding a member of Dáil Éireann or Seanad Éireann (other than a member who at the relevant time was an office holder): section 22(5) of the Ethics Act (as amended). Section 8(2) of the Ethics Act provides that a person other than a member may complain to the Clerk of the relevant House about a member (other than an office holder) contravening section 5 or 7 or doing a 'specified act'. Where appropriate, the Clerk will refer the matter to the relevant Committee on Members' Interests. Section 8(4) of the Ethics Act provides that a member may complain to the relevant Committee on Members' Interests about a member (other than an office holder) contravening section 5 or 7 or doing a 'specified act'.

⁶ A 'specified act' is an act done or an omission made after the commencement of section 2 [of the Standards Act, ie after 10 December 2001] that is, or the circumstances of which are, such as to be inconsistent with the proper performance by the specified person of the functions of the office or position by reference to which he or she is such a person or with the maintenance of confidence in such performance by the general public, and the matter is one of significant public importance (section 4(1)(a) of the Standards Act). Section 4(6) provides: "Without prejudice to the generality of the expression "significant public importance" in subsection (1), a matter shall, if the Commission consider it appropriate to do so having regard to all the circumstances, be deemed by it, for the purposes of that subsection, to be of significant public importance if it relates to a benefit alleged to have been received by a specified person or a person who, in relation to a specified person, is a connected person and, in the opinion of the Commission, the value of the benefit was, is or might have been or be expected to be or to become not less than £10,000" (ie. €12,697).

⁷ "Specified person" is defined in section 4(6)(a) of the Standards Act. It includes an office holder, (but not a member), a Part IV position holder, and a director or employee of a public body at the time to which the complaint concerned relates. In view of the provisions of sections 167(1), 167(2) and 180(2) of the Local Government Act, a 'specified person' also includes a member of a local authority, an employee of a local authority, a member of a committee of a local authority and a person whose services are being availed of by a local authority.

⁸ Either the Manager or the Cathaoirleach of the local authority concerned or both, depending on against whom in the local authority the contravention is alleged.

Ethics in Public Office Act 1995
Standards in Public Office Act 2001
Local Government Act 2001
(Section 32(6)(b) of the Ethics in Public Office Act 1995)

STATEMENT OF ALLEGED CONTRAVENTIONS

Councillor Seamus Treanor

Outline of Allegations

On 6 November 2019, the Standards in Public Office Commission received a complaint from the Cathaoirleach and Chief Executive of Monaghan County Council in relation to a possible contravention of Part 15 of the Local Government Act by Councillor Seamus Treanor. The complaint states that the Council had received four complaints from members of the public between 19 and 27 May 2019 in relation to the content of political canvassing material distributed by Councillor Treanor in the lead up to the 2019 Local Elections on 24 May 2019.

The complaints to the Council raised concerns in respect of the language and content of the canvassing material, which complaints included descriptions of the material as “racist”, “dangerous”, and “xenophobic”. The canvassing material included the following statement:

“With regards to immigration, I have no problem with any person or family coming to this country to work or start a new business, providing they can pay for their own housing and provide for their families themselves and obey our laws and customs. Unfortunately, our political elite in Ireland (FF, FG, SF) and their masters in Europe have encouraged uncontrolled migration into this country. We have a large number of asylum seekers entering the country and up to 92% of these are deemed to be bogus and should be deported immediately. They abuse our free legal aid system to extend their stay at huge expense to the tax payer. I object to criminals coming into this country without background checks. We will never know if they have a criminal record until they commit a crime here. A person entering this country from another EU country can claim benefits after 72 hours. Every other country in Europe do not allow this until they are resident in the country for 6 months. Every other country has a moratorium on handing out benefits. I also object to the unfair allocation of 22 houses to economic migrants last year in County Monaghan on the instructions of the Department of Justice. There is a €4,000 grant available for furniture and household items. They get access to social

welfare, medical cards and pensions etc. Local people on the housing list for many years were pushed aside and houses were allocated to migrants who never spent a day on the housing waiting list. The silence was deafening from my colleagues in Monaghan County Council chamber as most of them were towing the party line. The only councillor who objected in the County Council chamber was myself.

Vote 1, Cllr. Seamus Treanor, Independent."

Alleged inaccuracies

The above material was factually incorrect in the following ways:

1. It was factually incorrect and misleading in claiming that 92% of asylum seekers are "deemed to be bogus".
2. It was legally incorrect to claim that EU migrants could claim benefits after 72 hours in Ireland.
3. It was factually incorrect and misleading in relation to the claim that 22 economic migrants were housed on instruction of the Department of Justice.

Alleged Contraventions

That being a member of a local authority you contravened the provisions of Section 169(3) of the Local Government Act, 2001 in that you failed to have regard to and be guided by the Code of Conduct for Councillors insofar as you made available the aforementioned canvassing material on dates unknown and in so doing you:

1. Did not keep faith with the public trust and did not observe the highest ethical standards in the performance of your role contrary to Section 2.1 of the Code of Conduct for Councillors.
2. Did not act in a way that enhances public trust and confidence contrary to Section 2.2 of the Code of Conduct for Councillors.
3. Did not act in a way that served your local authority and its people conscientiously, honestly and impartially contrary to Section 2.2 of the Code of Conduct for Councillors.
4. Did not act in a way that promotes equality and avoids bias contrary to Section 2.2 of the Code of Conduct for Councillors.
5. Did not seek to ensure that your conduct did not bring the integrity of your office or of local government into disrepute contrary to Section 2.3 of the Code of Conduct for Councillors.

That being a member of a local authority you contravened the provisions of Section

168 of the Local Government Act, 2001 insofar as you made available the
aforementioned canvassing material on dates unknown and in so doing you:

6. Failed to maintain proper standards of integrity, conduct and concern for
the public interest.

Dated 28th September 2021

Signed 

Gary Fitzgerald,
Head of Legal Services (acting),
Standards in Public Office Commission.

Savers (Chapter 4).

165.—(1) The Local Offices (Irish Language) Regulations, 1966 (S.I. No. 221 of 1966), made under sections 13 and 19 of the Local Government Act, 1941, shall remain in force after the commencement of the provisions repealing those sections and, by regulations made by the appropriate Minister by virtue of this subsection, may be amended to the same extent as provided for by those sections or may be revoked.

(2) Every declaration made under section 23 of the Local Government Act, 1941, which is in force in relation to a person on the commencement of the provision repealing that section remains in force in relation to him or her after such commencement and, by declaration made by the appropriate Minister by virtue of this subsection, may be amended to the same extent as provided for by that section or may be revoked.

(3) (a) Notwithstanding the repeal of section 10 (as amended by section 12 of the Local Government Act, 1955) of the Local Government Act, 1941, where an appeal under that section has been made to the appropriate Minister before such repeal, that appeal shall continue to be considered and may be determined under that section.

(b) Notwithstanding the repeal of section 26 (as amended by section 41 of the Local Government Act, 1946) of the Local Government Act, 1941, where a request under that section for the consent of the appropriate Minister has been made before such repeal, that request shall continue to be considered and may be determined under those sections.

(c) In this subsection, “appropriate Minister” has the same meaning that it has in Part II of the Local Government Act, 1941.

PART 15

ETHICAL FRAMEWORK FOR THE LOCAL GOVERNMENT SERVICE

Interpretation (Part 15).

166.—(1) In this Part, except where the context otherwise requires—

“actual knowledge” means actual, direct and personal knowledge as distinct from constructive, implied or imputed knowledge and includes, in relation to a fact, belief in its existence the grounds for which are such that a reasonable person who is aware of them could not doubt or disbelieve that the fact exists;

“appropriate period” means—

(a) in the case of a first declaration of a person to whom *section 167(1)* applies, the period which ended 12 months up to and including the date of his or her first declaration, and

(b) in the case of subsequent declarations, the period between the date of his or her last previous declaration and the date of the next subsequent declaration;

“Commission” means the Public Offices Commission established by section 21 of the Ethics in Public Office Act, 1995, or any body established in place of such Commission;

“connected person” means a brother, sister, parent or [spouse or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 of the person] or a child of the person or of the spouse;

“declarable interest” has the meaning set out in *section 175*;

“employee”, in relation to a local authority, means an employee to whom this Part applies and, subject to *subsection (2)*, includes a [chief executive] for a local authority unless otherwise specified;

“ethics registrar” has the meaning given by *section 173(1)*;

“gift” includes a gift of money or other property;

“property” means real or personal property;

“relevant code of conduct” means the National Code of Conduct for Local Authority Members or the National Code of Conduct for Local Authority Employees, which are referred to in *section 169*;

“return period” means a period not exceeding 28 days from the commencement date specified in the relevant notice issued by the ethics registrar under *section 174* or such other period as may be prescribed by regulations made by the Minister under *section 171(4)*;

“spouse”, in relation to a person, includes a person with whom the first-mentioned person is cohabiting.

(2) For the purposes of this Part—

- (a) a [chief executive] shall be deemed to be an employee of every local authority for which he or she is [chief executive],
- (b) an employee of a local authority who, by virtue of an arrangement or agreement entered into under this Act or any other enactment, is performing duties under or in respect of another local authority, shall be deemed to be also an employee of the other authority.

(3) Where any body which is a company within the meaning of section 155 of the Companies Act, 1963, is deemed under that section to be a subsidiary of another or to be another such company’s holding company, a person who is a member of the first-mentioned such company shall, for the purposes of *section 171* and *sections 175* to *179* be deemed also to be a member of the other company.

Application (*Part 15*).

167.—(1) This Part applies to—

- (a) a member of a local authority,
- (b) an employee of a local authority who is of a class, description or grade prescribed by regulations made by the Minister for the purposes of this Part, and
- (c) any other employee or other person who is the holder of a position designated by an order made by the [chief executive] for a local authority for the purposes of this Part.

[(1A) In addition to those employees to whom this Part applies by virtue of subsection (1), sections 168, 169 and 170 also apply to every other employee of a local authority and those sections shall be read accordingly.]

(2) This Part, other than *sections 171, 175* and *178* also applies, where relevant, to any person to whom *subsection (1)* does not apply and—

- (a) who is a member of a committee of a local authority, or
- (b) whose services are being availed of by the local authority,

and a code of conduct under *section 169* may contain provisions in relation to such persons.

(3) Where a person to whom this Part applies has an interest in land or an interest relating to land or any business of dealing in or developing land by reason only of the beneficial ownership of shares in a company or other body by him or her or by his or her nominee or by a connected person or a nominee of a connected person and the total nominal value of those shares does not exceed the lesser of—

(a) £10,000, or

(b) one-hundredth part of the total nominal value of either the issued share capital of the company or body or, where that capital is issued in shares of more than one class, the issued share capital of the class or classes of shares in which he or she has an interest,

the requirements of *section 171* and *sections 175 to 179* shall not have effect in relation to that interest or interests.

(4) Notwithstanding *subsection (2)*, the Minister may prescribe by regulations some or all of the provisions of *sections 171* and *175*, as provisions which apply to a person to whom *subsection (2)* applies, subject to such modifications or adaptations as are necessary.

(5) (a) Part VII of the Act of 2000 shall cease to apply to—

(i) a member of a planning authority,

(ii) a member of a committee of a planning authority, and

(iii) an officer of a planning authority.

(b) A declaration given in accordance with *section 147* of the Act of 2000 by—

(i) a member of a planning authority, or

(ii) an officer of a planning authority,

shall continue to apply and have effect until replaced by a declaration furnished to the ethics registrar under *section 171* of this Act.

Standards of integrity.

168.—In carrying out their functions under this or any other enactment, it is the duty of every member and every employee of a local authority and of every member of every committee to maintain proper standards of integrity, conduct and concern for the public interest.

Codes of conduct for Local Government Service.

169.—(1) (a) After consultation with the Commission and the Minister for Finance, the Minister, may issue codes of conduct for the guidance of members of local authorities and of employees of local authorities.

(b) A code of conduct shall deal with the conduct and standards of integrity of members and employees in performing their functions or in relation to any other matter connected with this Part.

(c) In addition to the matters provided for by *paragraph (b)*, a code of conduct shall also deal with matters which, in the opinion of the Minister, will help to uphold public confidence in the integrity of the discharge of local authority functions.

(d) Codes to which this section relate shall be known as the National Code of Conduct for Local Authority Members and the National Code of Conduct for Local Authority Employees or by such other name as the Minister may decide from time to time.

(2) The Minister may at any time review a code of conduct and may amend the code of conduct or withdraw it and issue a new code of conduct.

(3) (a) Each member shall have regard to and be guided by the relevant code of conduct in the exercise of his or her functions.

- (b) Each employee shall, in so far as the code of conduct applies to that employee, have regard to and be guided by the code of conduct in the exercise of his or her functions.
- (c) There shall be deemed to be included in the terms and conditions of employment of an employee an undertaking by him or her to have regard to and be guided by the code of conduct in the exercise of his or her functions.
- (4) (a) (i) As soon as practicable after the election or co-option of a person as a member of a local authority, the ethics registrar shall supply to each such member a copy of the National Code of Conduct for Local Authority Members.
- (ii) The notice issued by the ethics registrar under *section 174* shall draw the member's attention to the code of conduct and to *subsection (3)(a)*.
- (b) (i) The ethics registrar shall supply to each employee, as soon as practicable, a copy of the National Code of Conduct for Local Authority Employees.
- (ii) The notice issued by the ethics registrar under *section 174* shall draw the employee's attention to the code of conduct and to *subsection (3)(b)* and *(c)*.
- (5) (a) A court may have regard to a code of conduct issued under this section in any proceedings for an offence under this Part.
- (b) The Commission may have regard to a code of conduct issued under this section in the carrying out of its functions in relation to a local authority.
- (6) A code of conduct adopted by a planning authority under *section 150* of the Act of 2000 shall continue to apply and have effect until replaced by a code of conduct issued under this section.

Prohibition of favours, rewards, etc.

170.—(1) An employee or a member of a local authority or of a committee of a local authority shall not seek, exact or accept from any person, other than from the local authority concerned, any remuneration, fee, reward or other favour for anything done or not done by virtue of his or her employment or office, and a code of conduct under *section 169* may include guidance for the purposes of this subsection.

(2) *Subsection (1)* shall not be read so as to exclude the persons to whom that subsection relates from the application of the Prevention of Corruption Acts, 1889 to 1995, and any Act which is to be construed together as one with those Acts.

Annual declaration.

171.—(1) It is the duty of a person to whom *section 167(1)* applies to prepare and furnish to the ethics registrar in accordance with *subsection (2)* or *(3)*, as the case may be, an annual written declaration (in this Part referred to as an "annual declaration" or "declaration", as the case may be), in the form prescribed by regulations made by the Minister, signed and dated by him or her and containing—

- (a) particulars of his or her declarable interests (within the meaning of *section 175*), and
- (b) an undertaking by him or her to have regard to and be guided by the relevant code of conduct in the exercise of his or her functions.

(2) Each member of a local authority shall prepare and furnish to the ethics registrar within the return period each year, an annual declaration and a statement that none of the grounds for disqualification referred to in *section 13* or *182*, or under *section 20* of the Local Elections (Disclosure of Donations and Expenditure) Act, 1999, apply.

(3) Each employee of a local authority shall prepare and furnish to the ethics registrar within the return period each year an annual declaration.

(4) The Minister may notwithstanding the definition of return period in *section 166* prescribe by regulations a different commencement date or a different return period to the commencement dates or periods referred to in the definition of return period as the commencement date or period from or within which a declaration shall be furnished.

(5) It shall not be necessary to specify in an annual declaration under this section the amount or monetary value of any declarable interest within the meaning of *section 175*.

Public register of interests.

172.—(1) The ethics registrar shall for the purposes of this Part, keep on behalf of the local authority concerned a public register which comprises of 2 parts, one containing members' interests and the other the interests of employees and persons referred to in *section 167(2)* (which register of interests is in this section referred to as the "register of interests").

(2) There shall be entered in the register of interests the particulars contained in declarations under *section 171* or disclosures under *sections 177 to 179* furnished to the ethics registrar.

(3) (a) The register of interests shall be kept at the offices of the local authority concerned, and shall be available for public inspection during normal office hours and any person may apply for a copy of the register or any entry in the register.

(b) A copy of the register of interests, or any entry in the register may be obtained by any person on the payment to the local authority concerned of such fee (if any) as the local authority shall fix not exceeding the reasonable cost of making the copy.

(4) Where a person ceases to be a person to whom *section 167* applies, any particulars entered in the register of interests as a result of a declaration or disclosure being furnished to the relevant ethics registrar under this Part shall be removed from that register by the relevant ethics registrar as soon as may be after the expiration of the period of 15 years beginning on the day on which the person ceases to be such a person.

Ethics registrar.

173.—(1) In this Part "ethics registrar" means a person or persons assigned by order of the manager for a local authority to perform the duties of an ethics registrar in accordance with this Part in respect of such authority or authorities as are specified in the order.

(2) No person shall perform the functions of an ethics registrar for a continuous period exceeding 2 years.

Duty of ethics registrar, etc.

174.—(1)(a) It is the duty of the ethics registrar to issue to each member of the local authority concerned before every annual meeting of the authority, or such other time as may be prescribed by regulations made by the Minister, a signed and dated notice in writing informing the member of the requirement imposed on him or her under *section 171* to prepare and furnish an annual declaration and such notice shall enclose the form so prescribed for that purpose.

(b) The fact of the issue of a notice under *paragraph (a)* shall be brought to the attention of the members of the local authority at the next meeting of the authority after such issue.

(2) In respect of and to each employee referred to in *section 167(1)* it is the duty of the ethics registrar to issue every year in the month of January, or such other time as may be prescribed by regulations made by the Minister, a signed and dated notice in writing informing the employee of the requirement imposed on him or her under

section 171 to prepare and furnish an annual declaration and such notice shall enclose the form so prescribed for that purpose.

(3) It is the duty of the ethics registrar to issue, as soon as practicable, to a person who becomes a person to whom *section 167(1)* applies subsequent to the issue of a notice under *subsection (1)* or *(2)* a signed and dated notice in writing informing such member or employee, as the case may be, of the requirement imposed on him or her under *section 171* to prepare and furnish an annual declaration in the form prescribed by regulations made by the Minister and such notice shall enclose the form prescribed for that purpose.

(4) Nothing in this section, including the non-receipt, for any reason, of a notice or form affects the requirement imposed on a person under *section 171* to complete and furnish an annual declaration.

(5) Where the ethics registrar finds a minor error or omission in a declaration, he or she shall furnish to the person concerned particulars in writing of the error or omission, as the case may be, and the ethics registrar shall inform such person that he or she may correct the error or make good the omission within the period of 21 days from the date on which the notification issued to such person.

(6) Notwithstanding *section 169(4)* the ethics registrar may at any time where he or she considers it necessary issue a notice or otherwise bring to the attention of any person referred to in *section 167* the appropriate requirements of this Part, including of a relevant code of conduct issued under *section 169*.

(7) Where the ethics registrar, or the [chief executive] in relation to *paragraph (c)*, becomes aware of a possible contravention of this Part it is his or her duty to bring the matter to the attention of—

- (a) the [chief executive] for the local authority, in case the matter relates to any other employee,
- (b) the Cathaoirleach of the local authority, in case the matter relates to the [chief executive],
- (c) the Cathaoirleach of the local authority, in case the matter relates to the ethics registrar,
- (d) the [chief executive] for the local authority, in case the matter relates to the Cathaoirleach,
- (e) the Cathaoirleach and the [chief executive] for the local authority in case the matter relates to a member of the local authority other than the Cathaoirleach, and
- (f) in any other case, the [chief executive] for the local authority.

(8) (a) The person or persons to whom the matter is brought to attention under *subsection (7)* shall consider what action should be taken and, without prejudice to the generality of the foregoing, the action may include—

- (i) any investigative or disciplinary procedures which may be exercised in relation to the person concerned, whether under any other provision of this or any other enactment or otherwise,
- (ii) referral of the matter to the Director of Public Prosecutions in accordance with *subsection (1)(b)* or *(4)(b)* of *section 181* as the case may be,
- (iii) any other course of action considered appropriate in the circumstances.

(b) The person or persons to whom the matter is brought to attention under *subsection (7)* shall—

- (i) cause a report to be prepared of his or her or their joint consideration of the matter, as the case may be, and
- (ii) cause such report to be sent to and be retained by the ethics registrar unless *subsection (7)(c)* applies, in which case such report shall be retained by the [chief executive] but only until the person concerned ceases to be the ethics registrar.

Declarable interests.

175.— Each of the following interests is a declarable interest for the purposes of this Part:

- (a) any profession, business or occupation in which the person concerned is engaged or employed, whether on his or her own behalf or otherwise, and which relates to dealing in or developing land during the appropriate period;
- (b) any other remunerated trade, profession, employment, vocation, or other occupation of the person concerned held by that person during the appropriate period;
- (c) any estate or interest the person concerned has (subject to *section 167(3)*) in land including the case where the person concerned, or any nominee of his or her, is a member of a company or other body which has an estate or interest in land and without prejudice to the foregoing an interest in land shall be deemed to include—
 - (i) the interest of the person in any contract entered into by him or her for the purchase or sale of land, whether or not a deposit or part payment has been made under the contract, and
 - (ii) the interest of the person in—
 - (I) any option held by him or her to purchase or sell land, whether or not any consideration has been paid for it, or
 - (II) land in respect of which such an option has been exercised by the person but which has not yet been conveyed to the person;
- (d) any business of dealing in or developing land carried on during the appropriate period by a company or other body of which the person concerned, or any nominee of the person, is a member;
- (e) a holding by the person concerned of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking (which does not relate to land or any business of dealing in or developing land) if the aggregate value of the holding exceeded £10,000 at any time during the appropriate period but holding does not include money in a current, deposit or other similar account with a financial institution;
- (f) a directorship or shadow directorship of any company held by the person concerned at any time during the appropriate period, and in this paragraph “shadow directorship” means the position held by a person who is a shadow director for the purposes of the Companies Acts, 1963 to 1999;
- (g) a gift, including foreign travel facilities, given to the person concerned during the appropriate period, but excluding—
 - (i) a gift given to the person by a [relative or friend of the person or of his or her spouse or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or of a child of the person or his or her spouse for purely personal reasons only],
 - (ii) a gift given to the person, or gifts given to the person by the same person, during the appropriate period, as respects which the value, or the aggre-

gate value, of the property the subject of the gift or gifts did not exceed £500 at any time during the appropriate period;

- (h) property supplied or lent or a service supplied to the person concerned, once or more than once by the same person during the appropriate period, for a consideration or considerations or at a price or prices less than the commercial consideration or considerations or the commercial price or prices by more than £500 or which in the aggregate exceeded £500, other than property supplied or lent or a service supplied to the person concerned by a relative or friend of the person or of his or her spouse where such supply or loan was in the nature of a gift to the person and for personal reasons only;
- (i) property supplied or lent or a service supplied to the person concerned, once or more than once by the same person during the appropriate period, free of charge if the commercial consideration or considerations or the commercial price or prices was or were more than £500, or which in the aggregate exceeded £500, other than property supplied or lent or a service supplied to the person concerned by a relative or friend of the person or of his or her spouse where such supply or loan was in the nature of a gift to the person and for personal reasons only;
- (j) any contract to which the person concerned was a party or was in any other way, directly or indirectly, interested for the supply of goods or services to a local authority during the appropriate period if the value of the goods or services supplied during that period exceeded £5,000 or, in case other goods or services were supplied under such a contract to a local authority during that period, if the aggregate of their value exceeded £5,000;
- (k) a remunerated position held by the person concerned as a political or public affairs lobbyist, consultant or adviser during the appropriate period;
- (l) any other additional interest which may be prescribed by regulations made by the Minister;
- (m) any other additional interest which is not specified in *paragraphs (a) to (k)* or in regulations made by the Minister under *paragraph (l)* which the person concerned wishes to volunteer.

Beneficial interests.

176.—(1) In respect of a resolution, motion, question or other matter which is proposed, or otherwise arises from or as regards [the performance by the local authority concerned, or any municipal district members for that authority, of any functions] under this or any other enactment, “beneficial interest” for the purposes of this Part, in relation to a person, includes an interest in respect of which—

- (a) he or she or a connected person, or any nominee of his or her or of a connected person, is a member of a company or any other body which has a beneficial interest in, or which is material to, any such matter,
- (b) he or she or a connected person is in a partnership with or is in the employment of a person who has a beneficial interest in, or which is material to, any such matter,
- (c) he or she or a connected person is a party to any arrangement or agreement (whether or not enforceable) concerning land which relates to any such matter,
- (d) he or she or a connected person in the capacity as a trustee or as a beneficiary of a trust has a beneficial interest in, or which is material to, any such matter,
- (e) he or she or a connected person is acting with another person to secure or exercise control of a company which has a beneficial interest in, or which is material to any such matter.

(2) A person shall also be deemed to have a beneficial interest which has to be disclosed under this Part if he or she has actual knowledge that he or she or a connected person has a declarable interest (within the meaning of *section 175*) in, or which is material to, a resolution, motion, question or other matter which is proposed, or otherwise arises from or as regards [the performance by the local authority, or by municipal district members, of any functions] under this or any other enactment.

(3) A person shall not be regarded as having a beneficial interest which has to be disclosed under this Part where *section 167(3)* is applicable or because of—

- (a) an interest which is so remote or insignificant that it cannot be reasonably regarded as likely to influence a person in considering or discussing, or in voting on, any question with respect to the matter or in performing any function in relation to that matter,
- (b) being a ratepayer or a local authority tenant and in common with other ratepayers or tenants, or
- (c) any other circumstances which may be prescribed by regulations made by the Minister.

Disclosure by member of local authority of pecuniary or other beneficial interests.

177.—(1) Where at a meeting of a local authority or of any committee, joint committee or joint body of a local authority, a resolution, motion, question or other matter is proposed or otherwise arises either—

- (a) as a result of any of its functions under this or any other enactment, or
- (b) as regards the performance by the authority, committee, joint committee or joint body of any of its functions under this or any other enactment,

then, a member of the authority, committee, joint committee or joint body present at such meeting shall, where he or she has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, the matter—

- (i) disclose the nature of his or her interest, or the fact of a connected person's interest at the meeting, and before discussion or consideration of the matter commences, and
- (ii) withdraw from the meeting for so long as the matter is being discussed or considered,

and, accordingly, he or she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

(2) Where a member of a local authority, committee, joint committee or joint body of the local authority has actual knowledge that a matter is likely to arise at a meeting at which that member will not be present and which, if he or she were present, a disclosure would be required to be made under *subsection (1)*, then that person shall in advance of such meeting make such disclosure in writing and furnish it to the ethics registrar.

(3) There shall be recorded in the minutes of any meeting referred to in *subsection (1)* or *(2)* a reference to any disclosure made for the purposes of either of those subsections and of any subsequent withdrawal from the meeting and such disclosure shall be recorded in the register of interests.

(4) A member of a local authority or of any committee, joint committee or joint body of a local authority shall neither influence nor seek to influence a decision of the authority in respect of any matter which he or she has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, any matter which is proposed, or otherwise arises from or as regards

the performance by the authority of any of its functions under this or any other enactment.

Disclosure by manager for local authority of pecuniary or other beneficial interests.

178.—(1) This section applies where the manager for a local authority has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, any matter which is proposed or otherwise arises from or as regards the performance by the authority of any of its functions under this or any other enactment.

(2) The manager to whom *subsection (1)* relates shall comply with the following requirements:

(a) he or she shall neither influence nor seek to influence a decision of the local authority as regards the matter;

(b) he or she shall, as soon as may be, disclose in writing to the Cathaoirleach of the local authority the nature of his or her interest or the fact of a connected person's interest, and the Cathaoirleach shall furnish such written disclosure to the ethics registrar without delay.

(3) A disclosure furnished under *subsection (2)* shall be recorded by the ethics registrar in the register of interests.

(4) Where a function would normally be dealt with by the manager, the function shall be delegated by him or her in accordance with *section 154*, after disclosure under *subsection (2)*, to an employee.

(5) The manager shall inform the Cathaoirleach of any delegation under *subsection (4)*.

Disclosure by employee, etc. of local authority of pecuniary or other beneficial interests.

179.—(1) This section applies where—

(a) an employee of a local authority other than the [chief executive], or

(b) any other person whose services are being availed of by the local authority,

has actual knowledge that he or she or a connected person, has a pecuniary or other beneficial interest in, or which is material to, any matter, which is proposed or otherwise arises from or as regards the performance by the authority of any of its functions under this or any other enactment.

(2) The employee or other person to whom *subsection (1)* relates shall comply with the following requirements:

(a) he or she shall neither influence nor seek to influence a decision of the local authority as regards the matter;

(b) where he or she as an employee is concerned with the matter in the course of his or her duties, he or she shall disclose in writing to the [chief executive] of the local authority the nature of his or her interest or the fact of a connected person's interest and comply with any directions (including the reassignment of the matter in question to another employee) the [chief executive] may give him or her in relation to the matter;

(c) where he or she as a person whose services are being availed of by the local authority is concerned with the matter in the course of his or her duties, he or she shall disclose in writing to the [chief executive] the nature of his or her interest or the fact of a connected person's interest and comply with any directions, the [chief executive] may give him or her in relation to the matter.

(3) A disclosure to which *subsection (2)(b)* or *(2)(c)* relates shall be forwarded by the [chief executive] to the ethics registrar and recorded by him or her in the register of interests.

Application of Ethics in Public Office Act, 1995, etc.

180.—(1) In this section “the Acts” means the Ethics in Public Office Act, 1995, and any other Act which is to be construed together as one with that Act.

(2) The Acts shall apply in relation to a local authority subject to the provisions of this section and with such other modifications as may be necessary and for that purpose—

(a) the powers of investigation and report conferred on the Commission apply in relation to a person to whom *subsection (1) or (2) of section 167* relates,

(b) *subsection (3)* shall apply as regards a report prepared by the Commission,

(c) *subsection (4)* shall apply as regards the consideration of such report by a local authority.

(3)(a) Where a report prepared by the Commission relates to—

[(i) a chief executive, it shall be furnished to the Cathaoirleach of the local authority concerned,]

(ii) the Cathaoirleach of a local authority, it shall be furnished to the Leas-Chathaoirleach of the authority and to its [chief executive],

(iii) any other member of a local authority, it shall be furnished to the Cathaoirleach of the authority and to its [chief executive],

(iv) any employee of a local authority other than the [chief executive], it shall be furnished to the [chief executive] of the local authority concerned, and

(v) any other person to whom *subsection (1) or (2) of section 167* relates, it shall be furnished to the [chief executive] of the local authority concerned.

(b) Nothing in this subsection shall be read so as to prevent the furnishing of a report referred to in *paragraph (a)* to any other person in accordance with the Acts.

(4)(a) Where a report referred to in *subparagraph (i), (ii) or (iii) of subsection (3)(a)* is furnished to a local authority, it shall be considered by the elected council. The elected council shall decide on such action to be taken as may be considered appropriate in all the circumstances including, in the case of *subparagraph (i) of subsection (3)(a)*, the exercise of powers of suspension or removal pursuant to *section 146*.

(b) Where a report referred to in *subparagraph (iv) or (v) of subsection (3)(a)* is furnished to a local authority it shall be considered by its [chief executive]. The [chief executive] shall decide on such action to be taken as may be considered appropriate in all the circumstances including, in the case of an employee, suspension with or without pay or termination of employment.

(c) The [chief executive] shall inform the elected council of the result of a consideration under *paragraph (b)*.

(5) Nothing in this section shall be read as prejudicing the Commission in carrying out the functions conferred on it by the Acts.

Offences (*Part 15*).

181.—(1) (a) Subject to *subsection (3)*, a person is guilty of an offence where he or she fails to comply with the requirements of *section 171* or who, when claiming to comply with those requirements, gives particulars which are false or which to his or her knowledge are misleading in a material respect.

(b) Proceedings for an offence under this subsection shall not be instituted except by or with the consent of the Director of Public Prosecutions.

(2) A person guilty of an offence under *subsection (1)* is liable—

- (a) on summary conviction to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both,
- (b) on conviction on indictment, to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 2 years or to both.

(3) In any proceedings for an offence under *subsection (1)* it is a good defence for the defendant to prove that at the relevant time he or she believed in good faith, and upon reasonable grounds, that—

- (a) the relevant particulars were true,
 - (b) there was no matter as regards which he or she was then required to make a declaration under *section 171*, or
 - (c) the matter in relation to which the offence is alleged was not one as regards which he or she was so required to make such declaration.
- (4) (a) Subject to *subsection (6)*, a person is guilty of an offence where he or she fails to comply with any of the requirements of *section 177, 178 or 179* or who, when claiming to comply with those requirements, gives particulars which are false or which to his or her knowledge are misleading in a material respect.
- (b) Proceedings for an offence under this subsection shall not be instituted except by or with the consent of the Director of Public Prosecutions.

(5) A person guilty of an offence under *subsection (4)* is liable—

- (a) on summary conviction to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both,
- (b) on conviction on indictment, to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 2 years or to both.

(6) In any proceedings for an offence under *subsection (4)* it is a good defence for the defendant to prove that at the time of the alleged offence he or she did not have actual knowledge and had no reason to believe that a matter in which, or in relation to which, he or she or a connected person had a beneficial interest had arisen or had come before the local authority concerned, or was being considered by it or by a committee or joint body of the local authority, as may be appropriate, or that the beneficial interest to which the alleged offence relates was one in relation to which a requirement of *section 177, 178 or 179* applied.

(7) Summary proceedings for an offence under this Part may be brought by the local authority concerned, subject to *subsection (1)(b) or (4)(b)*.

(8) Notwithstanding *section 10(4)* of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Part may be commenced—

- (a) at any time within 12 months from the date on which the offence was committed,
- (b) at any time within 6 months from the date on which evidence sufficient, in the opinion of the local authority by whom the proceedings are initiated, to justify the proceedings, comes to such authority's knowledge,

whichever is the later, but no such proceedings shall be initiated later than 5 years from the date on which the offence concerned was committed.

Consequences of failure to comply with sections 171, 177, 178 and 179.

182.—(1) (a) Where a person is convicted of an offence under *section 181* (which relates to *section 171, 177, 178 or 179*) that person is disqualified from being elected or co-opted to or from being a member of a local authority.

(b) A disqualification arising under *paragraph (a)* commences—

(i) where no appeal is taken against the conviction, when the time limit for taking an appeal has passed, or

(ii) where an appeal is taken against the conviction and the appeal is disallowed, from the determination of the appeal,

and the disqualification shall be for 5 years from the date of conviction or determination of the appeal, as the case may be.

(2) Where a person contravenes or fails to comply with a requirement of *section 171, 177, 178 or 179* or acts as a member of a local authority, committee, joint committee or joint body of a local authority while disqualified for membership by virtue of this section, the fact of such contravention or failure or of his or her so acting, as the case may be, does not invalidate any act or proceeding of the authority, committee, joint committee or joint body concerned.

PART 16

LAND

Land disposals, notification of members.

183.—(1) The following provisions have effect in relation to any proposed disposal (not being by demise for a term not exceeding one year) of land which is held by a local authority:

(a) notices shall be sent or delivered to the members of the local authority giving particulars of—

(i) the land,

(ii) the name of the person from whom such land was acquired, if this can be ascertained by reasonable inquiries,

(iii) the person to whom the land is to be disposed of,

(iv) the consideration proposed in respect of the disposal,

(v) any covenants, conditions or agreements to have effect in connection with the disposal;

(b) at the first meeting of the local authority held after the expiration of 10 days after the day on which such notices are sent or delivered, the local authority may resolve that the disposal shall not be carried out or that it shall be carried out in accordance with terms specified in the resolution;

(c) if the local authority resolves by virtue of *paragraph (b)* that the disposal shall not be carried out, it shall not be carried out;

(d) if the local authority does not pass a resolution pursuant to *paragraph (b)*, the disposal may be carried out;

(e) if the local authority resolves by virtue of *paragraph (b)* that the disposal shall be carried out in accordance with terms specified in the resolution, the disposal may be carried out in accordance with those terms;

Local Government Act 2001

**Code of Conduct
for Councillors**

June 2004

Contents

	Page
Introduction	3
General conduct and behaviour	4
Conflict of personal and public interest	5
Planning	7
Gifts	8
Hospitality	8
Personal dealings with local authority	9
Regard for council resources	9
Satisfactory working relationships	9
General	10

OBJECT OF CODE

The purpose of this Code is to set out principles and standards of conduct and integrity for councillors, to inform the public of the conduct it is entitled to expect and to uphold public confidence in local government.

1. Introduction

- 1.1** The public is entitled to expect conduct of the highest standards from all those involved in the local government service be they councillors, county/city managers, other local authority staff or non-councillor members ("external members") of local authority committees. The Local Government Act 2001 ("the Act") sets out a new ethical framework and imposes a statutory duty on all in the local government service to maintain proper standards of integrity, conduct and concern for the public interest.
- 1.2** Local government has a long tradition of honest and impartial service to its communities. The core principles underlying democratic local government are based on councillors acting in good faith and with fairness and impartiality for the common good and to promote the public interest. This Code has been issued in accordance with the Act to promote these principles and to uphold public confidence - so that all councillors can be seen to act solely in the public interest and within the law. The Code is accordingly to be read in this spirit at all times and not in any selective or restrictive manner contrary to its intent.
- 1.3** This Code is complemented by a separate code which applies to local authority staff. Together these codes represent a standard against which the conduct of all those involved in local government can be judged in the performance of their duties. They are intended to inform the public of the standards of behaviour that they have a right to expect and so help to maintain and enhance public trust and confidence. They add to and supplement the specific requirements under the Act and form an integral part of the new ethics framework.

2. General conduct and behaviour

2.1 The general conduct and behaviour of councillors in carrying out their role is an important yardstick by which the honesty, integrity, impartiality and performance of local government is judged and public trust maintained. It is important therefore that these core values underpin all actions of councillors affecting local authority business. As holders of elected office they have a duty to keep faith with the public trust placed in them. This is a personal responsibility and requires them to observe the highest ethical standards in the performance of their role.

2.2 Councillors in carrying out their role should abide by this Code and:-

- act in a way which enhances public trust and confidence;
- avoid conflicts of interest and never seek to use improper influence;
- make decisions based solely on consideration of the public interest and the common good;
- serve their local authority and its people conscientiously, honestly and impartially;
- promote equality and avoid bias;
- perform their functions in a responsible and diligent manner;
- treat their colleagues and local authority employees with courtesy and respect.

2.3 More generally, councillors should in all matters seek to ensure that their conduct does not bring the integrity of their office or of local government into disrepute.

3. Conflict of personal and public interest

- 3.1** The Act prohibits a councillor from influencing or seeking to influence a decision of a local authority in any matter with which the local authority is concerned in the performance of its functions and in which, or related to which, the councillor has actual knowledge that s/he or a connected person has a pecuniary or other beneficial interest.
- 3.2** The Act (and previously the 1976 Planning Act) sets out specific requirements regarding declaration/disclosure of interests by councillors. All councillors and certain employees must complete and furnish to the ethics registrar an annual declaration setting out declarable interests which are maintained in a public register. Annual declaration forms are supplied by the ethics registrar. Declarable interests are mainly of a financial/property/business nature and are set out in the Act.
- 3.3** Additionally, under the Act councillors must disclose at a meeting of the local authority or of its committees any pecuniary or other beneficial interest, (of which they have actual knowledge¹) they or a connected person² have in, or material to, any matter with which the local authority is concerned in the discharge of its functions, and which comes before the meeting. The councillor must withdraw from the meeting after disclosure and must not vote or take part in any discussion or consideration of the matter.
- 3.4** The Act also provides that where a councillor has actual knowledge that a matter is going to arise at a meeting at which s/he will not be present, but if s/he were, a disclosure would be necessary, then s/he must in advance of the meeting make such disclosure in writing to the ethics registrar.
- 3.5** The foregoing statutory requirements, must be observed at all times and failure to do so is an offence. Analogous statutory requirements also apply to staff; and to external members of committees with the exception of the annual declaration in their case.

^{1 + 2} The terms “actual knowledge” and “connected person” are set out in section 166 of the Act.

- 3.6** The law as mentioned above sets out a framework for disclosure of what are termed ‘pecuniary or other beneficial interests’. However there may be other private or personal interests (not necessarily involving financial matters) which can also pose a real potential for conflict of interest or damage to public confidence in local government. Such interests could include family, close friends or business associates, as well as those arising through a position of responsibility in a club, society or other organisation. Private or personal interests of this kind must not be allowed to conflict with public duty or improperly influence the decision making process. Where such interests, of which a councillor is aware, arise in relation to a matter which comes before a meeting for consideration they should be dealt with in a transparent fashion. This is necessary so that public trust and confidence in local government is upheld – disclosure of such an interest is invariably appropriate except where it is of a remote or insignificant nature; if in doubt disclosure should be made. The public perception of the way a councillor is seen to deal with such matters is important for the maintenance of trust in local government.
- 3.7** The test to be applied by a councillor is not just what s/he might think - but rather whether a member of the public knowing the facts of the situation would reasonably think that the interest concerned might influence the person in the performance of his or her functions. If so, disclosure should follow and a councillor should consider whether in the circumstances s/he should withdraw from consideration of the matter. In this context it is important to ensure that as well as the avoidance of actual impropriety, occasions for suspicion and appearance of improper conduct are also avoided in case of private or personal interests.
- 3.8** This is all the more so where the nature of a councillor's occupation, profession or business is such that it interfaces to a significant degree with local authority functions (e.g. related to land development or property transactions). There is a special onus on the person concerned to take extra care in these circumstances.

- 3.9** Councillors must not seek to use their official position so as to benefit improperly themselves, their professional or business interests, or others with whom they have personal, family or other ties. Likewise they must not seek to use or pass on for personal gain or the personal gain of others, official information which is not in the public domain, or information obtained in confidence as a result of their public position.
- 3.10** The Act provides that it is the duty of every councillor (and employee) to maintain proper standards of integrity, conduct and concern for the public interest. Councillors should base their conduct on a consideration of the public interest and the common good. They are individually responsible for being alert to potential conflict of interest, avoiding such conflicts and for ensuring that their actions, whether covered specifically or otherwise by this Code, are governed by the ethical and other considerations implicit in it.

4. Planning

- 4.1** Key decisions on planning matters such as the making of development plans are vested in the elected council as representatives of the local community acting in the interests of the common good and the proper planning and sustainable development of the area. The planning system is a very open one allowing for input by all parties. It is all the more important therefore that consideration of planning matters by councillors is carried out in a transparent fashion; follows due process; and is based on what is relevant while ignoring that which is irrelevant within the requirements of the statutory planning framework. The same applies as regards input by individual councillors in relation to planning applications, decisions on which vest in the executive.
- 4.2** Extra care must therefore be observed in dealing with planning matters and in this context the provisions of this Code particularly as regards conflict of personal and public interest (see Section 3) are very relevant.

5. Gifts

- 5.1** The Act provides that a councillor is prohibited from seeking, exacting or accepting any remuneration, fee, reward or other favour for any act done or not done by virtue of his or her office. Councillors in observing this provision must also have regard to this Code's guidance.
- 5.2** The overriding concern in all cases is that the actions of councillors in carrying out their duties should be above suspicion and not give rise to any conflict of interest and that their dealings with business and other interests should bear the closest possible scrutiny and avoid any risk of damage to public confidence in local government.
- 5.3** Subject to the foregoing requirements, the normal presentation of 'official gifts' or tokens exchanged or given as part of protocol (where for instance a councillor receives a visiting dignitary, or is a speaker at a conference etc.,) would not be precluded; nor would minor infrequent items such as diaries, calendars, pens or other infrequent tokens of modest intrinsic value. All other offers of gifts should be declined, or if this would cause offence, should be handed over to the local authority.
- 5.4** The local electoral code sets out specific requirements governing political donations which include the furnishing of an annual statement to the local authority and the prohibition of the acceptance of certain donations. These requirements must be observed; failure to do so is an offence.

6. Hospitality

- 6.1** In their contacts with outside organisations or persons, every care must be taken by councillors to ensure that any acceptance of hospitality does not influence them, and could not reasonably be seen to influence them, in discharging their official functions.
- 6.2** However, subject to the foregoing, councillors should not be in a position where in carrying out their official role they cannot accept what are regarded as normal protocol and courtesies

such as invitation to and attendance at civic, cultural or festive events in accordance with such local protocol arrangements as may be in place for the authority concerned.

7. Personal dealings with local authority

Councillors may have dealings with their local authority on a personal level for instance as a tenant, ratepayer or an applicant for a grant of planning permission, higher education grant, etc. While they should, of course, enjoy the same rights in their personal dealings as any other person they should not seek preferential treatment.

8. Regard for council resources

8.1 Councillors must show all reasonable care for local authority property, resources and funds and not use them, or permit their use, for unauthorised or non-official purposes. They must observe in full and at all times the rules governing the making of claims and of payments of any kind. This includes representational payment, annual allowance, cathaoirleach's or other allowance, conference attendance or other travel.

8.2 The Act permits the authorisation of conference attendance where the council is satisfied such is justified by reference to relevance to the authority and local community, the cost and the benefits likely to accrue. It is the personal responsibility of each individual to ensure his or her proper attendance for the duration and to report back to the council in accordance with the Act.

9. Satisfactory working relationships

9.1 The Act provides that local authorities should organise meetings of the authority and its committees in such a fashion that they operate to promote effectiveness and efficiency in the discharge of business. Meetings should be conducted in a professional and business like manner and in a way that would stand up to objective public scrutiny: this criterion should

guide all concerned. Councillors should treat their colleagues with courtesy and respect and obey the rulings of the chair and standing orders.

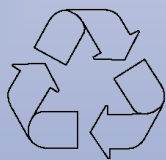
- 9.2** It is a matter for the individual councillor to decide on what view to take on any question to be decided by the elected council. In reaching decisions, councillors should take account of what is relevant, have regard to advice tendered to them, and comply with the relevant legal requirements.
- 9.3** Both councillors and staff have the common interest of serving the community. But their responsibilities are distinct. Councillors are responsible to the electorate for their elected term of office. Staff are responsible to the manager in carrying out their duties. Mutual respect and courtesy between councillors and employees is essential to good local government and should be maintained at all times.
- 9.4** A small number of councillors are also local government employees. A special onus rests on them to ensure that their roles do not become blurred and so avoid any perception that their employment confers additional advantages to them in their role as councillors.

10. General

- 10.1** All councillors, whether elected or co-opted, are obliged by the Act to have regard to and be guided by this Code in the exercise of their functions. The principles and intent of the Code should also underpin the conduct of councillors when appointed to other public bodies and local government associations.
- 10.2** External members are appointed to strategic policy committees, and to various other committees at the discretion of the local authority. In carrying out their role such persons should abide by the principles of this Code. In particular they should avoid any conflict of interest and are subject to the disclosure requirements of the Act and of this Code.
- 10.3** Given the range and complexity of local government activity a code such as this cannot deal with all situations and eventualities which may arise. If other situations of potential conflict arise between personal and public interest or if

instances of perceived questionable conduct arise, councillors should aim to deal with them in accordance with the principles and intent of the Code.

- 10.4** This Code does not prejudice other specific statutory requirements which apply to councillors - such as those set out in the Local Government Act 2001, or in the Local Elections Acts - and is additional to other public sector wide legislation such as the recently strengthened anti-corruption legislation.
- 10.5** A court may have regard to the Code in any proceedings for an offence under Part 15 of the Act, as may the Standards in Public Office Commission in carrying out its functions.
- 10.6** Councillors should also have regard to any relevant advice as may be issued from time to time by the Minister for the Environment, Heritage and Local Government or by the Standards in Public Office Commission.



Printed on recycled paper containing a minimum of 75% post-consumer waste



AN ROINN COMHSHAOIL, OIÐHREACHTA AGUS RIALTAIS ÁITIÚI

**DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT**



STANDARDS IN PUBLIC OFFICE COMMISSION

INQUIRY INTO COMPLAINTS CONCERNING COUNCILLOR SEAMUS TREANOR

HEARD REMOTELY (VIA ZOOM) ON MONDAY, 1ST NOVEMBER 2021

Gwen Malone Stenography
Services certify the
following to be a
verbatim transcript of
their stenographic notes
in the above-named
action.

GWEN MALONE STENOGRAPHY
SERVICES

APPEARANCES

THE COMMISSION: MR. JUSTICE GARRETT SHEEHAN - CHAIRMAN
MR. MARTIN GROVES
MR. PETER TYNDALL
MR. SEAMUS MCCARTHY
MR. PETER FINNEGAN
MS. GERALDINE FEENEY

FOR THE COMMISSION: MR. BRIAN GAGEBY BL

Instructed by: MR. GARY FITZGERALD
SOLICITOR

FOR MR. TREANOR: MR. BARRY HEALY
HEALY LAW SOLICITORS
LAUREL LODGE HILLSIDE
CO. MONAGHAN

Accompanied by: MR. BRIAN CARROLL BL

COPYRIGHT: Transcripts are the work of Gwen Malone Stenography Services and they must not be photocopied or reproduced in any manner or supplied or loaned by an appellant to a respondent or to any other party without written permission of Gwen Malone Stenography Services

INDEX

<u>DETAILS</u>	<u>PAGE NO.</u>
HOUSEKEEPING MATTERS AND APPEARANCES.....	3
OPENING SUBMISSION BY MR. GAGEBY.....	11
SUBMISSION BY MR. HEALY.....	18
REPLYING SUBMISSION BY MR. GAGEBY.....	19
FURTHER SUBMISSION BY MR. HEALY.....	22
DECISION OF THE COMMISSION.....	24
SUBMISSION BY MR. HEALY.....	24
SUBMISSION BY MR. GAGEBY.....	26
REPLYING SUBMISSION BY MR. HEALY.....	28
DECISION OF THE COMMISSION.....	29
<u>MR. MARK SHANAHAN</u>	
EXAMINED BY MR. GAGEBY.....	29
CROSS-EXAMINED BY MR. HEALY.....	38
<u>MR. JOHN MURRAY</u>	
EXAMINED BY MR. GAGEBY.....	46
CROSS-EXAMINED BY MR. HEALY.....	49
CLOSING SUBMISSION BY MR. GAGEBY.....	51
CLOSING SUBMISSION BY MR. HEALY.....	62
REPLYING SUBMISSION BY MR. GAGEBY.....	64

1 **THE HEARING COMMENCED ON MONDAY, 1ST NOVEMBER 2021**

2 **AS FOLLOWS:**

3
4 **MS. PERREault:** Good morning. Welcome to participants
5 and observers to today's investigation hearing of the
6 Standards in Public Office Commission. Today's session
7 is the first remote investigation hearing held by the
8 Commission. While we've made all necessary
9 preparations and hope that all will run smoothly we ask
10 that you will bear with us if there are any technical
11 issues arising, we'll work to resolve any hiccups as
12 quickly as possible.

13
14 A few housekeeping announcements just before the
15 hearing commences. The hearing will be chaired by
16 Mr. Garrett Sheehan, who's Chairperson of the Standards
17 Commission. The Chair will manage the hearing and it
18 is for him to decide on the timing of breaks or
19 adjournments.

20
21 Please raise your hand physically if you wish to
22 address the Chair, don't use the hand function on Zoom,
23 and he will call on you. We ask that all participants
24 remain on mute unless you are asked to unmute in order
25 to speak. We ask that persons speaking keep their
26 cameras on. Participants in the session should keep
27 their cameras on. Please also ensure that you have
28 your phones on silent in case they ring while you are
29 unmuted. Please ensure that the name that appears on

4

1 screen is your name. You can use the "rename" function
2 to do that, if needed.

3
4 Participants who are not needed for part of the
5 session, for example witnesses, may be placed back in
6 the waiting room until their presence is required.
7 Please remain at your computer in case you are then
8 called back into the hearing. Breakout rooms will be
9 used if the subject of the hearing wishes to consult
10 privately with his legal team or if the Commission
11 wishes to consult privately. Time limits will be in
12 place.

13
14 The "chat" function may be used but please take care to
15 whom you direct the message. The default is to send
16 messages in chat to all participants so they will be
17 able to see them.

18
19 Please note that today's hearing is open to members of
20 the Media and the Commission will be recording the
21 session for Stenography and transcription. No one else
22 will be allowed to record the session except the host.
23 We have asked participants to agree the following
24 undertakings:

25
26 *"Participants are prohibited from recording the session*
27 *through video or audio, from taking screen shots or*
28 *photos and from sharing the Zoom link with unauthorised*
29 *persons, and no other person should be in attendance on*

5

1 *or off camera that has not been notified to the*
2 *Commission in advance".*

3
4 Finally, anyone giving evidence at the hearing is
5 required to do so under oath or affirmation. Before
6 giving evidence the person will be invited by the
7 Commission's legal representative to state their
8 preference for giving evidence and will be required to
9 make their oath or affirmation.

10
11 That's it for housekeeping and I thank you for your
12 attention. Now I will turn proceedings over to the
13 Chair. Chair, you're welcome to begin anytime.
14 **CHAIRMAN:** Thank you. Good morning Ladies and
15 Gentlemen. This is an investigation hearing under the
16 Ethics Act into complaints against Seamus, Councillor
17 Seamus Treanor, of Monaghan, which was brought to us by
18 Monaghan County Council. First of all the hearing will
19 be chaired by me, I'll introduce myself. Garrett
20 Sheehan is my name, I'm a former judge of the Court of
21 Appeal. On my right is Mr. Peter Finnegan, the Clerk
22 of Dáil Éireann. On my immediate right is the former
23 Senator Geraldine Feeney. On the right in front is
24 Mr. Peter Tyndall, the Ombudsman, and immediately in
25 front of me is Mr. Martin Groves, the Chair of Seanad
26 Éireann. I'm going to ask, first of all, now for
27 representation, in other words could, could we have the
28 representative for Councillor Seamus Treanor? Is
29 Mr. Gageby present?

6

1 **MR. GAGEBY:** Yes, Chairman, I'm present and good
2 morning, and good morning to the members of the
3 Commission. Chairman, as you know, I'm the legal
4 adviser to the Commission in this matter this morning.
5 I've been -- I'm present and I've been speaking with
6 Mr. Hayes. I was expecting that Mr. Treanor's
7 representatives would be, would be on this link this
8 morning.

9 **CHAIRMAN:** Thank you. Do we know, Mr. Gageby, if
10 either Mr. Carroll or Mr. Healy are on the link at this
11 stage, or Councillor Treanor?

12 **MR. GAGEBY:** I don't, Chairman. I wonder if I might,
13 if you might just give me one minute and I'll contact
14 Mr. Hayes (sic) and we'll make the relevant enquiries?

15 **CHAIRMAN:** Thank you.

16 **MR. GAGEBY:** Chairman, I spoke to Mr. Fitzgerald, my
17 solicitor, and he's just making enquiries now so if I
18 could just ask for one moment and we'll try and find
19 out?

20 **CHAIRMAN:** You mentioned a Mr. Hayes was that a
21 mistake on your part?

22 **MR. GAGEBY:** That was my error.

23 **CHAIRMAN:** Okay, thanks.

24 **MR. GAGEBY:** I meant Mr. Fitzgerald, solicitor. That's
25 my mistake entirely, Chair, apologies.

26 **CHAIRMAN:** So that's your next case.

27 **MR. FITZGERALD:** Can you hear me now? I just spoke to
28 Mr. Treanor's solicitor, Barry Healy, and they're going
29 to try that Zoom link again. They're, they weren't on

7

1 the call until, until present.
2 **CHAIRMAN:** Thanks. Can you hear us, Mr. Healy?
3 **MR. HEALY:** Can you hear us?
4 **CHAIRMAN:** Can you hear me? We can hear you.
5 **MR. HEALY:** Yes, yeah, I can hear you, yeah.
6 **CHAIRMAN:** Grand. Mr. Healy.
7 **MR. HEALY:** Yes.
8 **CHAIRMAN:** I'm just going to, first of all, introduce
9 the Commissioners to you who'll be conducting this
10 hearing.
11 **MR. HEALY:** Okay.
12 **CHAIRMAN:** Garrett Sheehan is my name. I'm a former
13 judge of the Court of Appeal and I will be chairing
14 this session with my, as I'm joined by my fellow
15 Commissioners; Mr. Peter Finnegan, who is behind me,
16 who is the Clerk of Dáil Éireann. To my right Senator,
17 former Senator Geraldine Feeney. To my, to the right
18 immediately in front of you is Mr. Peter Tyndall, the
19 Ombudsman, and on my left and immediately in front of
20 me is Mr. Martin Groves, the Clerk of the Seanad.
21
22 I wonder -- Mr. Healy a matter has arisen which has
23 been brought to our attention, I'm not sure if you're
24 aware of this or not, but our Legal Services Unit have
25 asked us, have mentioned that they were unable to find
26 your name on the Roll of Barristers that the Legal
27 Services Regulation Authority --
28 **MR. HEALY:** That's -- sorry, Chairman, Mr. Chairman, I
29 think that's in relation to Mr. Carroll.

8

1 **MR. CARROLL:** Sorry, I meant in the sense that I
2 cannot advocate this for my client, Mr. Treanor, I'm,
3 I'm entirely in your hands on that. It's a, it is
4 unfortunate that this has arisen but the fact is I am
5 delinquent, I am not on that register.
6 **CHAIRMAN:** Well, look, thank you very much indeed for
7 that, that's very helpful and, if you wouldn't mind,
8 we'll break for a moment so that we can just discuss
9 how we go from here?
10 **MR. CARROLL:** I understand.
11 **CHAIRMAN:** Thank you.
12 **MR. CARROLL:** Thank you.
13
14 **SHORT ADJOURNMENT**
15
16 **THE HEARING RESUMED AS FOLLOWS:**
17
18 **MS. PERREAULT:** You're free to resume, Chair.
19 **CHAIRMAN:** Thank you. Mr. Carroll can you hear me?
20 **MR. CARROLL:** Yes, I can hear you.
21 **CHAIRMAN:** Look, thank you very much for that.
22 Unfortunately the Commissioners have decided, well,
23 that we have no option but to say that we can't hear
24 you in these proceedings because of the situation with
25 the NSRA Roll of Barristers.
26 **MR. CARROLL:** Hmm.
27 **CHAIRMAN:** So, accordingly, we, we'll have to ask
28 Mr. Healy if he would be prepared to conduct the
29 proceedings on behalf of his client?

10

1 **CHAIRMAN:** I beg your pardon, yes, I'm sorry. Hold on
2 a second, who am I speaking to?
3 **MR. HEALY:** Mr. Healy. Sorry, I'll put Mr. Carroll --
4 **CHAIRMAN:** I beg your pardon, I beg your pardon.
5 **MR. HEALY:** Hold on, yeah, right.
6 **MR. CARROLL:** Do excuse me. Brian Carroll.
7 **CHAIRMAN:** Thanks, Mr. Carroll. Mr. Carroll you
8 probably heard the introductions that I've just given?
9 **MR. CARROLL:** I have indeed.
10 **CHAIRMAN:** Thank you. I'd be grateful if you could
11 clarify one matter for us before we start? We've been
12 informed by our Legal Services Unit, sorry, our Legal
13 Services Unit that it has been unable to find your name
14 on the Roll of Barristers provided by the Legal
15 Services Regulation Authority. Just before you answer
16 that could I say also among the Commissioners is,
17 another Commissioner who is hearing this matter is
18 Mr. Seamus McCarthy, the Comptroller and Auditor
19 General.
20 **MR. HEALY:** Yes.
21 **CHAIRMAN:** Who's on Zoom, and five of us are present
22 here and Mr. McCarthy is on, on Zoom.
23 **MR. CARROLL:** Yes.
24 **CHAIRMAN:** Thank you.
25 **MR. CARROLL:** I am delinquent in that. I am not on
26 that register. I have been in practice as a barrister
27 since the autumn of 1986 but my, I am delinquent in
28 that. If it is the case that you cannot hear me.
29 **CHAIRMAN:** No, we can hear you.

9

1 **MR. CARROLL:** So it pleases.
2 **CHAIRMAN:** Thank you. Mr. Healy.
3 **MR. HEALY:** Yes, Chairman, yes.
4 **CHAIRMAN:** Sorry, are you, are you happy to proceed on
5 behalf of your client with this, with this
6 investigation here?
7 **MR. HEALY:** I am yeah, yeah, yeah, yeah.
8 **CHAIRMAN:** Okay, very well, thank you very much. All
9 right well then what -- the position is that we go back
10 to Mr. Gageby who will open the proceedings and then we
11 will give you an opportunity to, to, to proceed at that
12 stage once we've heard Mr. Gageby. So can I call now
13 upon Mr. Gageby, please?
14
15 **OPENING SUBMISSION BY MR. GAGEBY AS FOLLOWS:**
16
17 **MR. GAGEBY:** Good morning Chairman and good morning
18 members of the Commission. My name is Brian Gageby and
19 I'm a Barrister-at-Law. I have been engaged in respect
20 of this matter to assist the Commission as legal
21 adviser. In that respect I may cross-examine witnesses
22 and examine witnesses and I may give legal advice to
23 the Commission and make submissions, as is required by
24 the Commission. It's important to note that in the
25 role that I have today I don't have any role in respect
26 of the Commission's decision making but may give legal
27 advice in relation to that decision making, if so
28 requested by the Commission.
29

11

1 This case concerns a statement of alleged
2 contraventions by Councillor Seamus Treanor. As the
3 Commission will be aware the Standards in Public Office
4 Commission is established under Section 21 of the
5 Ethics in Public Office Act 1995, as amended by Section
6 2 of the Standards in Public Office Act 2001. Under
7 Section 23 of the Ethics in Public Office Act 1995 the
8 Commission shall:
9
10 *"carry out an investigation to determine whether the*
11 *person concerned has carried out a specified act?"*
12
13 In this particular case on the 6th November 2019 the
14 Standards in Public Office Commission received a
15 complaint from the Cathaoirleach and Chief Executive of
16 Monaghan County Council in relation to a possible
17 contravention of Part 15 of the Local Government Act by
18 Councillor Seamus Treanor. The complaint states that
19 the Council had received four complaints from members
20 of the public between the 19th and the 27th May 2019 in
21 relation to the content of political canvassing
22 material distributed by Councillor Treanor in the lead
23 up to the 2019 local elections on the 24th May 2019.
24 I should say in respect of this complaint that the
25 Commission is not concerned with the individual
26 complaints but with the nature of the material itself
27 and the Commission will have to consider whether or not
28 the material itself, which was distributed by
29 Councillor Treanor, is in breach of the various aspects

12

1 of the Code and in breach of Section 168 of the Local
2 Government Act? Ultimately it will be a matter for the
3 Commission to decide whether the words used by
4 Councillor Treanor have breached those aspects of the
5 Code which are set out in the statement of allegations.
6
7 Now in this case on the 6th November 2019 the Standards
8 in Public Office Commission received the complaint from
9 the Cathaoirleach of Monaghan County Council and on the
10 25th November 2019 the Standards in Public Office
11 Commission appointed Mr. Mark Shanahan as Inquiry
12 Officer to conduct a preliminary inquiry under the 2001
13 Act. In August 2020 Mr. Shanahan determined that there
14 was a prima facie case to sustain the complaint that
15 there was a contravention of Part 15 of the Local
16 Government Act 2001 and he prepared a report
17 accordingly under Section 6 of the Standards in Public
18 Office Act 2001.
19
20 The Commission will see that the complaint in this case
21 concerns canvassing material and complaints were made
22 in respect of that material that the material was
23 racist, dangerous and xenophobic. Ultimately it will
24 be a matter for the Chairman and the Commission to
25 determine its views in respect of the canvassing
26 material but that material is set out in the statement
27 of allegations and I'll read it into the record now.
28 The material states:
29

13

1 *"With regards to immigration I have no problem with any*
2 *person or family coming to this country to work or*
3 *start a new business providing they can pay for their*
4 *own housing, and provide for their families themselves*
5 *and obey our laws and customs. Unfortunately, our*
6 *political elite in Ireland; FF, FG, SF, and their*
7 *masters in Europe, have encouraged uncontrolled*
8 *migration into this country. We have a large number of*
9 *asylum seekers entering the country and up to 92% of*
10 *these are deemed to be bogus and should be deported*
11 *immediately. They abuse our free Legal Aid system to*
12 *extend their stay at huge expense to the taxpayer. I*
13 *object to criminals coming into this country without*
14 *background checks. We will never know if they have a*
15 *criminal record until they commit a crime here. A*
16 *person entering this country from another EU country*
17 *can claim benefits after 72 hours. Every other country*
18 *in Europe do not allow this until they are resident in*
19 *a country for six months. Every other country has a*
20 *moratorium on handing out benefits.*
21
22 *I also object to the unfair allocation of 22 houses to*
23 *economic migrants last year in County Monaghan on the*
24 *instructions of the Department of Justice. There is a*
25 *€4,000 grant available for furniture and household*
26 *items. They get access to social welfare, medical*
27 *cards and pensions, et cetera. Local people on the*
28 *housing list for many years were pushed aside and*
29 *houses were allocated to migrants who never spent a day*

14

1 *on the housing waiting list. The silence was deafening*
2 *from my colleagues in Monaghan County Council Chamber*
3 *as most of them were toeing the party line. The only*
4 *councillor who objected to the County Council Chamber*
5 *was myself. Vote 1 Councillor Seamus Treanor,*
6 *independent".*
7
8 I should say to the Chairman and the Commission that
9 it's important to note at this stage that Councillor
10 Treanor has a right of free speech. Furthermore, as a
11 councillor it is perhaps considered inevitable that he
12 will have to engage in thorny and weighty matters of
13 public interest and may be required to express views
14 which are unpopular. It's important to note at this
15 stage that it is not the function of the Commission to
16 consider whether or not these views are right or wrong
17 but the Commission has a much more narrow purview which
18 is to consider whether or not the language used by
19 Councillor Treanor is in breach of the various parts of
20 the Code set out in the statement of allegations below?
21
22 In this regard the case against Councillor Treanor is
23 that there's a number of inaccuracies in the canvassing
24 material and those are as follows:
25
26 That it was factually incorrect and misleading in
27 claiming that 92% of asylum seekers are deemed to be
28 bogus. Secondly, it was legally incorrect to claim
29 that EU migrants could claim benefits after 72 hours in

15

1 Ireland. Thirdly, it was factually incorrect and
2 misleading in relation to the claim that 22 economic
3 migrants were housed on the instruction of the
4 Department of Justice. The Commission will have to
5 consider whether or not these errors, if proved, result
6 in breaches of the Code which are set out in the
7 alleged statement of contraventions?
8
9 If I can just take the Commission's attention to page 3
10 of the Treanor Book of Pleadings, the Commission will
11 see the alleged contraventions are set out thereunder
12 and they provide as follows:
13
14 *"That being a member of a local authority you*
15 *contravened the provisions of Section 169(3) of the*
16 *Local Government Act 2001, in that you failed to have*
17 *regard to and be guided by the Code of Conduct for*
18 *Counsellors insofar as you made available the*
19 *mentioned canvassing material on dates unknown,*
20 *and in so doing you:*
21 *(1). Did not keep faith with the public trust and did*
22 *not observe the highest ethical standards in the*
23 *performance of your role contrary to Section 2.1 of the*
24 *Code of Conduct for Counsellors.*
25 *(2). Did not act in a way that enhances public trust*
26 *and confidence contrary to Section 2.2 of the Code of*
27 *Conduct for Counsellors.*
28 *(3). Did not act in a way that served your local*
29 *authority and its people conscientiously, honestly and*

16

1 *impartially, contrary to Section 2.2 of the Code of*
2 *Conduct for Counsellors.*
3 *(4). Did not act in a way that promotes equality and*
4 *avoids bias contrary to Section 2.2 of the Code of*
5 *Conduct for Counsellors.*
6 *(5). Did not seek to ensure that your conduct did not*
7 *bring the integrity of your office or of local*
8 *government into disrepute contrary to Section 2.3 of*
9 *the Code of Conduct for Counsellors".*
10
11 Then the sixth allegation is effectively a breach or an
12 alleged breach of Section 168 of the Local Government
13 Act and that provides that:
14
15 *"being a member of a local authority you contravened*
16 *the provisions of Section 168 of the Local Government*
17 *Act 2001, insofar as you made available the*
18 *mentioned canvassing material, on dates unknown,*
19 *and in so doing you failed to maintain proper standards*
20 *of integrity, conduct and concern for the public*
21 *interest".*
22
23 Ultimately it will be a matter for the Chairman and the
24 Commission to determine whether or not those six
25 allegations have been proved on the evidence and,
26 subject to any submissions that My Friend may wish to
27 make, I propose to call Mr. Mark Shanahan in evidence.
28
29 **END OF OPENING SUBMISSION**

17

1 **MR. HEALY:** Mr. Chairman.
2 **CHAIRMAN:** Mr. Healy, yes.
3
4 **SUBMISSION BY MR. HEALY AS FOLLOWS:**
5
6 **MR. HEALY:** Yeah, on the back of what Mr. Gageby has
7 said I just have a submission to make, a very short
8 submission to make at this early point. My
9 understanding from what Mr. Gageby said, and he can
10 correct me if I am wrong, but my understanding is that
11 he stated that there were four civilians made a
12 complaint to the Cathaoirleach of Monaghan County
13 Council and that's the basis upon which this
14 investigation commenced. Now my understanding from
15 reading the legislation at 174(7) it says:
16
17 *"Where the ethics registrar, or the Chief Executive in*
18 *relation to paragraph (c), becomes aware of a possible*
19 *contravention of this Part it is his or her duty to*
20 *bring the matter to the attention of"*
21
22 various people; A, B, C, D, E, but the one I'm
23 concentrating on is *"Cathaoirleach"*. But in this
24 instance, as far as I can see, it's four civilians have
25 brought this matter to the attention of the
26 Cathaoirleach, not the ethics registrar, so in those
27 circumstances the only way they can get to the
28 Commission is by availing of this section and that
29 hasn't been, the ethics registrar has not brought the,

18

1 it is not the ethics registrar who has made, who has
2 brought the matter to the attention of the
3 Cathaoirleach, it's four civilians, which is not
4 procedurally correct in, according to my reading of the
5 Act, I respectfully submit.
6
7 **END OF SUBMISSION BY MR. HEALY**
8
9 **CHAIRMAN:** Very well, thank you Mr. Healy.
10 Mr. Gageby?
11
12 **SUBMISSION BY MR. GAGEBY AS FOLLOWS:**
13
14 **MR. GAGEBY:** Yes, the position is that originally four
15 complaints were made to Monaghan County Council. That
16 matter was investigated and the matter was brought to
17 the attention of the Standards in Public Office
18 Commission by Monaghan County Council, by the
19 Cathaoirleach and Chief Executive of Monaghan County
20 Council on the 6th November 2019. So it's not the,
21 it's not the situation that it's simply being brought
22 to their attention by virtue of the four complainants
23 and I don't think in those circumstances there is any
24 jurisdictional issue which gives rise to a concern.
25 **MR. HEALY:** Well, well --
26 **CHAIRMAN:** I thought the point that was being made by,
27 by Mr. Healy related to the role of the ethics
28 register, registrar in Monaghan and that it had to go
29 before, that he was the person who was entitled to

19

1 bring the complaint before the Standards in Public
2 Office Commission.
3 **MR. HEALY:** If I --
4 **CHAIRMAN:** Is that the point you were making?
5 **MR. HEALY:** And only him, yes. And if I could also
6 bring to your attention, Mr. Chairman, Appendix 1 of
7 your information leaflet at paragraph, the 11th item:
8
9 *"The person or persons noted by an ethics registrar of*
10 *a local authority of an alleged contravention of the*
11 *Local Government Act, Section 174(8) of the Local*
12 *Government Act, Section 4 of the Standards Act",*
13
14 they're the person who can make the complaint, right?
15
16 *"the subject of the complaint must be a member or an*
17 *employee",*
18
19 and then it goes on:
20
21 *"The subject matter of the complaint is governed by a*
22 *provision of Part 15 of the Local Government Act".*
23
24 What I say in this instance, judge, or Mr. Chairman,
25 that the ethics registrar -- this isn't properly before
26 you by virtue of the fact that you haven't, they
27 haven't complied with their own guidelines and they
28 haven't complied with the Act.
29 **CHAIRMAN:** Mr. Gageby?
20

1 **MR. GAGEBY:** Yes, Chairman, the position is under
2 Section 4 of the -- (Lost connection)
3 **CHAIRMAN:** Mr. Gageby is on mute, anybody want to say
4 anything at this stage?
5 **MS. FEENEY:** No, he took directives to --
6 **MR. GAGEBY:** I beg your pardon, Chairman, I just had
7 connectivity issues there. The position is under
8 Section 4 of the 2001 Act a -- (Lost connection)
9 **MR. MCCARTHY:** Mr. Gageby is on mute again.
10 **CHAIRMAN:** Yeah.
11 **MR. GAGEBY:** Sorry, can the Chairman hear me?
12 **CHAIRMAN:** Yes, we can hear you now, thank you.
13 **MR. GAGEBY:** Sorry, Chairman, I have just had an issue
14 with connectivity. Under Section 4 of the 2001 Act
15 provides:
16
17 *"Where a person considers that a specified person or a*
18 *person who, in relation to a specified person, is a*
19 *connected person may have done an act or made an*
20 *omission after the commencement of Section 2 that is,*
21 *or the circumstance of which are, such as to be*
22 *inconsistent with the proper performance by the*
23 *specified person of the functions of the office or*
24 *position by reference to which he or she is such a*
25 *person or with the maintenance of confidence in such*
26 *performance by the general public, and the matter is*
27 *one of significant public importance, a specified*
28 *person may have contravened a provision of the*
29 *Principal Act, or a specified person may have*
21

1 *contravened a provision of the Act of 1997, the*
2 *complainant may make a complaint in relation to the*
3 *matter to the Commission".*
4
5 So the legislation provides, and my reading of it is,
6 Chairman, that once a complaint is made to the
7 Commission, the Commission, and any person may make a
8 complaint to the Commission, jurisdiction is vested in
9 the Commission. So there can be no question that there
10 is a lack of jurisdiction to hear this complaint in
11 circumstances where a complaint has been made and
12 Mr. Shanahan has been appointed and considers a prima
13 facie case has been made such that warrants an
14 investigation under Section 23. So I don't agree with
15 My Friend that there's any jurisdictional difficulty in
16 terms of this investigation going ahead, and those are
17 my submissions.
18
19 **END OF SUBMISSION BY MR. GAGEBY**
20
21 **MR. HEALY:** Mr. Chairman if I could reply, please?
22 **CHAIRMAN:** Yes, certainly.
23
24 **REPLYING SUBMISSION BY MR. HEALY AS FOLLOWS:**
25
26 **MR. HEALY:** I say that My Friend is correct in what he
27 says in relation to TDs, Senators, et cetera, but with
28 regard to a county councillor it's the ethics registrar
29 has to make, has to bring the matter to the attention
22

1 of the Cathaoirleach. That is not the case with TDs
2 and Senators and that's what he is referring to there.
3
4 **END OF SUBMISSION BY MR. HEALY**
5
6 **CHAIRMAN:** Very well, thank you. You say that this
7 section doesn't apply to counsellors?
8 **MR. HEALY:** It only applies if that procedure as set
9 out in the Act is followed and it was not followed in
10 this instance. That, in my respectful submission, is
11 on the basis of what My Friend said earlier as to who
12 made the complaint.
13 **CHAIRMAN:** Very well, thank you. I think we should, I
14 think the Commissioners will retire and consider the
15 submissions that you have made, Mr. Healy, and those of
16 Mr. Gageby.
17 **MR. HEALY:** Thank you, Mr. Chairman. Thanks
18 Mr. Gageby.
19 **CHAIRMAN:** And if we could breakout, please?
20
21 **SHORT ADJOURNMENT**
22
23 **THE HEARING RESUMED AS FOLLOWS:**
24
25 **CHAIRMAN:** We are back in the main session now. Very
26 well Mr. Healy can you hear us now?
27 **MR. HEALY:** Pardon?
28 **CHAIRMAN:** Can you hear us?
29 **MR. HEALY:** Yes, I can hear, yes, yes, absolutely,
23

1 yes.
2 **CHAIRMAN:** First of all, I meant to clarify with you
3 earlier is your client, Mr. Treanor, present at these
4 hearings?
5 **MR. HEALY:** He is, Mr. Chairman, yes, he is, yes.
6 **CHAIRMAN:** Thank you very much indeed.
7 **MR. HEALY:** Sorry, sorry, I should have said that.
8 **CHAIRMAN:** Ah, no, that's all right that was my fault,
9 I should have clarified.
10 **MR. HEALY:** No, no, sorry.
11
12 **DECISION OF THE COMMISSION AS FOLLOWS:**
13
14 **CHAIRMAN:** The Commissioners are of the view that
15 Section 4 is not confined to the category of
16 politicians that you, you said it is and we're of the
17 view that this complaint under Section 4 is also
18 applicable to counsellors. So what we propose to do is
19 we propose to proceed with the hearing. I'll ask
20 Mr. Gageby to call our witnesses and then we'll, we'll
21 revert to you and you'll, of course, be free to
22 cross-examine any of the witnesses that you wish to
23 cross-examine.
24
25 **SUBMISSION BY MR. HEALY AS FOLLOWS:**
26
27 **MR. HEALY:** Thank you, Mr. Chairman. I have one
28 further point, submission I'd like to make just in
29 relation to a meeting that took place on the 25th

24

1 January '21 by the Commission. The Commission
2 considered the preliminary inquiry report and decided
3 to proceed to investigation subject to clarification on
4 the following queries:
5
6 *"One, whether a criminal complaint is currently under
7 investigation or, two, whether canvassing is included
8 in the functions of a councillor?"*
9
10 With regard to both of these questions that they said
11 they wanted clarification on we haven't been advised as
12 to whether they decided that canvassing was a function
13 of a councillor? That is something that we would
14 completely disagree with, that it's not a function of a
15 county councillor but we haven't been advised as to
16 what their conclusion was and we'd like to know their
17 conclusion?
18
19 Secondly, we'd like to know in relation to the criminal
20 complaint whether there was a criminal complaint? If
21 there was no criminal complaint well then we say that
22 we're completely protected by Article 40 of the
23 Constitution:
24
25 *"The State guarantees liberty for the exercise of the
26 following rights subject to public order and morality".*
27
28 I'm sure you're well aware, I don't have to recite it
29 for you, Mr. Chairman. So, one, we'd like to, the

25

1 Commission to tell us what conclusion they came to with
2 regard to questions one and two that they raised? Then
3 you've heard my other submissions on what, if their
4 answers were certain things that were protected.
5
6 **END OF SUBMISSION BY MR. HEALY**
7
8 **CHAIRMAN:** Very well, thank you. Mr. Gageby?
9
10 **SUBMISSION BY MR. GAGEBY AS FOLLOWS:**
11
12 **MR. GAGEBY:** If I can just say, deal with them in
13 reverse order, perhaps, Chairman? In respect of the
14 second question in terms of a criminal complaint being
15 made obviously there's no question of any interference
16 with Councillor Treanor's rights even if a criminal
17 complaint was live. The law is very clear that civil
18 proceedings, regulatory proceedings, disciplinary
19 proceedings can go ahead notwithstanding the fact that
20 a criminal complaint has been made. I'm certainly not
21 aware of a criminal complaint having been made in this
22 case so, in fact, I think the question is a theoretical
23 one. But even if it were and even if there was a case
24 live before the Courts there's no question but that
25 there would be no interference with rights by virtue of
26 these proceedings going ahead, and clearly in terms of
27 Mr. Treanor's rights against self incrimination, and
28 everything else, they can be protected in the course of
29 these hearings and so no question arises in respect of

26

1 that. So that's the first issue. In respect of the --
2 sorry, that's the second issue, I should say.
3
4 In respect of the first issue as to whether or not
5 canvassing material can form part of a councillor's
6 functions, Section 63 of the Local Government Act
7 provides that:
8
9 *"The functions of a local authority are to provide a
10 forum for the democratic representation of the local
11 community in accordance with Section 64 and to provide
12 civic leadership for that community".*
13
14 Then obviously there's a code of conduct which is set
15 out later in that legislation and the various
16 provisions which have to be complied with. They are
17 all quite general in nature and they're not exclusive,
18 as the Code makes clear itself, they can provide to
19 various different communications and things of that
20 nature. So there's no question, in my respectful
21 submission, that canvassing material is something which
22 is very likely to be caught by the functions of a
23 county councillor and also by the Code of Conduct which
24 clearly envisages communications with members of the
25 public and things of that nature. But ultimately that
26 would be a matter for the Commission to decide whether
27 or not this type of canvassing material is caught in
28 terms of the functions of a county councillor and also
29 whether or not it is caught by the Code of Conduct?

27

1 Ultimately that will be a matter for the Commission to
2 determine.
3
4 **END OF SUBMISSION BY MR. GAGEBY**
5
6 **MR. HEALY:** Judge, Mr. Chairman if I could just please
7 reply?
8 **CHAIRMAN:** Certainly.
9
10 **REPLYING SUBMISSION BY MR. HEALY AS FOLLOWS:**
11
12 **MR. HEALY:** We submit that under no circumstances can
13 canvassing be considered a function of a county
14 councillor. We do not accept that under any
15 circumstances. Secondly, I think I'm right to say that
16 My Friend has confirmed that there is no criminal
17 complaint and has been no criminal complaint against
18 Mr. Treanor and so in those circumstances he is
19 completely innocent.
20
21 **END OF SUBMISSION BY MR. HEALY**
22
23 **CHAIRMAN:** Thank you, thanks, Mr. Healy. Very well,
24 in those circumstances the Commission will retire to
25 consider these latest submissions. Can I take it
26 that's, is that the end of your submissions, Mr. Healy,
27 at this stage?
28 **MR. HEALY:** At this point, yes, Mr. Chairman, thank
29 you very much.

28

1 **CHAIRMAN:** Could we breakout, please?
2
3 **SHORT ADJOURNMENT.**
4
5 **THE HEARING RESUMED AS FOLLOWS:**
6
7 **CHAIRMAN:** We are back. Thank you, Mr. Healy.
8 **MR. HEALY:** Thank you, Mr. Chairman.
9
10 **DECISION OF THE COMMISSION AS FOLLOWS:**
11
12 **CHAIRMAN:** Look, we have decided, the Commissioners
13 have decided that they're unable to uphold your
14 submissions and we're going to proceed now with the
15 investigation. Thank you.
16 **MR. GAGEBY:** Thank you Chairman. If I could --
17 **MR. HEALY:** Thank you Mr. Chairman, thank you.
18 **MR. GAGEBY:** If I could invite Mark Shanahan, please,
19 to be sworn?
20 **CHAIRMAN:** I think Mr. Fitzgerald is going to take the
21 oath or, rather, administer the oath.
22
23 **MR. MARK SHANAHAN, HAVING AFFIRMED, WAS EXAMINED BY**
24 **MR. GAGEBY AS FOLLOWS:**
25
26 **Q. MR. GAGEBY:** Mr. Shanahan can you see and hear me?
27 **A. I can, Mr. Gageby, thank you.**
28 **Q. Can you please tell the Commission what your role is?**
29 **A. Okay. So I'm an investigator in the Complaints and**

29

1 Investigations Unit at the Standards in Public Office
2 Commission.
3 **Q. Okay, and in respect of this case can you just tell the**
4 **Commission when you were appointed?**
5 **A. Yep. So I was appointed in, if I can just refer to**
6 **this here, sorry?**
7 **Q. Perhaps if I can assist you? I think it was the 25th**
8 **November 2019?**
9 **A. The 25th November 2019, yes, sorry, excuse me.**
10 **Q. And can you just explain what your role is in respect**
11 **of that appointment?**
12 **A. Okay. So when the, when the Commission receives a**
13 **complaint it's initially assessed via a briefing note,**
14 **and the Commission will look at that complaint and if**
15 **it is within remit, and the Commission believe that it**
16 **requires further examination they will appoint an**
17 **Inquiry Officer to carry out a preliminary inquiry, and**
18 **to submit a report following that inquiry in which the**
19 **officer gives their opinion as to whether there's a**
20 **prima facie case to uphold the complaint? And**
21 **following that the Commission will, will look at the**
22 **report, will take the opinion of the inquiry officer**
23 **into consideration and then will decide itself whether**
24 **they agree with the opinion of the inquiry officer and**
25 **they may decide to go to, to an investigation hearing**
26 **in, in that event.**
27 **Q. I suppose, Mr. Shanahan, it's important to say your**
28 **role isn't to make findings, isn't that right?**
29 **A. That's right, it's just to express an opinion.**

30

1 **Q. And that opinion is simply whether or not there's a**
2 **prima facie case, isn't that right?**
3 **A. That's correct.**
4 **Q. Now I think in this case you set out in your report**
5 **that a complaint was received on the 6th November 2019,**
6 **isn't that right?**
7 **A. That's correct.**
8 **Q. I think that this complaint relates to canvassing**
9 **material and I think that's set out in full in your**
10 **report, isn't that right?**
11 **A. That is correct, yes.**
12 **Q. I think that you investigated whether or not there was**
13 **breaches of the Code of Conduct for Counsellors, isn't**
14 **that right?**
15 **A. That is correct, yes.**
16 **Q. And I think you concluded ultimately that there were**
17 **certain breaches of the Code of Conduct committed by**
18 **Councillor Treanor, isn't that right, or that there was**
19 **prima facie evidence against him?**
20 **A. In my opinion, yes, yes.**
21 **Q. Yeah. Now can you just tell the Commission in terms of**
22 **carrying out your report what steps did you take?**
23 **A. So initially I will, we, we would look at the complaint**
24 **from the, from Monaghan County Council.**
25 **MR. HEALY:** Mr. Chairman, I don't like to interrupt My
26 Friend but I think, if I'm correct, Mr. Shanahan has
27 said that he found that there were breaches?
28 **A. No, sorry, excuse me.**
29 **MR. HEALY:** I thought in his evidence that is what he

31

1 said. I am open -- maybe -- I understand his function
2 is simply to express an opinion but in his evidence
3 there he said there were breaches, maybe I'm wrong but
4 that's what I thought I heard him say?
5 **Q. MR. GAGEBY:** Well certainly Mr. Shanahan your role,
6 you're absolutely clear in your role, isn't that right,
7 that your role is simply to provide a view as to
8 whether or not there is a prima facie case, isn't that
9 right?
10 **A.** That's correct.
11 **Q.** Now in respect of this investigation what steps did you
12 carry out, can you tell the Commission?
13 **A.** Well on the 19th December 2019 I wrote to Councillor
14 Treanor informing him that I had been appointed as
15 Inquiry Officer, and I provided some information around
16 the role of the Inquiry Officer and I gave him a copy
17 of the complaint and a copy of Section 6 of the 2001
18 Act. And I didn't receive a response but I received a
19 phone call from Councillor Treanor then on the 13th
20 January, and I gave further clarification as to my role
21 and the nature of the complaint. Following that I
22 wrote in February 2020 to the Cathaoirleach and Chief
23 Executive of Monaghan County Council in relation to
24 whether there was any other materials as regards
25 disciplinary action or any meetings in relation to that
26 were held with Councillor Treanor, and I also sought
27 information as to whether the original complainants
28 were aware that the matter had been referred to the
29 Commission? And I received a response from Monaghan

32

1 County Council in relation to both of those issues and
2 that there was no further material and that the
3 individuals who made the original complaints to the
4 Monaghan County Council were not aware that the matter
5 had been referred onwards. On the 2nd
6 of....(Interjection)
7 **Q.** Just to interrupt, Mr. Shanahan.
8 **A.** Yes.
9 **Q.** Just taking it step-by-step. Following the letter in
10 December I think you said you'd a call in January with
11 Councillor Treanor, isn't that right?
12 **A.** That's correct, yes.
13 **Q.** I think there's a note of that call, which is provided
14 on page 93 of the Treanor Book of Pleadings, is that
15 right?
16 **A.** That's correct, yes.
17 **Q.** I think that just is your memo of that phone call, is
18 that right?
19 **A.** That's, that's, that's, that's exactly what that is,
20 yeah. That's just my kind of -- yeah, correct.
21 **Q.** And the Commission can consider that in its own time
22 but I think at the third paragraph of that memo you
23 record that:
24
25 *"Councillor Treanor stated that the figure quoted in*
26 *his election flyer that 92% of asylum seekers in*
27 *Ireland are deemed to be bogus was sourced from a*
28 *Government report",*
29

33

1 isn't that right"?
2 **A.** That's correct.
3 **Q.** I think he further stated that:
4
5 *"he had no problem with his Lithuanian neighbour down*
6 *the road but that outside the Romanian's house were*
7 *BMW's and Mercedes cars",*
8
9 isn't that right?
10 **A.** Yes, sir.
11 **Q.** I think thereafter Councillor Treanor expresses his
12 views that he's got members of his family, and things,
13 who've travelled abroad and that he's got, you know, no
14 difficulty with immigration otherwise, isn't that
15 right?
16 **A.** That's correct.
17 **Q.** Okay. I think you explained to Councillor Treanor that
18 you'd be in contact with him in the coming weeks, that
19 he'd be afforded an opportunity to provide his views in
20 relation to the complaint and you informed him that any
21 statement provided by him would be included in any
22 inquiry report which would be considered by the
23 Commission, isn't that right?
24 **A.** That's correct.
25 **Q.** I think you record that Councillor Treanor thanked you
26 for taking the call and you ended the call, isn't that
27 right?
28 **A.** That's correct, yes.
29 **Q.** Now following that call can you just explain again to

34

1 the Commission what steps you took thereafter?
2 **A.** Okay. Sorry, I ran away with myself a bit there.
3 **Q.** That's okay.
4 **A.** So I wrote to, on the 5th February I wrote to the
5 Cathaoirleach and Chief Executive seeking any further
6 documentary materials or anything else in support of
7 the complaint, and I also asked whether the individuals
8 who made the original complaints to Monaghan County
9 Council were informed that it had been referred
10 onwards? I received a response on the 17th February
11 from the Chief Executive and they said that the
12 original complainants weren't aware that the matter had
13 been referred onwards and that there was no further
14 material.
15 **Q.** Okay, and I think did you say you wrote on the 2nd
16 June, I think, to Councillor Treanor, is that correct?
17 **A.** That's correct. I wrote to him and informed him that I
18 completed my initial enquiries and was preparing a
19 report and asked him to provide a statement in relation
20 to the matter but I never received a response from
21 Councillor Treanor.
22 **Q.** Apart from the phone call that's highlighted in page 93
23 of the materials was there any other contact from
24 Councillor Seamus Treanor?
25 **A.** No, I had no further contact with Councillor Treanor.
26 **Q.** Okay. I think you conducted analysis in your report,
27 isn't that right Mr. Shanahan?
28 **A.** That's correct, yes.
29 **Q.** I think without the need, I think, to go through it

35

1 today, ultimately the rightness or wrongness of those,
 2 that analysis are matters for the Commission, but
 3 simply to say that at the conclusion of your report you
 4 set out various potential breaches, isn't that right?
 5 **A.** That's correct.
 6 **Q.** And you set out potentially, potential breaches of
 7 Section 2.1, Section 2.2 and Section 2.3 of the Code of
 8 Conduct for Counsellors, isn't that right?
 9 **A.** That's correct.
 10 **Q.** You also set out a potential contravention of 168 of
 11 the Local Government Act which states that:
 12
 13 *"In carrying out their functions under this or any*
 14 *other enactment, it is the duty of every member of a*
 15 *local authority to maintain proper standards of*
 16 *integrity, conduct and concern for the public*
 17 *interest",*
 18
 19 isn't that right?
 20 **A.** That's correct.
 21 **Q.** And similarly you set out Section, Section 169 of the
 22 Local Government Act which effectively requires county
 23 councillors to be guided by the relevant code, isn't
 24 that correct?
 25 **A.** That's correct.
 26 **Q.** And you set out at the conclusion of your report an
 27 opinion, and it is only an opinion under Section 6 of
 28 the 2001 Act that:
 29

36

1 *"there is a prima facie evidence to sustain the*
 2 *complaint received by the Standards in Public Office*
 3 *Commission from the Cathaoirleach and Chief Executive*
 4 *of Monaghan County Council that Councillor Seamus*
 5 *Treanor contravened Part 15 of the Local Government*
 6 *Act, 2001",*
 7
 8 isn't that right?
 9 **A.** That's correct.
 10 **Q.** And that is your report set out there which provides
 11 that opinion, isn't that right?
 12 **A.** That is correct.
 13 **MR. GAGEBY:** Thanks very much, if you'll answer any
 14 questions Mr. Healy may have for you Mr. Shanahan?
 15 **A.** Thank you.
 16
 17 **END OF EXAMINATION OF MR. SHANAHAN BY MR. GAGEBY**
 18
 19 **MR. HEALY:** Mr. Chairman, unfortunately can I beg your
 20 indulgence and ask for a five minute recess, if that
 21 would be possible, I just want to check something with
 22 my client? Can you hear me? Hello, hello.
 23 **MR. GAGEBY:** I think we can hear you, Mr. Healy.
 24 **CHAIRMAN:** Yes, of course, you can have a five minute
 25 recess.
 26 **MR. HEALY:** Thank you very much, Mr. Chairman.
 27 **CHAIRMAN:** Thank you.
 28
 29 **SHORT ADJOURNMENT**

37

1 **THE HEARING RESUMED AS FOLLOWS:**
 2
 3 **MR. HEALY:** I am ready Mr. Chairman or Commission
 4 whenever you want to.
 5 **CHAIRMAN:** Mr. Healy?
 6 **MR. HEALY:** Yes, I am ready Mr. Chairman, yeah, fine.
 7 **CHAIRMAN:** Go ahead.
 8
 9 **MR. MARK SHANAHAN WAS CROSS-EXAMINED BY MR. HEALY**
 10 **AS FOLLOWS:**
 11
 12 **Q. MR. HEALY:** Mr. Shanahan, how are you? You were the
 13 investigator, isn't that correct?
 14 **A.** The Inquiry Officer.
 15 **Q.** Yeah, and I think as a consequence of same you, the
 16 Cathaoirleach and the CEO of Monaghan County Council
 17 conducted an inquiry, isn't that right?
 18 **A.** I think they conducted their own original investigation
 19 and --
 20 **Q.** You see to put it, to put it in kind of drunk driving
 21 terms you're the guard and the Cathaoirleach and County
 22 Councillor are the State solicitor. You -- they
 23 conduct an inquiry on the basis of a report that you
 24 put in and in any event they made conclusions, isn't
 25 that right, that Mr. Treanor was in breach of various
 26 regulations?
 27 **A.** The Cathaoirleach and Chief Executive of Monaghan
 28 County Council, yeah, they concluded that there was a
 29 breach of the Code of Conduct for Councillors, yes.

38

1 **Q.** So they presented you with a fait accompli, isn't that
 2 right?
 3 **A.** They forwarded to me their investigation report.
 4 **Q.** Conclusions, conclusions?
 5 **A.** Yeah.
 6 **Q.** And the conclusions were that Mr. Treanor was in
 7 breach, isn't that correct?
 8 **A.** That's correct.
 9 **Q.** Yeah. So you were the guard being told that the
 10 Defendant was guilty already and then you've started
 11 your investigation, isn't that right?
 12 **A.** Em, well I, I commenced my inquiry following the
 13 provision of the complaint.
 14 **Q.** Yeah, having been told by the County Council that he
 15 was in breach, isn't that right?
 16 **A.** That was their findings were that but that's -- I mean
 17 the Commission....(Interjection)
 18 **Q.** Exactly but they told you, they told you as far as they
 19 were concerned he was guilty?
 20 **A.** As far as they were concerned, yes.
 21 **Q.** Right.
 22 **A.** But as Inquiry Officer the Commission asked me to carry
 23 out my own inquiry and then submit to them with an
 24 opinion, and the Commission still hasn't decided on
 25 this hence we're in an investigation hearing now.
 26 **Q.** Okay, and then you conducted your investigation under
 27 Section 174, isn't that correct? Oh, sorry, they'd
 28 conducted their investigation under Section 174, isn't
 29 that right?

39

1 **A.** Yes.
 2 **Q.** Yeah, according to the evidence.
 3 **A.** I believe so, I believe so, yes.
 4 **Q.** Yes, and then it's sent forward to you, isn't that
 5 right, yeah?
 6 **A.** That's what happened, yes.
 7 **Q.** Yeah. Well my reading of the legislation now the
 8 Commission -- and then you referred to a Code of
 9 conduct, isn't that right? You referred to the Second
 10 Edition of the Code of Conduct, isn't that right, in
 11 your report?
 12 **A.** Em, could, could you clarify what you mean by that?
 13 **Q.** Well there's two Codes of Conduct, there's
 14 one...(Interjection)
 15 **A.** Yes, so --
 16 **Q.** There's a 2004 Code of Conduct, right?
 17 **A.** Hmm.
 18 **Q.** And then there's a later Code of Conduct which
 19 comprises 21 pages, the first one comprises 14 pages.
 20 **A.** Okay, yeah. No, the --
 21 **Q.** But you referred to the second one, isn't that right?
 22 **A.** That's incorrect, no, I referred to the first one.
 23 Monaghan County Council referred to the second one.
 24 **Q.** May it please -- and if I was to read...(Interjection)
 25 **A.** So in respect of, if I just can qualify...
 26 **Q.** Yeah.
 27 **A.**can qualify that? I believe the Second Edition
 28 came out in maybe July 2019.
 29 **Q.** Yeah.

40

1 **A.** And the allegation against Councillor Treanor was for,
 2 for, from May 2019 was when the material, the
 3 canvassing material was published.
 4 **Q.** Yeah.
 5 **A.** So I considered, I considered it in terms of the
 6 earlier version of the Code as, as the second one
 7 hadn't been, he wouldn't have been expected to have
 8 adhered to it at that stage.
 9 **Q.** But the County Council who sent this on to you they
 10 considered it under the second Code, isn't that right?
 11 **A.** Yes, that is the case.
 12 **Q.** Which was irrelevant at the time, that Code didn't even
 13 apply?
 14 **A.** That's, that's my reading of it, yes.
 15 **Q.** Yes. So they're considering these very serious charges
 16 under the wrong code. This is Monaghan County Council
 17 getting it spectacularly wrong.
 18 **A.** Well that's why I, I -- having assessed it and examined
 19 the complaint I've took the decision to examine it
 20 because I didn't think it would be fair on Councillor
 21 Treanor to, to...(Interjection)
 22 **Q.** And of course --
 23 **A.** You know in the interest of the fairness that it would
 24 be the, the previous Code of Conduct that he would have
 25 been expected to have adhered to.
 26 **Q.** Yeah, and then if I could I'm going to read out a
 27 little bit of the first Code of Conduct, the one that
 28 is relevant that Monaghan County Council didn't
 29 consider? I'm going to read out, I think it's, it's

41

1 page 3 and it says: "1.2", in the Introduction there
 2 is "1.1" and then there is "1.2":
 3
 4 *Local government has a long tradition of honest and*
 5 *impartial service to its communities. The core*
 6 *principles underlying democratic local government are*
 7 *based on counsellors acting in good faith and with*
 8 *fairness and impartiality for the common good and to*
 9 *promote the public interest. This Code has been issued*
 10 *in accordance with the Act to promote these principles*
 11 *and to uphold public confidence". Then there's dash,*
 12 *"so that all", or hyphen, "so that all counsellors can*
 13 *be seen to act solely in the public interest and within*
 14 *the law. The Code is accordingly to be read in this*
 15 *spirit at all times and not in any selective or*
 16 *restrictive manner contrary to its intent".*
 17
 18 You're aware of that Section I presume? I don't, I'm
 19 not trying to catch you out that you --
 20 **A.** No.
 21 **Q.** But I'm sure you're aware of this Section, the
 22 generality of it?
 23 **A.** Yeah.
 24 **Q.** The point I'm making is it's very clear that a
 25 councillor -- the conduct code, the Code of Conduct is
 26 to be read as a, a full document, a comprehensive
 27 document, you can't just parse it and take out one
 28 little section and say he's in breach of this or he's
 29 in breach of that. What was intended with this Code of

42

1 Conduct is that it would be looked at as a
 2 comprehensive document and not nit-picked, for want of
 3 a better word, in order to put counsellors under
 4 pressure?
 5 **A.** Well that wouldn't be my understanding of it.
 6 **Q.** Well maybe I'll read it to you again then?
 7
 8 *"The Code is accordingly to be read in this spirit at*
 9 *all times and not in any selective or restrictive*
 10 *manner contrary to its intent".*
 11
 12 So now would you agree it's not to be read in any
 13 selective or restrictive manner? Can I put it any --
 14 that's what it says. I'm simply reading the document
 15 which, by-the-way as we've already conceded, Monaghan
 16 County Council didn't even consider?
 17 **A.** But how, how would you discover a breach of the Code in
 18 that sense?
 19 **Q.** Well in point of fact it's our job to ask the questions
 20 here as opposed to your job. You simply can't explain
 21 it to me.
 22 **CHAIRMAN:** If I could intervene, Mr. Healy, for a
 23 moment?
 24 **MR. HEALY:** Yes, Mr. Chairman, sorry.
 25 **CHAIRMAN:** I think you've, you've made the point very
 26 clearly.
 27 **MR. HEALY:** Okay, thank you Mr. Chairman.
 28 **CHAIRMAN:** Perhaps a matter also for your concluding
 29 submission?

43

1 **Q. MR. HEALY:** Okay. In any event, Mr. Shanahan, four
2 civilians made this complaint, isn't that correct?
3 **A.** That's my understanding, yes.
4 **Q.** Yeah, and on foot of that the Chairman, the Chairman
5 and the, in accordance with Section 14, 174(8)(2) of
6 the Local Government Act the Cathaoirleach, Seamus
7 Coyle, and the Chief Executive, Eamonn O'Sullivan,
8 initiated an investigation into those complaints, isn't
9 that right, under 174?
10 **A.** Yes, that's my understanding, yes.
11 **Q.** Now I read just -- 174, and I will read it again,
12 paragraph 7 says:
13
14 *"Where the ethics registrar or the Chief Executive in*
15 *relation to paragraph (c) becomes aware of a possible*
16 *contravention of this Part it is his or her duty to*
17 *bring the matter to the attention of SIPO",*
18
19 or the Standards in Public Office, isn't that right,
20 the Cathaoirleach and the Chairman? The ethics
21 registrar brings it to them, isn't that right, under
22 the Section?
23 **A.** That's, yeah, that's my understanding of it, yes.
24 **Q.** Yeah, but in this instance that didn't happen, it was
25 four civilian complainants?
26 **A.** Well I'm -- I, I can't speak to what the procedures of
27 Monaghan County Council.
28 **Q.** Yeah.
29 **A.** But I know that under Section 174(8)(3), I think it is,

44

1 that the Cathaoirleach and the Chair can take any other
2 course of action considered appropriate in the
3 circumstances and that's what they cited when referring
4 it to the Commission.
5 **MR. HEALY:** May it please. I would say this,
6 Mr. Chairman, that completes what I have to say with
7 regard to Mr. Shanahan. Thank you very much
8 Mr. Shanahan.
9 **A.** Thank you, Mr. Healy.
10
11 **END OF CROSS-EXAMINATION OF MR. SHANAHAN BY MR. HEALY**
12
13 **MR. HEALY:** Thank you. Mr. Chairman although I know we
14 made this point earlier, we will be submitting, I think
15 I should say at this stage it might shorten matters a
16 little bit, we would like to make written submissions
17 in relation to the procedure under 174, Section 174 and
18 whether that jurisdictional point, we'd like to make
19 some written submissions on that point. I'm not sure
20 if you'd be with me on that but we would like to make
21 some written submissions and I'll just say that at this
22 early point.
23 **CHAIRMAN:** We have -- Mr. Healy yes is the answer to
24 your question.
25 **MR. HEALY:** Thank you.
26 **CHAIRMAN:** But we'll have to put a time limit on it.
27 **MR. HEALY:** Oh, absolutely, we've no difficulty, of
28 course, and we'll obviously have to adhere to whatever
29 you say in that regard.

45

1 **CHAIRMAN:** We will deal with that at the conclusion of
2 --
3 **MR. HEALY:** Thank you very much, Mr. Chairman.
4 **CHAIRMAN:** Thank you.
5 **MR. GAGEBY:** Chairman, if Mr. Shanahan I think can be
6 excused I'll call John Murray, please?
7 **CHAIRMAN:** Thanks, Mr. Shanahan.
8 **MR. GAGEBY:** Hello. Mr. Murray can you see and hear
9 me?
10 **MR. MURRAY:** I can, yes.
11 **MR. GAGEBY:** Mr. Murray I am going to pass you over
12 now to Gary Fitzgerald, my solicitor, who is going to
13 administer the oath.
14 **MR. MURRAY:** Okay, thank you.
15
16 **MR. JOHN MURRAY, HAVING AFFIRMED, WAS EXAMINED BY**
17 **MR. GAGEBY AS FOLLOWS:**
18
19 **Q. MR. GAGEBY:** Mr. Murray what's your current role,
20 please?
21 **A.** I'm Head of Finance and Director of Services for
22 Housing and Cultural Services in Monaghan County
23 Council.
24 **Q.** Okay. Now this case concerns a statement made by
25 Councillor Treanor to the following effect. He made a
26 statement that:
27
28 *"There was an unfair allocation of 22 houses to*
29 *economic migrants last year in County Monaghan on the*

46

1 *instructions of the Department of Justice".* He said:
2 *"There is a 4,000 grant available for furniture and*
3 *household items",* and he said, *"they get access to*
4 *social welfare, medical cards and pensions, et cetera.*
5 *Local people on the housing list for many years were*
6 *pushed aside and houses were allocated to migrants who*
7 *never spent a day on the housing waiting list".*
8
9 In your role are you in a position to speak to that
10 factual issue?
11 **A.** I can speak to some of it. I cannot speak to the
12 €4,000 grant or I cannot speak to social welfare. They
13 are not matters that are administered by the County
14 Council.
15 **Q.** Thanks, Mr. Murray. And insofar as you do have
16 knowledge of these matters what evidence can you give?
17 **A.** In relation to the allocation of houses Monaghan County
18 Council was, received communication from the Department
19 of Justice in July 2007 to say that Monaghan County
20 Council had been selected under the Irish Refugee
21 Protection Programme to allocate housing to 90 Syrian
22 refugees that were located in Greece and Italy under
23 the EU Programme for asylum seekers.
24 **Q.** And in respect of that was it economic migrants or was
25 it refugees, sorry, did you say?
26 **A.** It is refugees, under the Irish Refugee Protection
27 Programme.
28 **Q.** And in respect of the number of houses how many of
29 those houses were houses that were on the housing list?

47

1 A. None of those people were on our housing list.
2 Q. No, sorry, in respect of the houses that were provided,
3 in the 22 houses how many of those --
4 A. Sorry, the actual number of houses we ended up
5 allocating or the actual number of families we
6 allocated houses to, we didn't allocate the houses but
7 the number of families homed was 20. There was 11 of
8 the properties were owned by approved housing bodies
9 and 9 of the properties were acquired under the Housing
10 Assistance Payments. None of them were actual Monaghan
11 County Council housing stock.
12 Q. And in this regard were any of the houses, were any of
13 the houses taken from the housing list or did they
14 impact anyone who was on the housing list, if I could
15 put it that way?
16 A. Yes. The approved housing body houses, the 11 houses
17 for the, that were used from approved housing bodies
18 they would have been allocated to families on the
19 County Council housing list. The HAP properties are
20 not allocated directly by the County Council. People,
21 people seek that accommodation themselves and then
22 apply for Housing Assistance Payment.
23 Q. So I suppose the position then is as a result of your
24 evidence it would seem that it might be said that 11
25 houses were or 11 slots on the housing list were pushed
26 down, would that be a fair way to put it?
27 A. That's true, that's correct, yes.
28 MR. GAGEBY: Thanks very much Mr. Murray. If you'll
29 answer any questions Mr. Healy has?

48

1 held by Mr. Treanor, would you say that it was in any
2 way malicious or anything like that, no?
3 A. I don't know that either.
4 Q. No, no. Well, in any event, it's correct to say that
5 houses that were originally intended, for want of a
6 better word, people in Monaghan who were living in
7 Monaghan at the time were subsequently reallocated to
8 other people, is that right?
9 A. That's true, yes.
10 Q. That's right. So he's not wrong in what he is saying;
11 there was a substantial reallocation?
12 A. He is not wrong in saying that there was properties
13 that initially would have went to people living in
14 County Monaghan went to people on the Protection
15 Programme.
16 Q. Yeah, and with regard to the HAP properties did they go
17 to the original recipients or did they go to somebody
18 else also?
19 A. No, HAP properties are properties that people who want
20 to rent houses source themselves. Monaghan County
21 Council has no role in acquiring HAP properties, apart
22 from in this particular case where we didn't have
23 enough houses to house all of the refugees we had to go
24 to the private rental market and see could we acquire
25 properties under HAP.
26 MR. HEALY: That's fine, okay, that's grand. I've no
27 further questions for Mr. Murray. Thank you very much
28 Mr. Murray, thank you.
29

50

1 A. Thank you.
2
3 END OF EXAMINATION OF MR. JOHN MURRAY BY MR. GAGEBY
4
5 MR. JOHN MURRAY WAS CROSS-EXAMINED BY MR. HEALY
6 AS FOLLOWS:
7
8 Q. MR. HEALY: Hello. Mr. Murray, thank you. Mr. Murray
9 I think I'm not -- I just want to check is it 20 houses
10 or 22 houses we're talking about, was it --
11 A. It was 20 houses ended up. At the outcome or at the
12 final stage it was 20, 20 families were allocated
13 houses or allocated accommodation.
14 Q. I think in the canvassing material of Mr. Treanor he
15 made the point that there was an, that there was an
16 unfair allocation, is that right?
17 A. I would not say it was unfair. We were instructed by
18 the Department of Justice that there was 90, 90 people
19 to be accommodated under the Refugee Protection
20 Programme, Monaghan County Council had no choice in
21 that matter.
22 Q. Ah, no, absolutely, no. In fact you're being very
23 fair, thank you, I appreciate that. I'm simply saying
24 that Mr. Treanor appoints, it was his opinion in that,
25 that he thought it was unfair, isn't that right? It
26 was just an opinion expressed by him, isn't that right?
27 A. I don't know what Mr. Treanor's opinion was? All I can
28 do is just talk to the facts of what happened.
29 Q. And would you, would you say that it was an opinion

49

1 A. Thank you.
2
3 END OF CROSS-EXAMINATION OF MR. MURRAY BY MR. HEALY
4
5 CHAIRMAN: Thank you, Mr. Murray.
6 MR. GAGEBY: Chairman, with your permission if I can
7 address the Commission in the following..(Interjection)
8 CHAIRMAN: We've no more witnesses, you're not calling
9 any further witnesses?
10 MR. GAGEBY: No, Chairman, I'm not calling any further
11 witnesses.
12 MR. HEALY: I'm sorry, Mr. Chairman, thank you very
13 much, I will not be calling any witnesses. Thank you
14 very much, thank you.
15 CHAIRMAN: Thanks Mr. Healy.
16
17 CLOSING SUBMISSION BY MR. GAGEBY AS FOLLOWS:
18
19 MR. GAGEBY: I wonder if I can take the Commission
20 through matters in the following way? I wonder if I
21 can take the Commission to page 2 of the Treanor
22 Hearing Book of Pleadings, which is the statement of
23 alleged contraventions? The Commission will see that
24 the text of the leaf, the canvassing material is set
25 out in that document. I won't read it out again but I
26 just want to highlight certain aspects of it. Then
27 I'll take the Commission to the various aspects of the
28 Code and Section 168 of the Local Government Act which
29 apply in respect of these alleged contraventions.

51

1 The Commission will see that the statement set out
2 there on page 2 is that Mr., Councillor Treanor says:
3
4 *"With regards to immigration I've no problem with any
5 person or family coming to this country to work or
6 start a new business providing they can pay for their
7 own housing, and provide for their families themselves
8 and obey our laws and customs. Unfortunately our
9 political elite in Ireland, and their masters in
10 Europe, have encouraged uncontrolled migration into
11 this country".*
12
13 There's three matters thereafter that I'm just going to
14 highlight to the members and to the Chairman. The first
15 is the next sentence, it says:
16
17 *"We have a large number of asylum seekers entering the
18 country and up to 92% of these are deemed to be bogus
19 and should be deported immediately. They abuse our
20 free Legal Aid system to extend their stay at huge
21 expense to the taxpayer. I object to criminals coming
22 into this country without background checks".*
23
24 If I can call that Item one for the purposes of this
25 exercise in terms of identifying matters which are
26 incorrect on their face? He thereafter says:
27
28 *"We will never know if they have a criminal record
29 until they commit a crime here".*

52

1 The next sentence I'm going to refer to as Item two:
2
3 *"A person entering this country from another EU country
4 can claim benefits after 72 hours. Every other country
5 in Europe do not allow this until they are resident in
6 the country for six months".* Thereafter he says:
7 *"Every other country has a moratorium on handing out
8 benefits".*
9
10 Now the next sentence, members, I'll refer to as Item
11 three and that says as follows:
12
13 *"I also object to the unfair allocation of 22 houses to
14 economic migrants last year in County Monaghan on the
15 instructions of the Department of Justice. There is a
16 4,000 grant available for furniture and household
17 items. They get access to social welfare, medical
18 cards and pensions, et cetera. Local people on the
19 housing list for many years were pushed aside and
20 houses were allocated to migrants who never spent a day
21 on the housing waiting list",*
22
23 and I'll refer to that as Item three. I just highlight
24 in respect of that third item that it's important to
25 say that Councillor Treanor seems to refer to this
26 unfair allocation to economic migrants and, of course,
27 you'll have heard the evidence of Mr. Healy (sic) who
28 speaks to the fact that in fact one was dealing with
29 Syrian refugees.

53

1 Now what I'd like to do now, if I can just indicate on
2 the next page there's a list of alleged inaccuracies
3 and it says:
4
5 *"The above material was factually incorrect in the
6 following ways; it was factually incorrect and
7 misleading in claiming that 92% of asylum seekers are
8 deemed to be bogus".*
9
10 If the Commission will turn to page 255 of the Book of
11 Authorities the Commission will see that that is an
12 Annual Report on Migration and Asylum 2018 provided by
13 the Department of Justice. If one goes down there's a
14 discussion there of the relevant rates of first
15 instance protection granted and if one goes down to the
16 fourth paragraph it says:
17
18 *"In July, June and July 2019 the Sunday Business Post
19 reported a disparity in the recognition rate calculated
20 by the United Nations High Commissioner for Refugees
21 and the recognition rate derived from the official
22 Eurostat statistics provided by Ireland".* That refers
23 to the rates officially reported above. *"The UNHCR
24 collects statistics directly from the IPO on
25 recommendations, which showed that the actual
26 recognition rate for 2018 was closer to 30% (that is
27 23% refugee status and 7% subsidiary protection) than
28 the 85% publish by Eurostat".*
29

54

1 So it seems that the statistics being referred to are
2 somewhere in the region of 85.5% at the highest,
3 although when corrected they seem to be as low as 30%.
4
5 If I could then take the Commission to page 339 of the
6 same booklet? This relates to the claim made by
7 Mr. Treanor that:
8
9 *"a Person entering this country from another EU country
10 can claim benefits after 72 hours. Every other country
11 in Europe do not allow this until they are resident in
12 the country for six months".*
13
14 We set out the relevant legislation there which
15 provides, which shows that it was legally incorrect of
16 Mr. Treanor to claim that EU migrants could claim
17 benefits after 72 hours in Ireland, and we set out the
18 relevant statutory instrument, and that's at page 393.
19 It sets out the entitlements and matters of equal
20 treatment and it sets out the rights available to a
21 person who is residing in the State in accordance with
22 those regulations:
23
24 *"- who is entitled to the same rights of travel in or
25 to or from the State as those to which Irish citizens.
26 - are entitled to carry on any business, trade or
27 profession and to have access to education and training
28 in the State in the like manner and to the like extent
29 in all respects as Irish citizens.*

55

1 - and to receive, upon and subject to the terms and
2 conditions applicable to Irish citizens, the same
3 medical care and services and the same entitlements as
4 those to which Irish citizens are entitled".
5
6 Then it says:
7
8 "Subject to paragraph, subparagraph b; a person to whom
9 Regulation 6.1 or 6.2 applies shall not be entitled to
10 receive assistance under the Social welfare Acts".
11
12 Then the third inaccuracy highlighted is that it was
13 factually incorrect and misleading in relation to the
14 claim that:
15
16 "Twenty two economic migrants were housed on the
17 instruction of the Department of Justice".
18
19 That arises in circumstances where there seems to be an
20 aliving, if I can put it like that, of economic
21 migrants, on the one hand, and asylum seekers on the
22 other and also the suggestion that in fact 22 houses
23 were taken off the housing list in favour of economic
24 migrants or refugees, as the case may be, and in fact
25 it seems that the number was 11.
26
27 What I want to do now is to bring you, if I can members
28 of the Commission, to the relevant aspects of the Code?
29 If I can take you to page 114 of the hearing Book of
56

1 authorities? You'll see there that that provides
2 "general conduct and behaviour". I should say insofar
3 as there are two different versions of the Code it is
4 important, as Mr. Healy has pointed out, that the
5 applicable Code at the time is that which would apply
6 to Councillor Treanor and clearly there can be no
7 question of a code which hadn't been published applying
8 to him or him being found in breach of that Code when
9 it wasn't applicable at the time. If I can take you
10 then at page 114 you'll see under:
11
12 "General Conduct and Behaviour"
13 The general conduct and behaviour of counsellors in
14 carrying out their role is an important yardstick by
15 which the honesty, integrity, impartiality and
16 performance of local government is judged and public
17 trust maintained. It is important, therefore, that
18 these core values underpin all actions of counsellors
19 affecting local authority business. As holders of
20 elected office they have a duty to keep faith with the
21 public trust placed in them. This is a personal
22 responsibility and requires them to observe the highest
23 ethical standards in the performance of their role".
24
25 That last sentence:
26
27 "A duty to keep faith with the public trust placed in
28 them and a personal responsibility and requirement to
29 observe the highest ethical standards in the
57

1 performance of their role",
2
3 reflects allegation one on the statement of allegations
4 against Councillor Treanor.
5
6 If one then goes down to 2.2 it provides as follows:
7
8 "Counsellors in carrying out their role should abide by
9 this Code and:-
10 act in a way which enhances public trust and
11 confidence".
12
13 And the requirement to act in a way which enhances
14 public trust and confidence is allegation two in the
15 statement of allegations. Again the Commission will
16 have to decide if the canvassing material provided by
17 Councillor Treanor is in breach of that particular
18 provision?
19
20 The next two bullet points provide don't apply, so if I
21 can go down then to the next point, which is:
22
23 "Serve their local authority and its people
24 conscientiously, honestly and impartially".
25
26 Again that reflects allegation three in the statement
27 of alleged contraventions.
28
29 Then the next one is:
58

1 "Promotes equality and avoids bias".
2
3 Again, the Commission will have to consider whether or
4 not that applies in light of the evidence it has heard?
5
6 If I can go down to 2.3 it provides:
7
8 "Generally, councillors should in all matters ensure
9 that their conduct does not bring the integrity of
10 their office or of local government into disrepute".
11
12 Again, that deals with allegation five in the statement
13 of alleged contraventions.
14
15 If I can just then very briefly take the Commission
16 down to page 120 of that booklet and it's 10.3 of the
17 Code. Insofar as an issue has been raised about the
18 reading of the Code I just wish to read this aspect of
19 the Code into the record.
20
21 "The Code provides that given the range and complexity
22 of local government activity, a Code such as this
23 cannot deal with all situations and eventualities which
24 may arise. If other situations or potential conflict
25 arise between the personal and public interest or if
26 the incidences of perceived questionable conduct arise,
27 councillors should aim to deal with them in accordance
28 with the principles and intent of the Code".
29
59

1 That just is a general provision and perhaps might be
2 described as something of a catch-all provision which
3 applies.
4
5 The one other piece of law I just want to refer the
6 Commission to is Section 168 of the Local Government
7 Act which deals with standards of integrity. I don't
8 think this is included in your booklet but I think I
9 can read it out without correction. It provides that:
10
11 *"in carrying out their functions under this or any
12 other enactment, it is the duty of every member and
13 every employee of a local authority and of every member
14 of every committee to maintain proper standards of
15 integrity, conduct and concern for the public
16 interest".*
17
18 That provides, that covers effectively allocation six
19 in the statement of alleged contraventions.
20
21 So the position is, members, that you will have to
22 consider the language used itself in the canvassing
23 material by Councillor Treanor and you'll have to
24 consider the following issues: Firstly, is it on its
25 face correct or are there factual inaccuracies in the
26 document? Secondly, are those factual inaccuracies
27 again I read, together with the tone of the document,
28 such as would result in a breach of any of the relevant
29 parts of the Code which I've read out to the Commission

60

1 or, indeed, Section 168 of the Local Government Act
2 dealing with standards of integrity? Ultimately it'll
3 be a matter for the Commission to decide whether or not
4 the issues that I've highlighted in terms of the
5 factual errors, allied to the tone of the material set
6 out in the canvassing material, is such as would
7 warrant a breach of those aspects of the Code which I
8 have highlighted?
9
10 I say again to the Commission that Councillor Treanor
11 obviously has a right of free speech and he has a right
12 to express views, and he has a right to express
13 unpopular views. In fact one might well take the view
14 that as a councillor he is bound to get involved in
15 difficult public issues which are sensitive issues and
16 which, in respect of which it requires him to get
17 involved in expressing an opinion and he cannot be
18 criticised for that, but the case against Councillor
19 Treanor is that when one looks at the document as a
20 whole, and when one looks at the inaccuracies which are
21 set out in the document and the tone of the document,
22 that those come into conflict with the Code of Conduct
23 in terms of the provisions I have set out and, indeed,
24 Section 168 of the Local Government Act.
25
26 So those are my submissions, Chairman, unless the
27 Commission or the Chairman has any questions for me?
28
29 **END OF CLOSING SUBMISSION BY MR. GAGEBY**

61

1 **CHAIRMAN:** Thank you, Mr. Gageby. I think if we need
2 to ask any questions you can come back to Mr. Gageby -
3 (Addressing the Commission members). Mr. Healy.
4 **MR. HEALY:** Mr. Chairman I just --
5 **CHAIRMAN:** Yes, sorry, go ahead.
6
7 **CLOSING SUBMISSION BY MR. HEALY AS FOLLOWS:**
8
9 **MR. HEALY:** If I could just say, first of all, we
10 will, providing you give us a short bit of time we will
11 make submissions in relation to the jurisdictional
12 issue. We say, I just draw attention to My Friend's
13 conclusion there where, where he says that were the
14 things that Mr. Treanor said correct, were they
15 factually correct and did they result, and did they
16 result in a breach of relevant parts of the Code? As I
17 pointed out earlier it's interesting the Code that
18 Monaghan County Council were considering was the
19 entirely wrong Code, so I think that has to be borne in
20 mind from a procedural point of view. I mean they
21 relied on the entirely wrong Code to get us here.
22
23 Carrying on from there, there was two questions raised,
24 as we pointed out, in relation to the functions of a
25 councillor, whether canvassing constituted a function
26 of a councillor? We say that canvassing in no way
27 constitutes a function of a councillor. It may
28 constitute a function of a candidate but certainly not
29 a councillor.

62

1 The investigator, Mr. Shanahan, has agreed there was no
2 criminal offence. We say in those circumstances, being
3 completely unaware of any legislation, kind of hate
4 legislation or anything like that in Ireland, I'm not
5 aware of any, that there was no criminal offence
6 disclosed and if there was they should have been
7 reported to the Guards but there was not, and
8 accordingly under Article 40 we say that Mr. Treanor
9 was simply asserting his rights under Article 40. We
10 say opinions that he expresses are a matter to be
11 corrected by his political opponents and not by SIPO.
12 That concludes my submissions. Thank you very much
13 Mr. Chairman.
14
15 **END OF CLOSING SUBMISSION BY MR. HEALY**
16
17 **CHAIRMAN:** Thank you, Mr. Healy. We will just break
18 for a few minutes and come back to you then and we note
19 that you wish to make a written submission in relation
20 to jurisdiction.
21 **MR. HEALY:** Thank you very much.
22 **MR. GAGEBY:** Chairman.
23 **CHAIRMAN:** I beg your pardon, sorry.
24 **MR. GAGEBY:** Just before you rise I wonder can I
25 mention one issue in reply?
26 **CHAIRMAN:** Yes, I beg your pardon. Go ahead.
27
28
29

63

1 **REPLYING SUBMISSION BY MR. GAGEBY AS FOLLOWS:**
2
3 **MR. GAGEBY:** A point has been made by Mr. Healy that
4 insofar as the process that was followed by Monaghan
5 County Council was wrong that it somehow infects the
6 procedures of the Commission, and I just wish to
7 address the Commission briefly on that. Whether or not
8 the procedures were followed correctly by Monaghan
9 County Council insofar as the complaint reaches the
10 Commission doesn't, in my respectful submission, affect
11 or impact this hearing today. It may very well be the
12 case that Monaghan County Council did or did not follow
13 the correct procedures but it is not for the Commission
14 to correct or act as some form of judicial review of
15 Monaghan County Council to somehow reach a view that
16 the procedures haven't been followed correctly. The
17 position is that a complaint has been made to the
18 Commission and the Commission has directed Mr. Shanahan
19 to conduct an initial inquiry, who has made a finding,
20 and the Commission has made a decision to hear or
21 investigate these alleged contraventions. The extent
22 to which Monaghan County Council did or didn't comply
23 with their requirements is neither here nor there for
24 today's point of view. The matter is legitimately
25 before the Commission and it is up to the Commission to
26 decide it in accordance with the legislation.
27
28 The second issue just in respect of the criminal
29 offence is that, again, there seems to be suggestion

64

1 that because there is no allegation of a criminal
2 offence that there's some impact on the presumption of
3 innocence, of course there isn't. Councillor Treanor
4 is fully entitled to his presumption of innocence and
5 he is also fully entitled to that as a matter of
6 criminal law until a decision is made to charge and try
7 and/or convict him. But this is a separate
8 jurisdiction the Commission has, this is a jurisdiction
9 to investigate complaints in respect of the Code and
10 breaches of the Local Government Act and that is the
11 jurisdiction that the Commission is exercising today.
12 So I don't think the Commission should concern itself
13 with whether there is or is not a criminal offence and
14 as far as we know no criminal complaint has been made?
15 So those are my submissions in reply, Chairman.
16
17 **END OF SUBMISSION BY MR. GAGEBY**
18
19 **CHAIRMAN:** Thanks, Mr. Gageby. I am proposing now
20 that we have a breakout for the Commissioners to
21 consider matters for a period of say five minutes, and
22 no more, and we'll come back to you, Mr. Healy in
23 five minutes.
24 **MR. HEALY:** Thank you very much, Mr. Chairman.
25 Thanks, Mr. Gageby.
26
27 **SHORT ADJOURNMENT.**
28
29

65

1 **THE HEARING RESUMED AS FOLLOWS:**
2
3 **CHAIRMAN:** Back into the main session. Mr. Healy.
4 **MR. HEALY:** Yes, Mr. Chairman, yes.
5 **CHAIRMAN:** I just want to -- the reason I've brought
6 you back in is to say we'll be a little, it'll take us
7 a little more than five minutes.
8 **MR. HEALY:** Okay.
9 **CHAIRMAN:** Perhaps we need another ten minutes, I'm
10 hoping....(Interjection)
11 **MR. HEALY:** No, that's fine, that's fine. Take as
12 long as you like, Mr. Chairman, no problem. Thank you
13 very much.
14 **CHAIRMAN:** Thank you.
15
16 **SHORT ADJOURNMENT.**
17
18 **THE HEARING RESUMED AS FOLLOWS:**
19
20 **CHAIRMAN:** Mr. Healy.
21 **MR. HEALY:** Yes, Mr. Chairman, yes.
22 **CHAIRMAN:** Mr. Healy what we're proposing to do is
23 this; is to invite you to have your written submissions
24 to us within two weeks time, in other words by Friday
25 week.
26 **MR. HEALY:** May it please, may it please.
27 **CHAIRMAN:** And invite you in the course of making
28 submissions on the jurisdictional issue that you raised
29 also if you have any other submissions to make under

66

1 the legislation that's applicable to these matters....
2 **MR. HEALY:** You're very kind, Chairman, thank you.
3 **CHAIRMAN:**for you to do so.
4 **MR. HEALY:** Okay.
5 **CHAIRMAN:** We'll ask Mr. Gageby then to reply with, a
6 week later, we'll give him a week, another week to, to
7 make any replying submissions to us.
8 **MR. HEALY:** May it please. Thank you very much
9 Mr. Chairman, yeah.
10 **CHAIRMAN:** Thank you.
11 **MR. HEALY:** Thank you very much, thank you.
12 **CHAIRMAN:** That concludes today's proceedings.
13 **MR. HEALY:** Thanks very much, Mr. Chairman, thank you
14 very much.
15 **MR. GAGEBY:** Thank you, Chairman.
16 **MR. HEALY:** Thank you, Mr. Fitzgerald, thank you.
17 **CHAIRMAN:** Thanks, Mr. Gageby.
18
19 **THE HEARING CONCLUDED.**
20
21
22
23
24
25
26
27
28
29

67

<p style="text-align: center;">▪</p>	<p>2018 [2] - 54:12, 54:26</p>	<p style="text-align: center;">7</p>	<p>42:10, 44:6, 51:28, 60:7, 61:1, 61:24, 65:10</p>	<p>aliving [1] - 56:20</p>
<p>'21 [1] - 25:1</p> <p style="text-align: center;">1</p>	<p>2019 [14] - 12:13, 12:20, 12:23, 13:7, 13:10, 19:20, 30:8, 30:9, 31:5, 32:13, 40:28, 41:2, 54:18</p>	<p>7 [1] - 44:12</p> <p>7% [1] - 54:27</p> <p>72 [5] - 14:17, 15:29, 53:4, 55:10, 55:17</p>	<p>act [23] - 12:5, 12:6, 12:7, 12:11, 12:17, 13:2, 13:13, 13:18, 16:25, 16:28, 17:3, 20:11, 20:12, 21:8, 21:14, 21:19, 21:29, 32:18, 36:28, 42:13, 58:10, 58:13, 64:14</p>	<p>allegations [6] - 13:5, 13:27, 15:20, 17:25, 58:3, 58:15</p>
<p>1 [2] - 15:5, 20:6</p> <p>1 [1] - 16:21</p> <p>1.1 [1] - 42:2</p> <p>1.2 [2] - 42:1, 42:2</p> <p>10.3 [1] - 59:16</p> <p>11 [5] - 48:7, 48:16, 48:24, 48:25, 56:25</p> <p>114 [2] - 56:29, 57:10</p> <p>11th [1] - 20:7</p> <p>120 [1] - 59:16</p> <p>13th [1] - 32:19</p> <p>14 [2] - 40:19, 44:5</p> <p>15 [4] - 12:17, 13:15, 20:22, 37:5</p> <p>168 [8] - 13:1, 17:12, 17:16, 36:10, 51:28, 60:6, 61:1, 61:24</p> <p>169 [1] - 36:21</p> <p>169(3) [1] - 16:15</p> <p>174 [6] - 39:27, 39:28, 44:9, 44:11, 45:17</p> <p>174(7) [1] - 18:15</p> <p>174(8) [1] - 20:11</p> <p>174(8)(2) [1] - 44:5</p> <p>174(8)(3) [1] - 44:29</p> <p>17th [1] - 35:10</p> <p>1986 [1] - 9:27</p> <p>1995 [2] - 12:5, 12:7</p> <p>1997 [1] - 22:1</p> <p>19th [2] - 12:20, 32:13</p> <p>1ST [2] - 1:14, 4:1</p>	<p>2020 [2] - 13:13, 32:22</p>	<p style="text-align: center;">8</p>	<p>act" [1] - 20:22</p>	<p>alleged [12] - 12:1, 16:7, 16:11, 17:12, 20:10, 51:23, 51:29, 54:2, 58:27, 59:13, 60:19, 64:21</p>
<p>1 [2] - 15:5, 20:6</p> <p>1 [1] - 16:21</p> <p>1.1 [1] - 42:2</p> <p>1.2 [2] - 42:1, 42:2</p> <p>10.3 [1] - 59:16</p> <p>11 [5] - 48:7, 48:16, 48:24, 48:25, 56:25</p> <p>114 [2] - 56:29, 57:10</p> <p>11th [1] - 20:7</p> <p>120 [1] - 59:16</p> <p>13th [1] - 32:19</p> <p>14 [2] - 40:19, 44:5</p> <p>15 [4] - 12:17, 13:15, 20:22, 37:5</p> <p>168 [8] - 13:1, 17:12, 17:16, 36:10, 51:28, 60:6, 61:1, 61:24</p> <p>169 [1] - 36:21</p> <p>169(3) [1] - 16:15</p> <p>174 [6] - 39:27, 39:28, 44:9, 44:11, 45:17</p> <p>174(7) [1] - 18:15</p> <p>174(8) [1] - 20:11</p> <p>174(8)(2) [1] - 44:5</p> <p>174(8)(3) [1] - 44:29</p> <p>17th [1] - 35:10</p> <p>1986 [1] - 9:27</p> <p>1995 [2] - 12:5, 12:7</p> <p>1997 [1] - 22:1</p> <p>19th [2] - 12:20, 32:13</p> <p>1ST [2] - 1:14, 4:1</p>	<p>2021 [2] - 1:14, 4:1</p>	<p>85% [1] - 54:28</p> <p>85.5% [1] - 55:2</p>	<p>acting [1] - 42:7</p>	<p>allied [1] - 61:5</p>
<p>1 [2] - 15:5, 20:6</p> <p>1 [1] - 16:21</p> <p>1.1 [1] - 42:2</p> <p>1.2 [2] - 42:1, 42:2</p> <p>10.3 [1] - 59:16</p> <p>11 [5] - 48:7, 48:16, 48:24, 48:25, 56:25</p> <p>114 [2] - 56:29, 57:10</p> <p>11th [1] - 20:7</p> <p>120 [1] - 59:16</p> <p>13th [1] - 32:19</p> <p>14 [2] - 40:19, 44:5</p> <p>15 [4] - 12:17, 13:15, 20:22, 37:5</p> <p>168 [8] - 13:1, 17:12, 17:16, 36:10, 51:28, 60:6, 61:1, 61:24</p> <p>169 [1] - 36:21</p> <p>169(3) [1] - 16:15</p> <p>174 [6] - 39:27, 39:28, 44:9, 44:11, 45:17</p> <p>174(7) [1] - 18:15</p> <p>174(8) [1] - 20:11</p> <p>174(8)(2) [1] - 44:5</p> <p>174(8)(3) [1] - 44:29</p> <p>17th [1] - 35:10</p> <p>1986 [1] - 9:27</p> <p>1995 [2] - 12:5, 12:7</p> <p>1997 [1] - 22:1</p> <p>19th [2] - 12:20, 32:13</p> <p>1ST [2] - 1:14, 4:1</p>	<p>21 [2] - 12:4, 40:19</p>	<p style="text-align: center;">9</p>	<p>action [3] - 1:25, 32:25, 45:2</p>	<p>allocate [2] - 47:21, 48:6</p>
<p>1 [2] - 15:5, 20:6</p> <p>1 [1] - 16:21</p> <p>1.1 [1] - 42:2</p> <p>1.2 [2] - 42:1, 42:2</p> <p>10.3 [1] - 59:16</p> <p>11 [5] - 48:7, 48:16, 48:24, 48:25, 56:25</p> <p>114 [2] - 56:29, 57:10</p> <p>11th [1] - 20:7</p> <p>120 [1] - 59:16</p> <p>13th [1] - 32:19</p> <p>14 [2] - 40:19, 44:5</p> <p>15 [4] - 12:17, 13:15, 20:22, 37:5</p> <p>168 [8] - 13:1, 17:12, 17:16, 36:10, 51:28, 60:6, 61:1, 61:24</p> <p>169 [1] - 36:21</p> <p>169(3) [1] - 16:15</p> <p>174 [6] - 39:27, 39:28, 44:9, 44:11, 45:17</p> <p>174(7) [1] - 18:15</p> <p>174(8) [1] - 20:11</p> <p>174(8)(2) [1] - 44:5</p> <p>174(8)(3) [1] - 44:29</p> <p>17th [1] - 35:10</p> <p>1986 [1] - 9:27</p> <p>1995 [2] - 12:5, 12:7</p> <p>1997 [1] - 22:1</p> <p>19th [2] - 12:20, 32:13</p> <p>1ST [2] - 1:14, 4:1</p>	<p>22 [7] - 14:22, 16:2, 46:28, 48:3, 49:10, 53:13, 56:22</p>	<p>90 [3] - 47:21, 49:18</p> <p>92% [5] - 14:9, 15:27, 33:26, 52:18, 54:7</p> <p>93 [2] - 33:14, 35:22</p>	<p>actions [1] - 57:18</p>	<p>allocated [8] - 14:29, 47:6, 48:6, 48:18, 48:20, 49:12, 49:13, 53:20</p>
<p style="text-align: center;">2</p>	<p>23 [2] - 12:7, 22:14</p>	<p style="text-align: center;">A</p>	<p>address [3] - 4:22, 51:7, 64:7</p>	<p>allocating [1] - 48:5</p>
<p>2 [4] - 12:6, 21:20, 51:21, 52:2</p> <p>2 [1] - 16:25</p> <p>2.1 [2] - 16:23, 36:7</p> <p>2.2 [5] - 16:26, 17:1, 17:4, 36:7, 58:6</p> <p>2.3 [3] - 17:8, 36:7, 59:6</p> <p>20 [5] - 48:7, 49:9, 49:11, 49:12</p> <p>2001 [11] - 12:6, 13:12, 13:16, 13:18, 16:16, 17:17, 21:8, 21:14, 32:17, 36:28, 37:6</p> <p>2004 [1] - 40:16</p> <p>2007 [1] - 47:19</p>	<p>23% [1] - 54:27</p>	<p>abide [1] - 58:8</p> <p>able [1] - 5:17</p> <p>above-named [1] - 1:25</p> <p>abroad [1] - 34:13</p> <p>absolutely [4] - 23:29, 32:6, 45:27, 49:22</p> <p>abuse [2] - 14:11, 52:19</p> <p>accept [1] - 28:14</p> <p>access [4] - 14:26, 47:3, 53:17, 55:27</p> <p>accommodated [1] - 49:19</p> <p>accommodation [2] - 48:21, 49:13</p> <p>Accompanied [1] - 2:23</p> <p>accompli [1] - 39:1</p> <p>accordance [6] - 27:11, 42:10, 44:5, 55:21, 59:27, 64:26</p> <p>according [2] - 19:4, 40:2</p> <p>accordingly [5] - 10:27, 13:17, 42:14, 43:8, 63:8</p> <p>acquire [1] - 50:24</p> <p>acquired [1] - 48:9</p> <p>acquiring [1] - 50:21</p> <p>Act [21] - 6:16, 13:16, 16:16, 17:13, 17:17, 19:5, 20:12, 20:28, 22:1, 23:9, 27:6, 36:11, 36:22, 37:6,</p>	<p>Addressing [1] - 62:3</p> <p>adhere [1] - 45:28</p> <p>adhered [2] - 41:8, 41:25</p> <p>ADJOURNMENT [6] - 10:14, 23:21, 29:3, 37:29, 65:27, 66:16</p> <p>adjournments [1] - 4:19</p> <p>administer [2] - 29:21, 46:13</p> <p>administered [1] - 47:13</p> <p>advance" [1] - 6:2</p> <p>advice [2] - 11:22, 11:27</p> <p>advised [2] - 25:11, 25:15</p> <p>adviser [2] - 7:4, 11:21</p> <p>advocate [1] - 10:2</p> <p>affect [1] - 64:10</p> <p>affecting [1] - 57:19</p> <p>affirmation [2] - 6:5, 6:9</p> <p>AFFIRMED [2] - 29:23, 46:16</p> <p>afforded [1] - 34:19</p> <p>aforementioned [2] - 16:19, 17:18</p> <p>agree [4] - 5:23, 22:14, 30:24, 43:12</p> <p>agreed [1] - 63:1</p> <p>ahead [6] - 22:16, 26:19, 26:26, 38:7, 62:5, 63:26</p> <p>aid [2] - 14:11, 52:20</p> <p>aim [1] - 59:27</p>	<p>allocation [7] - 14:22, 46:28, 47:17, 49:16, 53:13, 53:26, 60:18</p> <p>allow [3] - 14:18, 53:5, 55:11</p> <p>allowed [1] - 5:22</p> <p>amended [1] - 12:5</p> <p>analysis [2] - 35:26, 36:2</p> <p>AND [1] - 3:3</p> <p>announcements [1] - 4:14</p> <p>annual [1] - 54:12</p> <p>answer [4] - 9:15, 37:13, 45:23, 48:29</p> <p>answers [1] - 26:4</p> <p>anytime [1] - 6:13</p> <p>apart [2] - 35:22, 50:21</p> <p>apologies [1] - 7:25</p> <p>Appeal [1] - 6:21</p> <p>appeal [1] - 8:13</p> <p>APPEARANCES [1] - 2:1</p> <p>APPEARANCES.....</p> <p>.....3 [1] - 3:3</p> <p>appellant [1] - 2:31</p> <p>appendix [1] - 20:6</p> <p>applicable [5] - 24:18, 56:2, 57:5, 57:9, 67:1</p> <p>applies [4] - 23:8, 56:9, 59:4, 60:3</p> <p>apply [6] - 23:7, 41:13, 48:22, 51:29, 57:5, 58:20</p> <p>applying [1] - 57:7</p> <p>appoint [1] - 30:16</p> <p>appointed [5] -</p>
<p>2 [4] - 12:6, 21:20, 51:21, 52:2</p> <p>2 [1] - 16:25</p> <p>2.1 [2] - 16:23, 36:7</p> <p>2.2 [5] - 16:26, 17:1, 17:4, 36:7, 58:6</p> <p>2.3 [3] - 17:8, 36:7, 59:6</p> <p>20 [5] - 48:7, 49:9, 49:11, 49:12</p> <p>2001 [11] - 12:6, 13:12, 13:16, 13:18, 16:16, 17:17, 21:8, 21:14, 32:17, 36:28, 37:6</p> <p>2004 [1] - 40:16</p> <p>2007 [1] - 47:19</p>	<p>24th [1] - 12:23</p>	<p>abide [1] - 58:8</p> <p>able [1] - 5:17</p> <p>above-named [1] - 1:25</p> <p>abroad [1] - 34:13</p> <p>absolutely [4] - 23:29, 32:6, 45:27, 49:22</p> <p>abuse [2] - 14:11, 52:19</p> <p>accept [1] - 28:14</p> <p>access [4] - 14:26, 47:3, 53:17, 55:27</p> <p>accommodated [1] - 49:19</p> <p>accommodation [2] - 48:21, 49:13</p> <p>Accompanied [1] - 2:23</p> <p>accompli [1] - 39:1</p> <p>accordance [6] - 27:11, 42:10, 44:5, 55:21, 59:27, 64:26</p> <p>according [2] - 19:4, 40:2</p> <p>accordingly [5] - 10:27, 13:17, 42:14, 43:8, 63:8</p> <p>acquire [1] - 50:24</p> <p>acquired [1] - 48:9</p> <p>acquiring [1] - 50:21</p> <p>Act [21] - 6:16, 13:16, 16:16, 17:13, 17:17, 19:5, 20:12, 20:28, 22:1, 23:9, 27:6, 36:11, 36:22, 37:6,</p>	<p>actions [1] - 57:18</p> <p>activity [1] - 59:22</p> <p>acts" [1] - 56:10</p> <p>actual [4] - 48:4, 48:5, 48:10, 54:25</p> <p>address [3] - 4:22, 51:7, 64:7</p> <p>Addressing [1] - 62:3</p> <p>adhere [1] - 45:28</p> <p>adhered [2] - 41:8, 41:25</p> <p>ADJOURNMENT [6] - 10:14, 23:21, 29:3, 37:29, 65:27, 66:16</p> <p>adjournments [1] - 4:19</p> <p>administer [2] - 29:21, 46:13</p> <p>administered [1] - 47:13</p> <p>advance" [1] - 6:2</p> <p>advice [2] - 11:22, 11:27</p> <p>advised [2] - 25:11, 25:15</p> <p>adviser [2] - 7:4, 11:21</p> <p>advocate [1] - 10:2</p> <p>affect [1] - 64:10</p> <p>affecting [1] - 57:19</p> <p>affirmation [2] - 6:5, 6:9</p> <p>AFFIRMED [2] - 29:23, 46:16</p> <p>afforded [1] - 34:19</p> <p>aforementioned [2] - 16:19, 17:18</p> <p>agree [4] - 5:23, 22:14, 30:24, 43:12</p> <p>agreed [1] - 63:1</p> <p>ahead [6] - 22:16, 26:19, 26:26, 38:7, 62:5, 63:26</p> <p>aid [2] - 14:11, 52:20</p> <p>aim [1] - 59:27</p>	<p>allocating [1] - 48:5</p> <p>allocation [7] - 14:22, 46:28, 47:17, 49:16, 53:13, 53:26, 60:18</p> <p>allow [3] - 14:18, 53:5, 55:11</p> <p>allowed [1] - 5:22</p> <p>amended [1] - 12:5</p> <p>analysis [2] - 35:26, 36:2</p> <p>AND [1] - 3:3</p> <p>announcements [1] - 4:14</p> <p>annual [1] - 54:12</p> <p>answer [4] - 9:15, 37:13, 45:23, 48:29</p> <p>answers [1] - 26:4</p> <p>anytime [1] - 6:13</p> <p>apart [2] - 35:22, 50:21</p> <p>apologies [1] - 7:25</p> <p>Appeal [1] - 6:21</p> <p>appeal [1] - 8:13</p> <p>APPEARANCES [1] - 2:1</p> <p>APPEARANCES.....</p> <p>.....3 [1] - 3:3</p> <p>appellant [1] - 2:31</p> <p>appendix [1] - 20:6</p> <p>applicable [5] - 24:18, 56:2, 57:5, 57:9, 67:1</p> <p>applies [4] - 23:8, 56:9, 59:4, 60:3</p> <p>apply [6] - 23:7, 41:13, 48:22, 51:29, 57:5, 58:20</p> <p>applying [1] - 57:7</p> <p>appoint [1] - 30:16</p> <p>appointed [5] -</p>
<p>2 [4] - 12:6, 21:20, 51:21, 52:2</p> <p>2 [1] - 16:25</p> <p>2.1 [2] - 16:23, 36:7</p> <p>2.2 [5] - 16:26, 17:1, 17:4, 36:7, 58:6</p> <p>2.3 [3] - 17:8, 36:7, 59:6</p> <p>20 [5] - 48:7, 49:9, 49:11, 49:12</p> <p>2001 [11] - 12:6, 13:12, 13:16, 13:18, 16:16, 17:17, 21:8, 21:14, 32:17, 36:28, 37:6</p> <p>2004 [1] - 40:16</p> <p>2007 [1] - 47:19</p>	<p>25th [4] - 13:10, 24:29, 30:7, 30:9</p>	<p style="text-align: center;">7</p>	<p>act [23] - 12:5, 12:6, 12:7, 12:11, 12:17, 13:2, 13:13, 13:18, 16:25, 16:28, 17:3, 20:11, 20:12, 21:8, 21:14, 21:19, 21:29, 32:18, 36:28, 42:13, 58:10, 58:13, 64:14</p> <p>act" [1] - 20:22</p> <p>acting [1] - 42:7</p> <p>action [3] - 1:25, 32:25, 45:2</p> <p>actions [1] - 57:18</p> <p>activity [1] - 59:22</p> <p>acts" [1] - 56:10</p> <p>actual [4] - 48:4, 48:5, 48:10, 54:25</p> <p>address [3] - 4:22, 51:7, 64:7</p> <p>Addressing [1] - 62:3</p> <p>adhere [1] - 45:28</p> <p>adhered [2] - 41:8, 41:25</p> <p>ADJOURNMENT [6] - 10:14, 23:21, 29:3, 37:29, 65:27, 66:16</p> <p>adjournments [1] - 4:19</p> <p>administer [2] - 29:21, 46:13</p> <p>administered [1] - 47:13</p> <p>advance" [1] - 6:2</p> <p>advice [2] - 11:22, 11:27</p> <p>advised [2] - 25:11, 25:15</p> <p>adviser [2] - 7:4, 11:21</p> <p>advocate [1] - 10:2</p> <p>affect [1] - 64:10</p> <p>affecting [1] - 57:19</p> <p>affirmation [2] - 6:5, 6:9</p> <p>AFFIRMED [2] - 29:23, 46:16</p> <p>afforded [1] - 34:19</p> <p>aforementioned [2] - 16:19, 17:18</p> <p>agree [4] - 5:23, 22:14, 30:24, 43:12</p> <p>agreed [1] - 63:1</p> <p>ahead [6] - 22:16, 26:19, 26:26, 38:7, 62:5, 63:26</p> <p>aid [2] - 14:11, 52:20</p> <p>aim [1] - 59:27</p>	<p>aliving [1] - 56:20</p> <p></p>

13:11, 22:12, 30:4, 30:5, 32:14
appointment [1] - 30:11
appoints [1] - 49:24
appreciate [1] - 49:23
appropriate [1] - 45:2
approved [3] - 48:8, 48:16, 48:17
arise [3] - 59:24, 59:25, 59:26
arisen [2] - 8:22, 10:4
arises [2] - 26:29, 56:19
arising [1] - 4:11
article [3] - 25:22, 63:8, 63:9
AS [23] - 4:2, 10:16, 11:15, 18:4, 19:12, 22:24, 23:23, 24:12, 24:25, 26:10, 28:10, 29:5, 29:10, 29:24, 38:1, 38:10, 46:17, 49:6, 51:17, 62:7, 64:1, 66:1, 66:18
aside [3] - 14:28, 47:6, 53:19
aspect [1] - 59:18
aspects [6] - 12:29, 13:4, 51:26, 51:27, 56:28, 61:7
asserting [1] - 63:9
assessed [2] - 30:13, 41:18
assist [2] - 11:20, 30:7
assistance [3] - 48:10, 48:22, 56:10
asylum [7] - 14:9, 15:27, 33:26, 47:23, 52:17, 54:7, 56:21
Asylum [1] - 54:12
attendance [1] - 5:29
attention [12] - 6:12, 8:23, 16:9, 18:20, 18:25, 19:2, 19:17, 19:22, 20:6, 22:29, 44:17, 62:12
audio [1] - 5:27
auditor [1] - 9:18
August [1] - 13:13
authorities [2] - 54:11, 57:1
authority [11] - 8:27, 9:15, 16:14, 16:29, 17:15, 20:10, 27:9, 36:15, 57:19, 58:23, 60:13

autumn [1] - 9:27
available [6] - 14:25, 16:18, 17:17, 47:2, 53:16, 55:20
availing [1] - 18:28
avoids [2] - 17:4, 59:1
aware [12] - 8:24, 12:3, 18:18, 25:28, 26:21, 32:28, 33:4, 35:12, 42:18, 42:21, 44:15, 63:5

B

background [2] - 14:14, 52:22
barrister [2] - 9:26, 11:19
barrister-at-law [1] - 11:19
barristers [3] - 8:26, 9:14, 10:25
BARRY [1] - 2:19
Barry [1] - 7:28
based [1] - 42:7
basis [3] - 18:13, 23:11, 38:23
bear [1] - 4:10
becomes [2] - 18:18, 44:15
beg [7] - 9:1, 9:4, 21:6, 37:19, 63:23, 63:26
begin [1] - 6:13
behalf [2] - 10:29, 11:5
behaviour [2] - 57:12, 57:13
behaviour [1] - 57:2
behind [1] - 8:15
below [1] - 15:20
benefits [6] - 14:17, 14:20, 15:29, 53:4, 55:10, 55:17
benefits [1] - 53:8
better [2] - 43:3, 50:6
between [2] - 12:20, 59:25
bias [1] - 17:4
bias [1] - 59:1
bit [4] - 35:2, 41:27, 45:16, 62:10
BL [2] - 2:10, 2:23
BMWs [1] - 34:7
bodies [2] - 48:8, 48:17
body [1] - 48:16
bogus [4] - 14:10, 15:28, 33:27, 52:18

bogus [1] - 54:8
book [5] - 16:10, 33:14, 51:22, 54:10, 56:29
booklet [3] - 55:6, 59:16, 60:8
borne [1] - 62:19
bound [1] - 61:14
breach [17] - 12:29, 13:1, 15:19, 17:11, 17:12, 38:25, 38:29, 39:7, 39:15, 42:28, 42:29, 43:17, 57:8, 58:17, 60:28, 61:7, 62:16
breached [1] - 13:4
breaches [8] - 16:6, 31:13, 31:17, 31:27, 32:3, 36:4, 36:6, 65:10
break [2] - 10:8, 63:17
breakout [4] - 5:8, 23:19, 29:1, 65:20
breaks [1] - 4:18
BRIAN [2] - 2:10, 2:23
Brian [2] - 9:6, 11:18
briefing [1] - 30:13
briefly [2] - 59:15, 64:7
bring [8] - 17:7, 18:20, 20:1, 20:6, 22:29, 44:17, 56:27, 59:9
brings [1] - 44:21
brought [8] - 6:17, 8:23, 18:25, 18:29, 19:2, 19:16, 19:21, 66:5
bullet [1] - 58:20
business [5] - 14:3, 52:6, 54:18, 55:26, 57:19
BY [41] - 3:4, 3:5, 3:6, 3:7, 3:10, 3:11, 3:12, 3:16, 3:17, 3:20, 3:21, 3:23, 3:24, 3:25, 11:15, 18:4, 19:7, 19:12, 22:19, 22:24, 23:4, 24:25, 26:6, 26:10, 28:4, 28:10, 28:21, 29:23, 37:17, 38:9, 45:11, 46:16, 49:3, 49:5, 51:3, 51:17, 61:29, 62:7, 63:15, 64:1, 65:17
by-the-way [1] - 43:15

C

calculated [1] - 54:19
camera [1] - 6:1
cameras [2] - 4:26, 4:27
candidate [1] - 62:28
cannot [6] - 9:28, 10:2, 47:11, 47:12, 59:23, 61:17
canvassing [21] - 12:21, 13:21, 13:25, 15:23, 16:19, 17:18, 25:7, 25:12, 27:5, 27:21, 27:27, 28:13, 31:8, 41:3, 49:14, 51:24, 58:16, 60:22, 61:6, 62:25, 62:26
cards [3] - 14:27, 47:4, 53:18
care [2] - 5:14, 56:3
carried [1] - 12:11
Carroll [7] - 7:10, 8:29, 9:3, 9:6, 9:7, 10:19
CARROLL [11] - 2:23, 9:6, 9:9, 9:23, 9:25, 10:1, 10:10, 10:12, 10:20, 10:26, 11:1
carry [5] - 12:10, 30:17, 32:12, 39:22, 55:26
carrying [6] - 31:22, 36:13, 57:14, 58:8, 60:11, 62:23
cars [1] - 34:7
case [25] - 4:28, 5:7, 7:26, 9:28, 12:1, 12:13, 13:7, 13:14, 13:20, 15:22, 22:13, 23:1, 26:22, 26:23, 30:3, 30:20, 31:2, 31:4, 32:8, 41:11, 46:24, 50:22, 56:24, 61:18, 64:12
catch [2] - 42:19, 60:2
catch-all [1] - 60:2
category [1] - 24:15
Cathaoirleach [16] - 12:15, 13:9, 18:12, 18:26, 19:3, 19:19, 23:1, 32:22, 35:5, 37:3, 38:16, 38:21, 38:27, 44:6, 44:20, 45:1
Cathaoirleach [1] - 18:23
caught [3] - 27:22,

27:27, 27:29
CEO [1] - 38:16
certain [3] - 26:4, 31:17, 51:26
certainly [5] - 22:22, 26:20, 28:8, 32:5, 62:28
certify [1] - 1:23
cetera [4] - 14:27, 22:27, 47:4, 53:18
chair [2] - 4:17, 10:18
Chair [6] - 4:22, 6:13, 6:25, 7:25, 45:1
chaired [2] - 4:15, 6:19
chairing [1] - 8:13
CHAIRMAN [85] - 2:3, 6:14, 7:9, 7:15, 7:20, 7:23, 7:26, 8:2, 8:4, 8:6, 8:8, 8:12, 9:1, 9:4, 9:7, 9:10, 9:21, 9:24, 9:29, 10:6, 10:11, 10:19, 10:21, 10:27, 11:2, 11:4, 11:8, 18:2, 19:9, 19:26, 20:4, 20:29, 21:3, 21:10, 21:12, 22:22, 23:6, 23:13, 23:19, 23:25, 23:28, 24:2, 24:6, 24:8, 24:14, 26:8, 28:8, 28:23, 29:1, 29:7, 29:12, 29:20, 37:24, 37:27, 38:5, 38:7, 43:22, 43:25, 43:28, 45:23, 45:26, 46:1, 46:4, 46:7, 51:5, 51:8, 51:15, 62:1, 62:5, 63:17, 63:23, 63:26, 65:19, 66:3, 66:5, 66:9, 66:14, 66:20, 66:22, 66:27, 67:3, 67:5, 67:10, 67:12, 67:17
Chairman [62] - 7:1, 7:3, 7:12, 7:16, 8:28, 11:3, 11:17, 13:24, 15:8, 17:23, 18:1, 20:6, 20:24, 21:1, 21:6, 21:11, 21:13, 22:6, 22:21, 23:17, 24:5, 24:27, 25:29, 26:13, 28:6, 28:28, 29:8, 29:16, 29:17, 31:25, 37:19, 37:26, 38:3, 38:6, 43:24, 43:27, 44:4, 44:20, 45:6, 45:13, 46:3, 46:5, 51:6, 51:10, 51:12, 52:14, 61:26, 61:27, 62:4, 63:13,

63:22, 65:15, 65:24, 66:4, 66:12, 66:21, 67:2, 67:9, 67:13, 67:15
chairperson [1] - 4:16
Chamber [1] - 15:2
chamber [1] - 15:4
charge [1] - 65:6
charges [1] - 41:15
chat [2] - 5:14, 5:16
check [2] - 37:21, 49:9
checks [1] - 14:14
checks" [1] - 52:22
Chief [10] - 12:15, 18:17, 19:19, 32:22, 35:5, 35:11, 37:3, 38:27, 44:7, 44:14
choice [1] - 49:20
circumstance [1] - 21:21
circumstances [10] - 18:27, 19:23, 22:11, 28:12, 28:15, 28:18, 28:24, 45:3, 56:19, 63:2
cited [1] - 45:3
citizens [4] - 55:25, 55:29, 56:2, 56:4
civic [1] - 27:12
civil [1] - 26:17
civilian [1] - 44:25
civilians [4] - 18:11, 18:24, 19:3, 44:2
claim [10] - 14:17, 15:28, 15:29, 16:2, 53:4, 55:6, 55:10, 55:16, 56:14
claiming [2] - 15:27, 54:7
clarification [3] - 25:3, 25:11, 32:20
clarified [1] - 24:9
clarify [3] - 9:11, 24:2, 40:12
clear [4] - 26:17, 27:18, 32:6, 42:24
clearly [4] - 26:26, 27:24, 43:26, 57:6
Clerk [3] - 6:21, 8:16, 8:20
client [5] - 10:2, 10:29, 11:5, 24:3, 37:22
closer [1] - 54:26
CLOSING [6] - 3:23, 3:24, 51:17, 61:29, 62:7, 63:15
CO [1] - 2:21
Code [4] - 16:17,

38:29, 58:9, 59:17
code [52] - 13:1, 13:5, 15:20, 16:6, 16:24, 16:26, 17:1, 17:4, 17:9, 27:14, 27:18, 27:23, 27:29, 31:13, 31:17, 36:7, 36:23, 40:8, 40:10, 40:16, 40:18, 41:6, 41:10, 41:12, 41:16, 41:24, 41:27, 42:9, 42:14, 42:25, 42:29, 43:8, 43:17, 51:28, 56:28, 57:3, 57:5, 57:7, 57:8, 59:18, 59:19, 59:21, 59:22, 60:29, 61:7, 61:22, 62:16, 62:17, 62:19, 62:21, 65:9
Code" [1] - 59:28
codes [1] - 40:13
colleagues [1] - 15:2
collects [1] - 54:24
coming [5] - 14:2, 14:13, 34:18, 52:5, 52:21
comit [1] - 52:29
commenced [2] - 18:14, 39:12
COMMENCED [1] - 4:1
commencement [1] - 21:20
commences [1] - 4:15
COMMISSION [5] - 1:4, 2:3, 2:10, 24:12, 29:10
commission [5] - 4:6, 4:17, 6:2, 7:3, 16:10
Commission [89] - 4:8, 5:10, 5:20, 7:4, 11:18, 11:20, 11:23, 11:24, 11:28, 12:3, 12:4, 12:8, 12:14, 12:25, 12:27, 13:3, 13:8, 13:11, 13:20, 13:24, 15:8, 15:15, 15:17, 16:4, 17:24, 18:28, 19:18, 20:2, 22:7, 22:8, 22:9, 25:1, 26:1, 27:26, 28:1, 28:24, 29:28, 30:2, 30:4, 30:12, 30:14, 30:15, 30:21, 31:21, 32:12, 32:29, 33:21, 34:23, 35:1, 36:2, 37:3, 38:3, 39:22, 39:24, 40:8, 45:4, 51:7, 51:19, 51:21, 51:23, 51:27, 52:1,

54:10, 54:11, 55:5, 56:28, 58:15, 59:3, 59:15, 60:6, 60:29, 61:3, 61:10, 61:27, 62:3, 64:6, 64:7, 64:10, 64:13, 64:18, 64:20, 64:25, 65:8, 65:11, 65:12
Commission" [1] - 22:3
Commission's [3] - 6:7, 11:26, 16:9
Commission....(Interjection [1] - 39:17
COMMISSION.....
.....24 [1] - 3:8
COMMISSION.....
.....29 [1] - 3:13
commissioner [1] - 9:17
Commissioner [1] - 54:20
commissioners [8] - 8:9, 8:15, 9:16, 10:22, 23:14, 24:14, 29:12, 65:20
commit [1] - 14:15
committed [1] - 31:17
committee [1] - 60:14
common [1] - 42:8
communication [1] - 47:18
communications [2] - 27:19, 27:24
communities [1] - 42:5
community [1] - 27:11
community" [1] - 27:12
complainant [1] - 22:2
complainants [4] - 19:22, 32:27, 35:12, 44:25
complaint [45] - 12:15, 12:18, 12:24, 13:8, 13:14, 13:20, 18:12, 20:1, 20:14, 20:16, 20:21, 22:2, 22:6, 22:8, 22:10, 22:11, 23:12, 24:17, 25:6, 25:20, 25:21, 26:14, 26:17, 26:20, 26:21, 28:17, 30:13, 30:14, 30:20, 31:5, 31:8, 31:23, 32:17, 32:21, 34:20, 35:7,

37:2, 39:13, 41:19, 44:2, 64:9, 64:17, 65:14
complaints [10] - 6:16, 12:19, 12:26, 13:21, 19:15, 29:29, 33:3, 35:8, 44:8, 65:9
COMPLAINTS [1] - 1:13
completed [1] - 35:18
completely [4] - 25:14, 25:22, 28:19, 63:3
completes [1] - 45:6
complexity [1] - 59:21
complied [3] - 20:27, 20:28, 27:16
comply [1] - 64:22
comprehensive [2] - 42:26, 43:2
comprises [2] - 40:19
Comptroller [1] - 9:18
computer [1] - 5:7
conceded [1] - 43:15
concentrating [1] - 18:23
concern [5] - 17:20, 19:24, 36:16, 60:15, 65:12
concerned [4] - 12:11, 12:25, 39:19, 39:20
CONCERNING [1] - 1:13
concerns [3] - 12:1, 13:21, 46:24
CONCLUDED [1] - 67:19
concluded [2] - 31:16, 38:28
concludes [2] - 63:12, 67:12
concluding [1] - 43:28
conclusion [7] - 25:16, 25:17, 26:1, 36:3, 36:26, 46:1, 62:13
conclusions [4] - 38:24, 39:4, 39:6
conditions [1] - 56:2
Conduct [2] - 16:24, 38:29
conduct [35] - 10:28, 13:12, 16:17, 16:27, 17:2, 17:5, 17:6, 17:9, 17:20, 27:14, 27:23,

27:29, 31:13, 31:17, 36:8, 36:16, 38:23, 40:9, 40:10, 40:13, 40:16, 40:18, 41:24, 41:27, 42:25, 43:1, 57:2, 57:12, 57:13, 59:9, 59:26, 60:15, 61:22, 64:19
conducted [5] - 35:26, 38:17, 38:18, 39:26, 39:28
conducting [1] - 8:9
confidence [3] - 16:26, 21:25, 58:14
confidence" [2] - 42:11, 58:11
confined [1] - 24:15
confirmed [1] - 28:16
conflict [2] - 59:24, 61:22
connected [1] - 21:19
connection [2] - 21:2, 21:8
connectivity [2] - 21:7, 21:14
conscientiously [2] - 16:29, 58:24
consequence [1] - 38:15
consider [13] - 12:27, 15:16, 15:18, 16:5, 23:14, 28:25, 33:21, 41:29, 43:16, 59:3, 60:22, 60:24, 65:21
consideration [1] - 30:23
considered [8] - 15:11, 25:2, 28:13, 34:22, 41:5, 41:10, 45:2
considering [2] - 41:15, 62:18
considers [2] - 21:17, 22:12
constitute [1] - 62:28
constituted [1] - 62:25
constitutes [1] - 62:27
constitution [1] - 25:23
consult [2] - 5:9, 5:11
contact [4] - 7:13, 34:18, 35:23, 35:25
content [1] - 12:21
contrary [7] - 16:23, 16:26, 17:1, 17:4,

17:8, 42:16, 43:10
contravened [5] -
 16:15, 17:15, 21:28,
 22:1, 37:5
contravention [6] -
 12:17, 13:15, 18:19,
 20:10, 36:10, 44:16
contraventions [9] -
 12:2, 16:7, 16:11,
 51:23, 51:29, 58:27,
 59:13, 60:19, 64:21
convict [1] - 65:7
copy [2] - 32:16,
 32:17
COPYRIGHT [1] -
 2:30
core [2] - 42:5, 57:18
correct [38] - 18:10,
 19:4, 22:26, 31:3,
 31:7, 31:11, 31:15,
 31:26, 32:10, 33:12,
 33:16, 33:20, 34:2,
 34:16, 34:24, 34:28,
 35:16, 35:17, 35:28,
 36:5, 36:9, 36:20,
 36:24, 36:25, 37:9,
 37:12, 38:13, 39:7,
 39:8, 39:27, 44:2,
 48:27, 50:4, 60:25,
 62:14, 62:15, 64:13,
 64:14
corrected [2] - 55:3,
 63:11
correction [1] - 60:9
correctly [2] - 64:8,
 64:16
Council [40] - 6:18,
 12:16, 12:19, 13:9,
 15:2, 15:4, 18:13,
 19:15, 19:18, 19:20,
 31:24, 32:23, 33:1,
 33:4, 35:9, 37:4,
 38:16, 38:28, 39:14,
 40:23, 41:9, 41:16,
 41:28, 43:16, 44:27,
 46:23, 47:14, 47:18,
 47:20, 48:11, 48:19,
 48:20, 49:20, 50:21,
 62:18, 64:5, 64:9,
 64:12, 64:15, 64:22
COUNCILLOR [1] -
 1:13
councillor [15] -
 15:4, 15:11, 22:28,
 25:8, 25:13, 25:15,
 27:23, 27:28, 28:14,
 42:25, 61:14, 62:25,
 62:26, 62:27, 62:29
Councillor [40] -
 6:16, 6:28, 7:11, 12:2,
 12:18, 12:22, 12:29,
 13:4, 15:5, 15:9,

15:19, 15:22, 26:16,
 31:18, 32:13, 32:19,
 32:26, 33:11, 33:25,
 34:11, 34:17, 34:25,
 35:16, 35:21, 35:24,
 35:25, 37:4, 38:22,
 41:1, 41:20, 46:25,
 52:2, 53:25, 57:6,
 58:4, 58:17, 60:23,
 61:10, 61:18, 65:3
councillor's [1] -
 27:5
councillors [3] -
 36:23, 59:8, 59:27
Councillors [1] -
 38:29
counsellors [15] -
 16:18, 16:24, 16:27,
 17:2, 17:5, 23:7,
 24:18, 31:13, 36:8,
 42:7, 42:12, 43:3,
 57:13, 57:18, 58:8
counsellors" [1] -
 17:9
country [21] - 14:2,
 14:8, 14:9, 14:13,
 14:16, 14:17, 14:19,
 52:5, 52:18, 52:22,
 53:3, 53:4, 53:6, 53:7,
 55:9, 55:10, 55:12
country" [1] - 52:11
county [12] - 14:23,
 22:28, 25:15, 27:23,
 27:28, 28:13, 33:1,
 36:22, 40:23, 46:29,
 50:14, 53:14
County [38] - 6:18,
 12:16, 13:9, 15:2,
 15:4, 18:12, 19:15,
 19:18, 19:19, 31:24,
 32:23, 33:4, 35:8,
 37:4, 38:16, 38:21,
 38:28, 39:14, 41:9,
 41:16, 41:28, 43:16,
 44:27, 46:22, 47:13,
 47:17, 47:19, 48:11,
 48:19, 48:20, 49:20,
 50:20, 62:18, 64:5,
 64:9, 64:12, 64:15,
 64:22
course [9] - 24:21,
 26:28, 37:24, 41:22,
 45:2, 45:28, 53:26,
 65:3, 66:27
Court [2] - 6:20, 8:13
courts [1] - 26:24
covers [1] - 60:18
Coyle [1] - 44:7
crime [2] - 14:15,
 52:29
criminal [19] - 14:15,
 25:6, 25:19, 25:20,

25:21, 26:14, 26:16,
 26:20, 26:21, 28:16,
 28:17, 52:28, 63:2,
 63:5, 64:28, 65:1,
 65:6, 65:13, 65:14
criminals [2] - 14:13,
 52:21
criticised [1] - 61:18
cross [3] - 11:21,
 24:22, 24:23
CROSS [6] - 3:17,
 3:21, 38:9, 45:11,
 49:5, 51:3
CROSS-
EXAMINATION [2] -
 45:11, 51:3
cross-examine [3] -
 11:21, 24:22, 24:23
CROSS-EXAMINED
 [4] - 3:17, 3:21, 38:9,
 49:5
cultural [1] - 46:22
current [1] - 46:19
customs [2] - 14:5,
 52:8

D

dangerous [1] -
 13:23
dash [1] - 42:11
dates [2] - 16:19,
 17:18
deafening [1] - 15:1
deal [4] - 26:12, 46:1,
 59:23, 59:27
dealing [2] - 53:28,
 61:2
deals [2] - 59:12,
 60:7
December [2] -
 32:13, 33:10
decide [8] - 4:18,
 13:3, 27:26, 30:23,
 30:25, 58:16, 61:3,
 64:26
decided [6] - 10:22,
 25:2, 25:12, 29:12,
 29:13, 39:24
DECISION [4] - 3:8,
 3:13, 24:12, 29:10
decision [5] - 11:26,
 11:27, 41:19, 64:20,
 65:6
deemed [5] - 14:10,
 15:27, 33:27, 52:18,
 54:8
default [1] - 5:15
Defendant [1] -
 39:10
delinquent [3] - 9:25,

9:27, 10:5
democratic [2] -
 27:10, 42:6
department [3] -
 14:24, 16:4, 47:18
Department [5] -
 47:1, 49:18, 53:15,
 54:13, 56:17
deported [2] - 14:10,
 52:19
derived [1] - 54:21
described [1] - 60:2
DETAILS [1] - 3:2
determine [4] -
 12:10, 13:25, 17:24,
 28:2
determined [1] -
 13:13
different [2] - 27:19,
 57:3
difficult [1] - 61:15
difficulty [3] - 22:15,
 34:14, 45:27
direct [1] - 5:15
directed [1] - 64:18
directives [1] - 21:5
directly [2] - 48:20,
 54:24
director [1] - 46:21
disagree [1] - 25:14
disciplinary [2] -
 26:18, 32:25
disclosed [1] - 63:6
discover [1] - 43:17
discuss [1] - 10:8
discussion [1] -
 54:14
disparity [1] - 54:19
disrepute [1] - 17:8
disrepute" [1] -
 59:10
distributed [2] -
 12:22, 12:28
document [10] -
 42:26, 42:27, 43:2,
 43:14, 51:25, 60:26,
 60:27, 61:19, 61:21
documentary [1] -
 35:6
done [1] - 21:19
down [8] - 34:5,
 48:26, 54:13, 54:15,
 58:6, 58:21, 59:6,
 59:16
draw [1] - 62:12
driving [1] - 38:20
drunk [1] - 38:20
duty [6] - 18:19,
 36:14, 44:16, 57:20,
 57:27, 60:12
Dáil [2] - 6:22, 8:16

E

Eamonn [1] - 44:7
early [2] - 18:8, 45:22
economic [9] -
 14:23, 16:2, 46:29,
 47:24, 53:14, 53:26,
 56:16, 56:20, 56:23
edition [2] - 40:10,
 40:27
education [1] - 55:27
effect [1] - 46:25
effectively [3] -
 17:11, 36:22, 60:18
either [2] - 7:10, 50:3
elected [1] - 57:20
election [1] - 33:26
elections [1] - 12:23
elite [2] - 14:6, 52:9
em [2] - 39:12, 40:12
employee [2] -
 20:17, 60:13
enactment [2] -
 36:14, 60:12
encouraged [2] -
 14:7, 52:10
end [1] - 28:26
END [14] - 17:29,
 19:7, 22:19, 23:4,
 26:6, 28:4, 28:21,
 37:17, 45:11, 49:3,
 51:3, 61:29, 63:15,
 65:17
ended [3] - 34:26,
 48:4, 49:11
engage [1] - 15:12
engaged [1] - 11:19
enhances [3] -
 16:25, 58:10, 58:13
enquiries [3] - 7:14,
 7:17, 35:18
ensure [4] - 4:27,
 4:29, 17:6, 59:8
entering [5] - 14:9,
 14:16, 52:17, 53:3,
 55:9
entirely [4] - 7:25,
 10:3, 62:19, 62:21
entitled [6] - 19:29,
 55:24, 55:26, 56:9,
 65:4, 65:5
entitled" [1] - 56:4
entitlements [2] -
 55:19, 56:3
envisages [1] -
 27:24
equal [1] - 55:19
equality [2] - 17:3,
 59:1
error [1] - 7:22

errors [2] - 16:5, 61:5
established [1] - 12:4
et [4] - 14:27, 22:27, 47:4, 53:18
ethical [3] - 16:22, 57:23, 57:29
ethics [10] - 18:17, 18:26, 18:29, 19:1, 19:27, 20:9, 20:25, 22:28, 44:14, 44:20
Ethics [3] - 6:16, 12:5, 12:7
EU [6] - 14:16, 15:29, 47:23, 53:3, 55:9, 55:16
Europe [5] - 14:7, 14:18, 52:10, 53:5, 55:11
Eurostat [1] - 54:22
Eurostat" [1] - 54:28
event [4] - 30:26, 38:24, 44:1, 50:4
eventualities [1] - 59:23
evidence [14] - 6:4, 6:6, 6:8, 17:25, 17:27, 31:19, 31:29, 32:2, 37:1, 40:2, 47:16, 48:24, 53:27, 59:4
exactly [2] - 33:19, 39:18
EXAMINATION [4] - 37:17, 45:11, 49:3, 51:3
examination [1] - 30:16
examine [5] - 11:21, 11:22, 24:22, 24:23, 41:19
examined [1] - 41:18
EXAMINED [8] - 3:16, 3:17, 3:20, 3:21, 29:23, 38:9, 46:16, 49:5
example [1] - 5:5
except [1] - 5:22
exclusive [1] - 27:17
excuse [3] - 9:6, 30:9, 31:28
excused [1] - 46:6
Executive [10] - 12:15, 18:17, 19:19, 32:23, 35:5, 35:11, 37:3, 38:27, 44:7, 44:14
exercise [2] - 25:25, 52:25
exercising [1] - 65:11

expected [2] - 41:7, 41:25
expecting [1] - 7:6
expense [2] - 14:12, 52:21
explain [3] - 30:10, 34:29, 43:20
explained [1] - 34:17
express [5] - 15:13, 30:29, 32:2, 61:12
expressed [1] - 49:26
expresses [2] - 34:11, 63:10
expressing [1] - 61:17
extend [2] - 14:12, 52:20
extent [2] - 55:28, 64:21

F

face [2] - 52:26, 60:25
facie [7] - 13:14, 22:13, 30:20, 31:2, 31:19, 32:8, 37:1
fact [11] - 10:4, 20:26, 26:19, 26:22, 43:19, 49:22, 53:28, 56:22, 56:24, 61:13
facts [1] - 49:28
factual [4] - 47:10, 60:25, 60:26, 61:5
factually [6] - 15:26, 16:1, 54:5, 54:6, 56:13, 62:15
failed [2] - 16:16, 17:19
fair [3] - 41:20, 48:26, 49:23
fairness [2] - 41:23, 42:8
fait [1] - 39:1
faith [4] - 16:21, 42:7, 57:20, 57:27
families [6] - 14:4, 48:5, 48:7, 48:18, 49:12, 52:7
family [3] - 14:2, 34:12, 52:5
far [4] - 18:24, 39:18, 39:20, 65:14
fault [1] - 24:8
favour [1] - 56:23
February [3] - 32:22, 35:4, 35:10
Feeney [2] - 6:23, 8:17
FEENEY [2] - 2:5,

21:5
fellow [1] - 8:14
few [2] - 4:14, 63:18
FF [1] - 14:6
FG [1] - 14:6
figure [1] - 33:25
final [1] - 49:12
finally [1] - 6:4
finance [1] - 46:21
findings [2] - 30:28, 39:16
fine [4] - 38:6, 50:26, 66:11
Finnegan [2] - 6:21, 8:15
FINNEGAN [1] - 2:5
first [13] - 4:7, 6:18, 6:26, 8:8, 24:2, 27:1, 27:4, 40:19, 40:22, 41:27, 52:14, 54:14, 62:9
firstly [1] - 60:24
Fitzgerald [5] - 7:16, 7:24, 29:20, 46:12, 67:16
FITZGERALD [2] - 2:12, 7:27
five [7] - 9:21, 37:20, 37:24, 59:12, 65:21, 65:23, 66:7
flyer [1] - 33:26
follow [1] - 64:12
followed [5] - 23:9, 64:4, 64:8, 64:16
following [14] - 1:23, 5:23, 25:4, 25:26, 30:18, 30:21, 32:21, 33:9, 34:29, 39:12, 46:25, 51:20, 54:6, 60:24
following..(
Interjection [1] - 51:7
FOLLOWS [23] - 4:2, 10:16, 11:15, 18:4, 19:12, 22:24, 23:23, 24:12, 24:25, 26:10, 28:10, 29:5, 29:10, 29:24, 38:1, 38:10, 46:17, 49:6, 51:17, 62:7, 64:1, 66:1, 66:18
follows [4] - 15:24, 16:12, 53:11, 58:6
foot [1] - 44:4
FOR [2] - 2:10, 2:19
form [2] - 27:5, 64:14
former [4] - 6:20, 6:22, 8:12, 8:17
forum [1] - 27:10
forward [1] - 40:4
forwarded [1] - 39:3

four [8] - 12:19, 18:11, 18:24, 19:3, 19:14, 19:22, 44:1, 44:25
fourth [1] - 54:16
free [6] - 10:18, 14:11, 15:10, 24:21, 52:20, 61:11
Friday [1] - 66:24
Friend [6] - 17:26, 22:15, 22:26, 23:11, 28:16, 31:26
Friend's [1] - 62:12
front [4] - 6:23, 6:25, 8:18, 8:19
full [2] - 31:9, 42:26
fully [2] - 65:4, 65:5
function [11] - 4:22, 5:1, 5:14, 15:15, 25:12, 25:14, 28:13, 32:1, 62:25, 62:27, 62:28
functions [9] - 21:23, 25:8, 27:6, 27:9, 27:22, 27:28, 36:13, 60:11, 62:24
furniture [3] - 14:25, 47:2, 53:16
FURTHER [1] - 3:7
furthermore [1] - 15:10

G

GAGEBY [44] - 2:10, 7:1, 7:12, 7:16, 7:22, 7:24, 11:15, 11:17, 19:12, 19:14, 21:1, 21:6, 21:11, 21:13, 22:19, 26:10, 26:12, 28:4, 29:16, 29:18, 29:24, 29:26, 32:5, 37:13, 37:17, 37:23, 46:5, 46:8, 46:11, 46:17, 46:19, 48:28, 49:3, 51:6, 51:10, 51:17, 51:19, 61:29, 63:22, 63:24, 64:1, 64:3, 65:17, 67:15
Gageby [23] - 6:29, 7:9, 11:10, 11:12, 11:13, 11:18, 18:6, 18:9, 19:10, 20:29, 21:3, 21:9, 23:16, 23:18, 24:20, 26:8, 29:27, 62:1, 62:2, 65:19, 65:25, 67:5, 67:17
GAGEBY.....
.....**29** [1] - 3:16
GAGEBY.....

.....**46** [1] - 3:20
GAGEBY.....
.....**26** [1] - 3:11
GAGEBY.....
....**11** [1] - 3:4
GAGEBY.....
....**51** [1] - 3:23
GAGEBY.....
...**19** [1] - 3:6
GAGEBY.....
...**64** [1] - 3:25
GARRETT [1] - 2:3
Garrett [3] - 4:16, 6:19, 8:12
Gary [1] - 46:12
GARY [1] - 2:12
general [7] - 9:19, 21:26, 27:17, 57:2, 57:12, 57:13, 60:1
generality [1] - 42:22
generally [1] - 59:8
Gentlemen [1] - 6:15
GERALDINE [1] - 2:5
Geraldine [2] - 6:23, 8:17
given [2] - 9:8, 59:21
governed [1] - 20:21
Government [20] - 12:17, 13:2, 13:16, 16:16, 17:12, 17:16, 20:11, 20:12, 20:22, 27:6, 33:28, 36:11, 36:22, 37:5, 44:6, 51:28, 60:6, 61:1, 61:24, 65:10
government [6] - 17:8, 42:4, 42:6, 57:16, 59:10, 59:22
grand [2] - 8:6, 50:26
grant [4] - 14:25, 47:2, 47:12, 53:16
granted [1] - 54:15
grateful [1] - 9:10
Greece [1] - 47:22
Groves [2] - 6:25, 8:20
GROVES [1] - 2:3
guarantees [1] - 25:25
guard [2] - 38:21, 39:9
guards [1] - 63:7
guided [2] - 16:17, 36:23
guidelines [1] - 20:27
guilty [2] - 39:10, 39:19
Gwen [3] - 1:22, 2:30, 2:31
GWEN [1] - 1:27

H

hand [3] - 4:21, 4:22, 56:21
handing [2] - 14:20, 53:7
hands [1] - 10:3
HAP [5] - 48:19, 50:16, 50:19, 50:21, 50:25
happy [1] - 11:4
hate [1] - 63:3
HAVING [2] - 29:23, 46:16
Hayes [3] - 7:6, 7:14, 7:20
head [1] - 46:21
HEALY [79] - 2:19, 2:20, 8:3, 8:5, 8:7, 8:11, 8:28, 9:3, 9:5, 9:20, 11:3, 11:7, 18:1, 18:4, 18:6, 19:7, 19:25, 20:3, 20:5, 22:21, 22:24, 22:26, 23:4, 23:8, 23:17, 23:27, 23:29, 24:5, 24:7, 24:10, 24:25, 24:27, 26:6, 28:6, 28:10, 28:12, 28:21, 28:28, 29:8, 29:17, 31:25, 31:29, 37:19, 37:26, 38:3, 38:6, 38:9, 38:12, 43:24, 43:27, 44:1, 45:5, 45:11, 45:13, 45:25, 45:27, 46:3, 49:5, 49:8, 50:26, 51:3, 51:12, 62:4, 62:7, 62:9, 63:15, 63:21, 65:24, 66:4, 66:8, 66:11, 66:21, 66:26, 67:2, 67:4, 67:8, 67:11, 67:13, 67:16
Healy [33] - 7:10, 7:28, 8:2, 8:6, 8:22, 9:3, 10:28, 11:2, 18:2, 19:9, 19:27, 23:15, 23:26, 28:23, 28:26, 29:7, 37:14, 37:23, 38:5, 43:22, 45:9, 45:23, 48:29, 51:15, 53:27, 57:4, 62:3, 63:17, 64:3, 65:22, 66:3, 66:20, 66:22
HEALY.....
.....**18** [1] - 3:5
HEALY.....
.....**24** [1] - 3:10
HEALY.....
.....**38** [1] - 3:17
HEALY.....

.....**49** [1] - 3:21
HEALY.....
..**22** [1] - 3:7
HEALY.....
..**62** [1] - 3:24
HEALY.....
..**28** [1] - 3:12
hear [22] - 7:27, 8:2, 8:3, 8:4, 8:5, 9:28, 9:29, 10:19, 10:20, 10:23, 21:11, 21:12, 22:10, 23:26, 23:28, 23:29, 29:26, 37:22, 37:23, 46:8, 64:20
HEARD [1] - 1:14
heard [6] - 9:8, 11:12, 26:3, 32:4, 53:27, 59:4
HEARING [8] - 4:1, 10:16, 23:23, 29:5, 38:1, 66:1, 66:18, 67:19
hearing [19] - 4:5, 4:7, 4:15, 4:17, 5:8, 5:9, 5:19, 6:4, 6:15, 6:18, 8:10, 9:17, 24:19, 30:25, 39:25, 51:22, 56:29, 64:11
hearings [2] - 24:4, 26:29
held [3] - 4:7, 32:26, 50:1
hello [4] - 37:22, 46:8, 49:8
helpful [1] - 10:7
hence [1] - 39:25
here" [1] - 52:29
hiccups [1] - 4:11
High [1] - 54:20
highest [4] - 16:22, 55:2, 57:22, 57:29
highlight [3] - 51:26, 52:14, 53:23
highlighted [4] - 35:22, 56:12, 61:4, 61:8
HILLSIDE [1] - 2:20
hmm [2] - 10:26, 40:17
hold [2] - 9:1, 9:5
holders [1] - 57:19
homed [1] - 48:7
honest [1] - 42:4
honestly [2] - 16:29, 58:24
honesty [1] - 57:15
hope [1] - 4:9
hoping....(
Interjection [1] - 66:10
host [1] - 5:22
hours [5] - 14:17,

15:29, 53:4, 55:10, 55:17
house [2] - 34:6, 50:23
housed [2] - 16:3, 56:16
household [3] - 14:25, 47:3, 53:16
HOUSEKEEPING [1] - 3:3
housekeeping [2] - 4:14, 6:11
houses [28] - 14:22, 14:29, 46:28, 47:6, 47:17, 47:28, 47:29, 48:2, 48:3, 48:4, 48:6, 48:12, 48:13, 48:16, 48:25, 49:9, 49:10, 49:11, 49:13, 50:5, 50:20, 50:23, 53:13, 53:20, 56:22
housing [23] - 14:4, 14:28, 15:1, 46:22, 47:5, 47:7, 47:21, 47:29, 48:1, 48:8, 48:9, 48:11, 48:13, 48:14, 48:16, 48:17, 48:19, 48:22, 48:25, 52:7, 53:19, 53:21, 56:23
huge [2] - 14:12, 52:20
hyphen [1] - 42:12

I

identifying [1] - 52:25
immediate [1] - 6:22
immediately [5] - 6:24, 8:18, 8:19, 14:11, 52:19
immigration [3] - 14:1, 34:14, 52:4
impact [3] - 48:14, 64:11, 65:2
impartial [1] - 42:5
impartiality [2] - 42:8, 57:15
impartially [1] - 17:1
impartially" [1] - 58:24
importance [1] - 21:27
important [8] - 11:24, 15:9, 15:14, 30:27, 53:24, 57:4, 57:14, 57:17
IN [1] - 1:4
inaccuracies [5] - 15:23, 54:2, 60:25,

60:26, 61:20
inaccuracy [1] - 56:12
incidences [1] - 59:26
included [3] - 25:7, 34:21, 60:8
inconsistent [1] - 21:22
incorrect [9] - 15:26, 15:28, 16:1, 40:22, 52:26, 54:5, 54:6, 55:15, 56:13
incrimination [1] - 26:27
indeed [5] - 9:9, 10:6, 24:6, 61:1, 61:23
independent" [1] - 15:6
INDEX [1] - 3:1
indicate [1] - 54:1
individual [1] - 12:25
individuals [2] - 33:3, 35:7
indulgence [1] - 37:20
inevitable [1] - 15:11
infects [1] - 64:5
information [3] - 20:7, 32:15, 32:27
informed [4] - 9:12, 34:20, 35:9, 35:17
informing [1] - 32:14
initial [2] - 35:18, 64:19
initiated [1] - 44:8
innocence [2] - 65:3, 65:4
innocent [1] - 28:19
INQUIRY [1] - 1:13
Inquiry [2] - 32:15, 32:16
inquiry [16] - 13:11, 13:12, 25:2, 30:17, 30:18, 30:22, 30:24, 34:22, 38:14, 38:17, 38:23, 39:12, 39:22, 39:23, 64:19
insofar [7] - 16:18, 17:17, 47:15, 57:2, 59:17, 64:4, 64:9
instance [5] - 18:24, 20:24, 23:10, 44:24, 54:15
instructed [1] - 49:17
Instructed [1] - 2:12
instruction [2] - 16:3, 56:17
instructions [3] -

14:24, 47:1, 53:15
instrument [1] - 55:18
integrity [8] - 17:7, 17:20, 36:16, 57:15, 59:9, 60:7, 60:15, 61:2
intended [2] - 42:29, 50:5
intent [1] - 59:28
intent" [2] - 42:16, 43:10
interest [6] - 15:13, 36:17, 41:23, 42:9, 42:13, 59:25
interest" [2] - 17:21, 60:16
interesting [1] - 62:17
interference [2] - 26:15, 26:25
interrupt [2] - 31:25, 33:7
intervene [1] - 43:22
INTO [1] - 1:13
introduce [2] - 6:19, 8:8
introduction [1] - 42:1
introductions [1] - 9:8
investigate [2] - 64:21, 65:9
investigated [2] - 19:16, 31:12
investigation [20] - 4:5, 4:7, 6:15, 11:6, 12:10, 18:14, 22:14, 22:16, 25:3, 25:7, 29:15, 30:25, 32:11, 38:18, 39:3, 39:11, 39:25, 39:26, 39:28, 44:8
investigations [1] - 30:1
investigator [3] - 29:29, 38:13, 63:1
invite [3] - 29:18, 66:23, 66:27
invited [1] - 6:6
involved [2] - 61:14, 61:17
IPO [1] - 54:24
Ireland [6] - 14:6, 16:1, 33:27, 52:9, 55:17, 63:4
Ireland" [1] - 54:22
Irish [6] - 47:20, 47:26, 55:25, 55:29, 56:2, 56:4
irrelevant [1] - 41:12

<p>issue ^[11] - 19:24, 21:13, 27:1, 27:2, 27:4, 47:10, 59:17, 62:12, 63:25, 64:28, 66:28</p> <p>issued ^[1] - 42:9</p> <p>issues ^[7] - 4:11, 21:7, 33:1, 60:24, 61:4, 61:15</p> <p>it'll ^[2] - 61:2, 66:6</p> <p>Italy ^[1] - 47:22</p> <p>item ^[5] - 20:7, 52:24, 53:10, 53:23, 53:24</p> <p>Item ^[1] - 53:1</p> <p>items ^[3] - 14:26, 47:3, 53:17</p> <p>itself ^[6] - 12:26, 12:28, 27:18, 30:23, 60:22, 65:12</p>	<p style="text-align: center;">L</p> <p>lack ^[1] - 22:10</p> <p>Ladies ^[1] - 6:14</p> <p>language ^[2] - 15:18, 60:22</p> <p>large ^[2] - 14:8, 52:17</p> <p>last ^[4] - 14:23, 46:29, 53:14, 57:25</p> <p>latest ^[1] - 28:25</p> <p>LAUREL ^[1] - 2:20</p> <p>law ^[5] - 11:19, 26:17, 42:14, 60:5, 65:6</p> <p>LAW ^[1] - 2:20</p> <p>laws ^[2] - 14:5, 52:8</p> <p>lead ^[1] - 12:22</p> <p>leadership ^[1] - 27:12</p> <p>leaf ^[1] - 51:24</p> <p>leaflet ^[1] - 20:7</p> <p>left ^[1] - 8:19</p> <p>legal ^[13] - 5:10, 6:7, 7:3, 8:24, 8:26, 9:12, 9:14, 11:20, 11:22, 11:26, 14:11, 52:20</p> <p>legally ^[2] - 15:28, 55:15</p> <p>legislation ^[9] - 18:15, 22:5, 27:15, 40:7, 55:14, 63:3, 63:4, 64:26, 67:1</p> <p>legitimately ^[1] - 64:24</p> <p>letter ^[1] - 33:9</p> <p>liberty ^[1] - 25:25</p> <p>light ^[1] - 59:4</p> <p>likely ^[1] - 27:22</p> <p>limit ^[1] - 45:26</p> <p>limits ^[1] - 5:11</p> <p>line ^[1] - 15:3</p> <p>link ^[4] - 5:28, 7:7, 7:10, 7:29</p> <p>list ^[13] - 14:28, 15:1, 47:5, 47:29, 48:1, 48:13, 48:14, 48:19, 48:25, 53:19, 53:21, 54:2, 56:23</p> <p>list" ^[1] - 47:7</p> <p>Lithuanian ^[1] - 34:5</p> <p>live ^[2] - 26:17, 26:24</p> <p>living ^[2] - 50:6, 50:13</p> <p>loaned ^[1] - 2:31</p> <p>local ^[23] - 12:17, 12:23, 14:27, 16:14, 16:28, 17:7, 17:12, 17:15, 20:10, 20:11, 27:9, 27:10, 36:15,</p>	<p>42:4, 42:6, 47:5, 53:18, 57:16, 57:19, 58:23, 59:10, 59:22, 60:13</p> <p>Local ^[16] - 13:1, 13:15, 16:16, 17:16, 20:11, 20:22, 27:6, 36:11, 36:22, 37:5, 44:6, 51:28, 60:6, 61:1, 61:24, 65:10</p> <p>located ^[1] - 47:22</p> <p>LODGE ^[1] - 2:20</p> <p>Look ^[1] - 29:12</p> <p>look ^[5] - 10:6, 10:21, 30:14, 30:21, 31:23</p> <p>looked ^[1] - 43:1</p> <p>looks ^[2] - 61:19, 61:20</p> <p>Lost ^[2] - 21:2, 21:8</p> <p>low ^[1] - 55:3</p>	<p>matter ^[30] - 7:4, 8:22, 9:11, 9:17, 11:20, 13:2, 13:24, 17:23, 18:20, 18:25, 19:2, 19:16, 20:21, 21:26, 22:3, 22:29, 27:26, 28:1, 32:28, 33:4, 35:12, 35:20, 43:28, 44:17, 49:21, 61:3, 63:10, 64:24, 65:5</p> <p>matters ^[11] - 15:12, 36:2, 45:15, 47:13, 47:16, 51:20, 52:13, 52:25, 55:19, 59:8, 65:21</p> <p>MATTERS ^[1] - 3:3</p> <p>matters... ^[1] - 67:1</p> <p>McCarthy ^[4] - 2:4, 9:18, 9:22, 21:9</p> <p>mean ^[3] - 39:16, 40:12, 62:20</p> <p>meant ^[3] - 7:24, 10:1, 24:2</p> <p>media ^[1] - 5:20</p> <p>medical ^[4] - 14:26, 47:4, 53:17, 56:3</p> <p>meeting ^[1] - 24:29</p> <p>meetings ^[1] - 32:25</p> <p>member ^[6] - 16:14, 17:15, 20:16, 36:14, 60:12, 60:13</p> <p>members ^[10] - 5:19, 7:2, 11:18, 12:19, 27:24, 34:12, 52:14, 53:10, 56:27, 60:21</p> <p>members) ^[1] - 62:3</p> <p>memo ^[2] - 33:17, 33:22</p> <p>mention ^[1] - 63:25</p> <p>mentioned ^[2] - 7:20, 8:25</p> <p>Mercedes ^[1] - 34:7</p> <p>message ^[1] - 5:15</p> <p>messages ^[1] - 5:16</p> <p>might ^[6] - 7:12, 7:13, 45:15, 48:24, 60:1, 61:13</p> <p>migrants ^[14] - 14:23, 14:29, 15:29, 16:3, 46:29, 47:6, 47:24, 53:14, 53:20, 53:26, 55:16, 56:16, 56:21, 56:24</p> <p>migration ^[3] - 14:8, 52:10, 54:12</p> <p>mind ^[2] - 10:7, 62:20</p> <p>minute ^[3] - 7:13, 37:20, 37:24</p> <p>minutes ^[5] - 63:18,</p>	<p>65:21, 65:23, 66:7, 66:9</p> <p>misleading ^[4] - 15:26, 16:2, 54:7, 56:13</p> <p>mistake ^[2] - 7:21, 7:25</p> <p>moment ^[3] - 7:18, 10:8, 43:23</p> <p>Monaghan ^[41] - 6:17, 6:18, 12:16, 13:9, 14:23, 15:2, 18:12, 19:15, 19:18, 19:19, 19:28, 31:24, 32:23, 32:29, 33:4, 35:8, 37:4, 38:16, 38:27, 40:23, 41:16, 41:28, 43:15, 44:27, 46:22, 46:29, 47:17, 47:19, 48:10, 49:20, 50:6, 50:7, 50:14, 50:20, 53:14, 62:18, 64:4, 64:8, 64:12, 64:15, 64:22</p> <p>MONAGHAN ^[1] - 2:21</p> <p>MONDAY ^[2] - 1:14, 4:1</p> <p>months ^[1] - 14:19</p> <p>months" ^[2] - 53:6, 55:12</p> <p>morality" ^[1] - 25:26</p> <p>moratorium ^[2] - 14:20, 53:7</p> <p>morning ^[8] - 4:4, 6:14, 7:2, 7:4, 7:8, 11:17</p> <p>most ^[1] - 15:3</p> <p>MR ^[168] - 2:3, 2:3, 2:4, 2:4, 2:5, 2:10, 2:12, 2:19, 2:23, 3:4, 3:5, 3:6, 3:7, 3:10, 3:11, 3:12, 3:15, 3:16, 3:17, 3:19, 3:20, 3:21, 3:23, 3:24, 3:25, 7:1, 7:12, 7:16, 7:22, 7:24, 7:27, 8:3, 8:5, 8:7, 8:11, 8:28, 9:3, 9:5, 9:6, 9:9, 9:20, 9:23, 9:25, 10:1, 10:10, 10:12, 10:20, 10:26, 11:1, 11:3, 11:7, 11:15, 11:17, 18:1, 18:4, 18:6, 19:7, 19:12, 19:14, 19:25, 20:3, 20:5, 21:1, 21:6, 21:9, 21:11, 21:13, 22:19, 22:21, 22:24, 22:26, 23:4, 23:8, 23:17, 23:27, 23:29, 24:5, 24:7, 24:10, 24:25, 24:27, 26:6,</p>
<p style="text-align: center;">J</p> <p>January ^[3] - 25:1, 32:20, 33:10</p> <p>job ^[2] - 43:19, 43:20</p> <p>JOHN ^[4] - 3:19, 46:16, 49:3, 49:5</p> <p>John ^[1] - 46:6</p> <p>joined ^[1] - 8:14</p> <p>judge ^[4] - 6:20, 8:13, 20:24, 28:6</p> <p>judged ^[1] - 57:16</p> <p>judicial ^[1] - 64:14</p> <p>July ^[4] - 40:28, 47:19, 54:18</p> <p>June ^[2] - 35:16, 54:18</p> <p>jurisdiction ^[6] - 22:8, 22:10, 63:20, 65:8, 65:11</p> <p>jurisdictional ^[5] - 19:24, 22:15, 45:18, 62:11, 66:28</p> <p>JUSTICE ^[1] - 2:3</p> <p>Justice ^[3] - 49:18, 53:15, 54:13</p> <p>justice ^[3] - 14:24, 16:4, 47:19</p> <p>justice" ^[1] - 47:1</p> <p>Justice" ^[1] - 56:17</p>	<p>leaf ^[1] - 51:24</p> <p>leaflet ^[1] - 20:7</p> <p>left ^[1] - 8:19</p> <p>legal ^[13] - 5:10, 6:7, 7:3, 8:24, 8:26, 9:12, 9:14, 11:20, 11:22, 11:26, 14:11, 52:20</p> <p>legally ^[2] - 15:28, 55:15</p> <p>legislation ^[9] - 18:15, 22:5, 27:15, 40:7, 55:14, 63:3, 63:4, 64:26, 67:1</p> <p>legitimately ^[1] - 64:24</p> <p>letter ^[1] - 33:9</p> <p>liberty ^[1] - 25:25</p> <p>light ^[1] - 59:4</p> <p>likely ^[1] - 27:22</p> <p>limit ^[1] - 45:26</p> <p>limits ^[1] - 5:11</p> <p>line ^[1] - 15:3</p> <p>link ^[4] - 5:28, 7:7, 7:10, 7:29</p> <p>list ^[13] - 14:28, 15:1, 47:5, 47:29, 48:1, 48:13, 48:14, 48:19, 48:25, 53:19, 53:21, 54:2, 56:23</p> <p>list" ^[1] - 47:7</p> <p>Lithuanian ^[1] - 34:5</p> <p>live ^[2] - 26:17, 26:24</p> <p>living ^[2] - 50:6, 50:13</p> <p>loaned ^[1] - 2:31</p> <p>local ^[23] - 12:17, 12:23, 14:27, 16:14, 16:28, 17:7, 17:12, 17:15, 20:10, 20:11, 27:9, 27:10, 36:15,</p>	<p style="text-align: center;">M</p> <p>main ^[2] - 23:25, 66:3</p> <p>maintain ^[3] - 17:19, 36:15, 60:14</p> <p>maintained ^[1] - 57:17</p> <p>maintenance ^[1] - 21:25</p> <p>malicious ^[1] - 50:2</p> <p>Malone ^[3] - 1:22, 2:30, 2:31</p> <p>MALONE ^[1] - 1:27</p> <p>manage ^[1] - 4:17</p> <p>manner ^[5] - 2:31, 42:16, 43:10, 43:13, 55:28</p> <p>mark ^[3] - 13:11, 17:27, 29:18</p> <p>MARK ^[3] - 3:15, 29:23, 38:9</p> <p>market ^[1] - 50:24</p> <p>Martin ^[2] - 6:25, 8:20</p> <p>MARTIN ^[1] - 2:3</p> <p>masters ^[2] - 14:7, 52:9</p> <p>material ^[27] - 12:22, 12:26, 12:28, 13:21, 13:22, 13:26, 13:28, 15:24, 16:19, 17:18, 27:5, 27:21, 27:27, 31:9, 33:2, 35:14, 41:2, 41:3, 49:14, 51:24, 54:5, 58:16, 60:23, 61:5, 61:6</p> <p>materials ^[3] - 32:24, 35:6, 35:23</p>	<p>matter ^[30] - 7:4, 8:22, 9:11, 9:17, 11:20, 13:2, 13:24, 17:23, 18:20, 18:25, 19:2, 19:16, 20:21, 21:26, 22:3, 22:29, 27:26, 28:1, 32:28, 33:4, 35:12, 35:20, 43:28, 44:17, 49:21, 61:3, 63:10, 64:24, 65:5</p> <p>matters ^[11] - 15:12, 36:2, 45:15, 47:13, 47:16, 51:20, 52:13, 52:25, 55:19, 59:8, 65:21</p> <p>MATTERS ^[1] - 3:3</p> <p>matters... ^[1] - 67:1</p> <p>McCarthy ^[4] - 2:4, 9:18, 9:22, 21:9</p> <p>mean ^[3] - 39:16, 40:12, 62:20</p> <p>meant ^[3] - 7:24, 10:1, 24:2</p> <p>media ^[1] - 5:20</p> <p>medical ^[4] - 14:26, 47:4, 53:17, 56:3</p> <p>meeting ^[1] - 24:29</p> <p>meetings ^[1] - 32:25</p> <p>member ^[6] - 16:14, 17:15, 20:16, 36:14, 60:12, 60:13</p> <p>members ^[10] - 5:19, 7:2, 11:18, 12:19, 27:24, 34:12, 52:14, 53:10, 56:27, 60:21</p> <p>members) ^[1] - 62:3</p> <p>memo ^[2] - 33:17, 33:22</p> <p>mention ^[1] - 63:25</p> <p>mentioned ^[2] - 7:20, 8:25</p> <p>Mercedes ^[1] - 34:7</p> <p>message ^[1] - 5:15</p> <p>messages ^[1] - 5:16</p> <p>might ^[6] - 7:12, 7:13, 45:15, 48:24, 60:1, 61:13</p> <p>migrants ^[14] - 14:23, 14:29, 15:29, 16:3, 46:29, 47:6, 47:24, 53:14, 53:20, 53:26, 55:16, 56:16, 56:21, 56:24</p> <p>migration ^[3] - 14:8, 52:10, 54:12</p> <p>mind ^[2] - 10:7, 62:20</p> <p>minute ^[3] - 7:13, 37:20, 37:24</p> <p>minutes ^[5] - 63:18,</p>	<p>65:21, 65:23, 66:7, 66:9</p> <p>misleading ^[4] - 15:26, 16:2, 54:7, 56:13</p> <p>mistake ^[2] - 7:21, 7:25</p> <p>moment ^[3] - 7:18, 10:8, 43:23</p> <p>Monaghan ^[41] - 6:17, 6:18, 12:16, 13:9, 14:23, 15:2, 18:12, 19:15, 19:18, 19:19, 19:28, 31:24, 32:23, 32:29, 33:4, 35:8, 37:4, 38:16, 38:27, 40:23, 41:16, 41:28, 43:15, 44:27, 46:22, 46:29, 47:17, 47:19, 48:10, 49:20, 50:6, 50:7, 50:14, 50:20, 53:14, 62:18, 64:4, 64:8, 64:12, 64:15, 64:22</p> <p>MONAGHAN ^[1] - 2:21</p> <p>MONDAY ^[2] - 1:14, 4:1</p> <p>months ^[1] - 14:19</p> <p>months" ^[2] - 53:6, 55:12</p> <p>morality" ^[1] - 25:26</p> <p>moratorium ^[2] - 14:20, 53:7</p> <p>morning ^[8] - 4:4, 6:14, 7:2, 7:4, 7:8, 11:17</p> <p>most ^[1] - 15:3</p> <p>MR ^[168] - 2:3, 2:3, 2:4, 2:4, 2:5, 2:10, 2:12, 2:19, 2:23, 3:4, 3:5, 3:6, 3:7, 3:10, 3:11, 3:12, 3:15, 3:16, 3:17, 3:19, 3:20, 3:21, 3:23, 3:24, 3:25, 7:1, 7:12, 7:16, 7:22, 7:24, 7:27, 8:3, 8:5, 8:7, 8:11, 8:28, 9:3, 9:5, 9:6, 9:9, 9:20, 9:23, 9:25, 10:1, 10:10, 10:12, 10:20, 10:26, 11:1, 11:3, 11:7, 11:15, 11:17, 18:1, 18:4, 18:6, 19:7, 19:12, 19:14, 19:25, 20:3, 20:5, 21:1, 21:6, 21:9, 21:11, 21:13, 22:19, 22:21, 22:24, 22:26, 23:4, 23:8, 23:17, 23:27, 23:29, 24:5, 24:7, 24:10, 24:25, 24:27, 26:6,</p>
<p style="text-align: center;">K</p> <p>keep ^[5] - 4:25, 4:26, 16:21, 57:20, 57:27</p> <p>kind ^[4] - 33:20, 38:20, 63:3, 67:2</p> <p>knowledge ^[1] - 47:16</p>	<p>loaned ^[1] - 2:31</p> <p>local ^[23] - 12:17, 12:23, 14:27, 16:14, 16:28, 17:7, 17:12, 17:15, 20:10, 20:11, 27:9, 27:10, 36:15,</p>	<p>looked ^[1] - 43:1</p> <p>looks ^[2] - 61:19, 61:20</p> <p>Lost ^[2] - 21:2, 21:8</p> <p>low ^[1] - 55:3</p>	<p>members) ^[1] - 62:3</p> <p>memo ^[2] - 33:17, 33:22</p> <p>mention ^[1] - 63:25</p> <p>mentioned ^[2] - 7:20, 8:25</p> <p>Mercedes ^[1] - 34:7</p> <p>message ^[1] - 5:15</p> <p>messages ^[1] - 5:16</p> <p>might ^[6] - 7:12, 7:13, 45:15, 48:24, 60:1, 61:13</p> <p>migrants ^[14] - 14:23, 14:29, 15:29, 16:3, 46:29, 47:6, 47:24, 53:14, 53:20, 53:26, 55:16, 56:16, 56:21, 56:24</p> <p>migration ^[3] - 14:8, 52:10, 54:12</p> <p>mind ^[2] - 10:7, 62:20</p> <p>minute ^[3] - 7:13, 37:20, 37:24</p> <p>minutes ^[5] - 63:18,</p>	<p>65:21, 65:23, 66:7, 66:9</p> <p>misleading ^[4] - 15:26, 16:2, 54:7, 56:13</p> <p>mistake ^[2] - 7:21, 7:25</p> <p>moment ^[3] - 7:18, 10:8, 43:23</p> <p>Monaghan ^[41] - 6:17, 6:18, 12:16, 13:9, 14:23, 15:2, 18:12, 19:15, 19:18, 19:19, 19:28, 31:24, 32:23, 32:29, 33:4, 35:8, 37:4, 38:16, 38:27, 40:23, 41:16, 41:28, 43:15, 44:27, 46:22, 46:29, 47:17, 47:19, 48:10, 49:20, 50:6, 50:7, 50:14, 50:20, 53:14, 62:18, 64:4, 64:8, 64:12, 64:15, 64:22</p> <p>MONAGHAN ^[1] - 2:21</p> <p>MONDAY ^[2] - 1:14, 4:1</p> <p>months ^[1] - 14:19</p> <p>months" ^[2] - 53:6, 55:12</p> <p>morality" ^[1] - 25:26</p> <p>moratorium ^[2] - 14:20, 53:7</p> <p>morning ^[8] - 4:4, 6:14, 7:2, 7:4, 7:8, 11:17</p> <p>most ^[1] - 15:3</p> <p>MR ^[168] - 2:3, 2:3, 2:4, 2:4, 2:5, 2:10, 2:12, 2:19, 2:23, 3:4, 3:5, 3:6, 3:7, 3:10, 3:11, 3:12, 3:15, 3:16, 3:17, 3:19, 3:20, 3:21, 3:23, 3:24, 3:25, 7:1, 7:12, 7:16, 7:22, 7:24, 7:27, 8:3, 8:5, 8:7, 8:11, 8:28, 9:3, 9:5, 9:6, 9:9, 9:20, 9:23, 9:25, 10:1, 10:10, 10:12, 10:20, 10:26, 11:1, 11:3, 11:7, 11:15, 11:17, 18:1, 18:4, 18:6, 19:7, 19:12, 19:14, 19:25, 20:3, 20:5, 21:1, 21:6, 21:9, 21:11, 21:13, 22:19, 22:21, 22:24, 22:26, 23:4, 23:8, 23:17, 23:27, 23:29, 24:5, 24:7, 24:10, 24:25, 24:27, 26:6,</p>

26:10, 26:12, 28:4, 28:6, 28:10, 28:12, 28:21, 28:28, 29:8, 29:16, 29:17, 29:18, 29:23, 29:24, 29:26, 31:25, 31:29, 32:5, 37:13, 37:17, 37:19, 37:23, 37:26, 38:3, 38:6, 38:9, 38:12, 43:24, 43:27, 44:1, 45:5, 45:11, 45:13, 45:25, 45:27, 46:3, 46:5, 46:8, 46:10, 46:11, 46:14, 46:16, 46:17, 46:19, 48:28, 49:3, 49:5, 49:8, 50:26, 51:3, 51:6, 51:10, 51:12, 51:17, 51:19, 61:29, 62:4, 62:7, 62:9, 63:15, 63:21, 63:22, 63:24, 64:1, 64:3, 65:17, 65:24, 66:4, 66:8, 66:11, 66:21, 66:26, 67:2, 67:4, 67:8, 67:11, 67:13, 67:15, 67:16

MS [4] - 2:5, 4:4, 10:18, 21:5

MURRAY [7] - 3:19, 46:10, 46:14, 46:16, 49:3, 49:5, 51:3

Murray [11] - 46:6, 46:8, 46:11, 46:19, 47:15, 48:28, 49:8, 50:27, 50:28, 51:5

must [2] - 2:30, 20:16

mute [3] - 4:24, 21:3, 21:9

N

name [7] - 4:29, 5:1, 6:20, 8:12, 8:26, 9:13, 11:18

named [1] - 1:25

narrow [1] - 15:17

Nations [1] - 54:20

nature [5] - 12:26, 27:17, 27:20, 27:25, 32:21

necessary [1] - 4:8

need [3] - 35:29, 62:1, 66:9

needed [2] - 5:2, 5:4

neighbour [1] - 34:5

never [6] - 14:14, 14:29, 35:20, 47:7, 52:28, 53:20

new [2] - 14:3, 52:6

next [8] - 7:26, 52:15, 53:1, 53:10, 54:2, 58:20, 58:21, 58:29

nit [1] - 43:2

nit-picked [1] - 43:2

NO [1] - 3:2

none [2] - 48:1, 48:10

note [7] - 5:19, 11:24, 15:9, 15:14, 30:13, 33:13, 63:18

noted [1] - 20:9

notes [1] - 1:24

notified [1] - 6:1

notwithstanding [1] - 26:19

November [7] - 12:13, 13:7, 13:10, 19:20, 30:8, 30:9, 31:5

NOVEMBER [2] - 1:14, 4:1

NSRA [1] - 10:25

number [8] - 14:8, 15:23, 47:28, 48:4, 48:5, 48:7, 52:17, 56:25

O

O'Sullivan [1] - 44:7

oath [5] - 6:5, 6:9, 29:21, 46:13

obey [2] - 14:5, 52:8

object [4] - 14:13, 14:22, 52:21, 53:13

objected [1] - 15:4

observe [3] - 16:22, 57:22, 57:29

observers [1] - 4:5

obviously [4] - 26:15, 27:14, 45:28, 61:11

OF [22] - 3:8, 3:13, 17:29, 19:7, 22:19, 23:4, 24:12, 26:6, 28:4, 28:21, 29:10, 37:17, 45:11, 49:3, 51:3, 61:29, 63:15, 65:17

of....(Interjection) [1] - 33:6

offence [5] - 63:2, 63:5, 64:29, 65:2, 65:13

Office [8] - 12:14, 13:8, 13:10, 13:18, 20:2, 30:1, 37:2, 44:19

OFFICE [1] - 1:4

office [10] - 4:6, 12:3, 12:5, 12:6, 12:7, 17:7, 19:17, 21:23, 57:20, 59:10

Officer [2] - 32:15, 32:16

officer [7] - 13:12, 30:17, 30:19, 30:22, 30:24, 38:14, 39:22

official [1] - 54:21

officially [1] - 54:23

Ombudsman [2] - 6:24, 8:19

omission [1] - 21:20

ON [2] - 1:14, 4:1

once [2] - 11:12, 22:6

one [30] - 5:21, 7:13, 7:18, 9:11, 18:22, 21:27, 24:27, 25:29, 26:2, 26:23, 40:19, 40:21, 40:22, 40:23, 41:6, 41:27, 42:27, 52:24, 53:28, 54:13, 54:15, 56:21, 58:3, 58:6, 58:29, 60:5, 61:13, 61:19, 61:20, 63:25

One [1] - 25:6

one...(Interjection) [1] - 40:14

onwards [3] - 33:5, 35:10, 35:13

open [3] - 5:19, 11:10, 32:1

OPENING [3] - 3:4, 11:15, 17:29

opinion [16] - 30:19, 30:22, 30:24, 30:29, 31:1, 31:20, 32:2, 36:27, 37:11, 39:24, 49:24, 49:26, 49:27, 49:29, 61:17

opinions [1] - 63:10

opponents [1] - 63:11

opportunity [2] - 11:11, 34:19

opposed [1] - 43:20

option [1] - 10:23

order [4] - 4:24, 25:26, 26:13, 43:3

original [6] - 32:27, 33:3, 35:8, 35:12, 38:18, 50:17

originally [2] - 19:14, 50:5

otherwise [1] - 34:14

outcome [1] - 49:11

outside [1] - 34:6

own [6] - 14:4, 20:27, 33:21, 38:18, 39:23, 52:7

owned [1] - 48:8

P

PAGE [1] - 3:2

page [13] - 16:9, 33:14, 35:22, 42:1, 51:21, 52:2, 54:2, 54:10, 55:5, 55:18, 56:29, 57:10, 59:16

pages [2] - 40:19

paragraph [7] - 18:18, 20:7, 33:22, 44:12, 44:15, 54:16, 56:8

pardon [7] - 9:1, 9:4, 21:6, 23:27, 63:23, 63:26

parse [1] - 42:27

part [7] - 5:4, 7:21, 12:17, 13:15, 18:19, 27:5, 44:16

Part [2] - 20:22, 37:5

participants [7] - 4:4, 4:23, 4:26, 5:4, 5:16, 5:23, 5:26

particular [3] - 12:13, 50:22, 58:17

parts [3] - 15:19, 60:29, 62:16

party [2] - 2:31, 15:3

pass [1] - 46:11

pay [2] - 14:3, 52:6

payment [1] - 48:22

payments [1] - 48:10

pensions [3] - 14:27, 47:4, 53:18

people [15] - 14:27, 16:29, 18:22, 47:5, 48:1, 48:20, 48:21, 49:18, 50:6, 50:8, 50:13, 50:14, 50:19, 53:18, 58:23

perceived [1] - 59:26

performance [6] - 16:23, 21:22, 21:26, 57:16, 57:23, 58:1

perhaps [6] - 15:11, 26:13, 30:7, 43:28, 60:1, 66:9

period [1] - 65:21

permission [2] - 2:31, 51:6

PERREALT [2] - 4:4, 10:18

person [23] - 5:29, 6:6, 12:11, 14:2, 14:16, 19:29, 20:9, 20:14, 21:17, 21:18,

21:19, 21:23, 21:25, 21:28, 21:29, 22:7, 52:5, 53:3, 55:9, 55:21, 56:8

personal [3] - 57:21, 57:28, 59:25

persons [3] - 4:25, 5:29, 20:9

PETER [2] - 2:4, 2:5

Peter [4] - 6:21, 6:24, 8:15, 8:18

phone [3] - 32:19, 33:17, 35:22

phones [1] - 4:28

photocopied [1] - 2:30

photos [1] - 5:28

physically [1] - 4:21

picked [1] - 43:2

piece [1] - 60:5

place [2] - 5:12, 24:29

placed [3] - 5:5, 57:21, 57:27

Pleadings [3] - 16:10, 33:14, 51:22

pleases [1] - 11:1

point [17] - 18:8, 19:26, 20:4, 24:28, 28:28, 42:24, 43:19, 43:25, 45:14, 45:18, 45:19, 45:22, 49:15, 58:21, 62:20, 64:3, 64:24

pointed [3] - 57:4, 62:17, 62:24

points [1] - 58:20

political [4] - 12:21, 14:6, 52:9, 63:11

politicians [1] - 24:16

position [9] - 11:9, 19:14, 21:1, 21:7, 21:24, 47:9, 48:23, 60:21, 64:17

possible [5] - 4:12, 12:16, 18:18, 37:21, 44:15

post [1] - 54:18

potential [4] - 36:4, 36:6, 36:10, 59:24

potentially [1] - 36:6

practice [1] - 9:26

preference [1] - 6:8

preliminary [3] - 13:12, 25:2, 30:17

preparations [1] - 4:9

prepared [2] - 10:28, 13:16

preparing [1] - 35:18

presence [1] - 5:6
present [6] - 6:29, 7:1, 7:5, 8:1, 9:21, 24:3
presented [1] - 39:1
pressure [1] - 43:4
presume [1] - 42:18
presumption [2] - 65:2, 65:4
previous [1] - 41:24
prima [7] - 13:14, 22:12, 30:20, 31:2, 31:19, 32:8, 37:1
principal [1] - 21:29
principles [3] - 42:6, 42:10, 59:28
private [1] - 50:24
privately [2] - 5:10, 5:11
problem [4] - 14:1, 34:5, 52:4, 66:12
procedural [1] - 62:20
procedurally [1] - 19:4
procedure [2] - 23:8, 45:17
procedures [5] - 44:26, 64:6, 64:8, 64:13, 64:16
proceed [5] - 11:4, 11:11, 24:19, 25:3, 29:14
proceedings [9] - 6:12, 10:24, 10:29, 11:10, 26:18, 26:19, 26:26, 67:12
process [1] - 64:4
profession [1] - 55:27
programme [5] - 47:21, 47:23, 47:27, 49:20, 50:15
prohibited [1] - 5:26
promote [2] - 42:9, 42:10
promotes [1] - 17:3
Promotes [1] - 59:1
proper [4] - 17:19, 21:22, 36:15, 60:14
properly [1] - 20:25
properties [9] - 48:8, 48:9, 48:19, 50:12, 50:16, 50:19, 50:21, 50:25
propose [3] - 17:27, 24:18, 24:19
proposing [2] - 65:19, 66:22
protected [3] - 25:22, 26:4, 26:28

protection [6] - 47:21, 47:26, 49:19, 50:14, 54:15, 54:27
proved [2] - 16:5, 17:25
provide [10] - 14:4, 16:12, 27:9, 27:11, 27:18, 32:7, 34:19, 35:19, 52:7, 58:20
provided [8] - 9:14, 32:15, 33:13, 34:21, 48:2, 54:12, 54:22, 58:16
provides [12] - 17:13, 21:15, 22:5, 27:7, 37:10, 55:15, 57:1, 58:6, 59:6, 59:21, 60:9, 60:18
providing [3] - 14:3, 52:6, 62:10
provision [7] - 20:22, 21:28, 22:1, 39:13, 58:18, 60:1, 60:2
provisions [4] - 16:15, 17:16, 27:16, 61:23
PUBLIC [1] - 1:4
public [27] - 4:6, 12:3, 12:5, 12:6, 12:7, 12:20, 15:13, 16:21, 16:25, 17:20, 19:17, 21:26, 21:27, 25:26, 27:25, 36:16, 42:9, 42:11, 42:13, 57:16, 57:21, 57:27, 58:10, 58:14, 59:25, 60:15, 61:15
Public [8] - 12:14, 13:8, 13:10, 13:17, 20:1, 30:1, 37:2, 44:19
publish [1] - 54:28
published [2] - 41:3, 57:7
purposes [1] - 52:24
purview [1] - 15:17
pushed [4] - 14:28, 47:6, 48:25, 53:19
put [10] - 9:3, 38:20, 38:24, 43:3, 43:13, 45:26, 48:15, 48:26, 56:20

Q

qualify [1] - 40:27
qualify... [1] - 40:25
queries [1] - 25:4
questionable [1] - 59:26
questions [9] -

25:10, 26:2, 37:14, 43:19, 48:29, 50:27, 61:27, 62:2, 62:23
quickly [1] - 4:12
quite [1] - 27:17
quoted [1] - 33:25

R

racist [1] - 13:23
raise [1] - 4:21
raised [4] - 26:2, 59:17, 62:23, 66:28
ran [1] - 35:2
range [1] - 59:21
rate [3] - 54:19, 54:21, 54:26
rates [2] - 54:14, 54:23
rather [1] - 29:21
reach [1] - 64:15
reaches [1] - 64:9
read [15] - 13:27, 41:26, 41:29, 42:14, 42:26, 43:6, 43:8, 43:12, 44:11, 51:25, 59:18, 60:9, 60:27, 60:29
read....(Interjection [1] - 40:24
reading [7] - 18:15, 19:4, 22:5, 40:7, 41:14, 43:14, 59:18
ready [2] - 38:3, 38:6
reallocated [1] - 50:7
reallocation [1] - 50:11
reason [1] - 66:5
receive [3] - 32:18, 56:1, 56:10
received [10] - 12:14, 12:19, 13:8, 31:5, 32:18, 32:29, 35:10, 35:20, 37:2, 47:18
receives [1] - 30:12
recess [2] - 37:20, 37:25
recipients [1] - 50:17
recite [1] - 25:28
recognition [3] - 54:19, 54:21, 54:26
recommendations [1] - 54:25
record [7] - 5:22, 13:27, 14:15, 33:23, 34:25, 52:28, 59:19
recording [2] - 5:20, 5:26
refer [6] - 30:5, 53:1, 53:10, 53:23, 53:25, 60:5

reference [1] - 21:24
referred [10] - 32:28, 33:5, 35:9, 35:13, 40:8, 40:9, 40:21, 40:22, 40:23, 55:1
referring [2] - 23:2, 45:3
refers [1] - 54:22
reflects [2] - 58:3, 58:26
refugee [1] - 54:27
Refugee [3] - 47:20, 47:26, 49:19
refugees [7] - 47:22, 47:25, 47:26, 50:23, 53:29, 54:20, 56:24
regard [9] - 15:22, 16:17, 22:28, 25:10, 26:2, 45:7, 45:29, 48:12, 50:16
regards [3] - 14:1, 32:24, 52:4
region [1] - 55:2
register [3] - 9:26, 10:5, 19:28
registrar [10] - 18:17, 18:26, 18:29, 19:1, 19:28, 20:9, 20:25, 22:28, 44:14, 44:21
regulation [3] - 8:27, 9:15, 56:9
regulations [2] - 38:26, 55:22
regulatory [1] - 26:18
related [1] - 19:27
relates [2] - 31:8, 55:6
relation [23] - 8:29, 11:27, 12:16, 12:21, 16:2, 18:18, 21:18, 22:2, 22:27, 24:29, 25:19, 32:23, 32:25, 33:1, 34:20, 35:19, 44:15, 45:17, 47:17, 56:13, 62:11, 62:24, 63:19
relevant [9] - 7:14, 36:23, 41:28, 54:14, 55:14, 55:18, 56:28, 60:28, 62:16
relied [1] - 62:21
remain [2] - 4:24, 5:7
remit [1] - 30:15
remote [1] - 4:7
REMOTELY [1] - 1:14
rename [1] - 5:1
rent [1] - 50:20
rental [1] - 50:24
reply [5] - 22:21,

28:7, 63:25, 65:15, 67:5
replying [1] - 67:7
REPLYING [6] - 3:6, 3:12, 3:25, 22:24, 28:10, 64:1
report [18] - 13:16, 25:2, 30:18, 30:22, 31:4, 31:10, 31:22, 33:28, 34:22, 35:19, 35:26, 36:3, 36:26, 37:10, 38:23, 39:3, 40:11, 54:12
reported [3] - 54:19, 54:23, 63:7
representation [2] - 6:27, 27:10
representative [2] - 6:7, 6:28
representatives [1] - 7:7
reproduced [1] - 2:30
requested [1] - 11:28
required [5] - 5:6, 6:5, 6:8, 11:23, 15:13
requirement [2] - 57:28, 58:13
requirements [1] - 64:23
requires [4] - 30:16, 36:22, 57:22, 61:16
resident [3] - 14:18, 53:5, 55:11
residing [1] - 55:21
resolve [1] - 4:11
respect [22] - 11:19, 11:21, 11:25, 12:24, 13:22, 13:25, 26:13, 26:29, 27:1, 27:4, 30:3, 30:10, 32:11, 40:25, 47:24, 47:28, 48:2, 51:29, 53:24, 61:16, 64:28, 65:9
respectful [3] - 23:10, 27:20, 64:10
respectfully [1] - 19:5
respects [1] - 55:29
respondent [1] - 2:31
response [4] - 32:18, 32:29, 35:10, 35:20
responsibility [2] - 57:22, 57:28
restrictive [3] - 42:16, 43:9, 43:13
result [5] - 16:5, 48:23, 60:28, 62:15, 62:16
resume [1] - 10:18

RESUMED [6] - 10:16, 23:23, 29:5, 38:1, 66:1, 66:18
retire [2] - 23:14, 28:24
reverse [1] - 26:13
revert [1] - 24:21
review [1] - 64:14
rightness [1] - 36:1
rights [7] - 25:26, 26:16, 26:25, 26:27, 55:20, 55:24, 63:9
ring [1] - 4:28
rise [2] - 19:24, 63:24
road [1] - 34:6
role [18] - 11:25, 16:23, 19:27, 29:28, 30:10, 30:28, 32:5, 32:6, 32:7, 32:16, 32:20, 46:19, 47:9, 50:21, 57:14, 58:1, 58:8
role" [1] - 57:23
Roll [3] - 8:26, 9:14, 10:25
Romanian's [1] - 34:6
room [1] - 5:6
rooms [1] - 5:8
run [1] - 4:9

S

screen [2] - 5:1, 5:27
Seamus [10] - 6:16, 6:17, 6:28, 9:18, 12:2, 12:18, 15:5, 35:24, 37:4, 44:6
SEAMUS [2] - 1:13, 2:4
Seanad [2] - 6:25, 8:20
second [10] - 9:2, 26:14, 27:2, 40:9, 40:21, 40:23, 40:27, 41:6, 41:10, 64:28
secondly [4] - 15:28, 25:19, 28:15, 60:26
section [41] - 12:4, 12:5, 12:7, 13:1, 13:17, 16:15, 16:23, 16:26, 17:1, 17:4, 17:8, 17:12, 17:16, 18:28, 20:11, 21:2, 21:8, 21:14, 22:14, 23:7, 24:15, 24:17, 27:6, 27:11, 32:17, 36:7, 36:21, 36:27, 39:27, 39:28, 42:18, 42:21, 42:28, 44:5,

44:22, 44:29, 45:17, 51:28, 61:1, 61:24
Section [5] - 20:12, 21:20, 36:7, 36:21, 60:6
see [13] - 5:17, 13:20, 16:11, 18:24, 29:26, 38:20, 46:8, 50:24, 51:23, 52:1, 54:11, 57:1, 57:10
seek [2] - 17:6, 48:21
seekers [7] - 14:9, 15:27, 33:26, 47:23, 52:17, 54:7, 56:21
seeking [1] - 35:5
seem [2] - 48:24, 55:3
selected [1] - 47:20
selective [3] - 42:15, 43:9, 43:13
self [1] - 26:27
senator [3] - 6:23, 8:16, 8:17
Senators [2] - 22:27, 23:2
send [1] - 5:15
sense [2] - 10:1, 43:18
sensitive [1] - 61:15
sent [2] - 40:4, 41:9
sentence [4] - 52:15, 53:1, 53:10, 57:25
separate [1] - 65:7
serious [1] - 41:15
Serve [1] - 58:23
served [1] - 16:28
service [1] - 42:5
services [7] - 8:24, 8:27, 9:12, 9:13, 46:21, 46:22, 56:3
Services [4] - 1:23, 2:30, 2:32, 9:15
SERVICES [1] - 1:28
session [9] - 4:6, 4:26, 5:5, 5:21, 5:22, 5:26, 8:14, 23:25, 66:3
set [22] - 13:5, 13:26, 15:20, 16:6, 16:11, 23:8, 27:14, 31:4, 31:9, 36:4, 36:6, 36:10, 36:21, 36:26, 37:10, 51:24, 52:1, 55:14, 55:17, 61:5, 61:21, 61:23
sets [2] - 55:19, 55:20
SF [1] - 14:6
shall [2] - 12:8, 56:9
SHANAHAN [5] - 3:15, 29:23, 37:17,

38:9, 45:11
Shanahan [20] - 13:11, 13:13, 17:27, 22:12, 29:18, 29:26, 30:27, 31:26, 32:5, 33:7, 35:27, 37:14, 38:12, 44:1, 45:7, 45:8, 46:5, 46:7, 63:1, 64:18
sharing [1] - 5:28
Sheehan [3] - 4:16, 6:20, 8:12
SHEEHAN [1] - 2:3
short [2] - 18:7, 62:10
SHORT [6] - 10:14, 23:21, 29:3, 37:29, 65:27, 66:16
shorten [1] - 45:15
shots [1] - 5:27
showed [1] - 54:25
shows [1] - 55:15
sic [2] - 7:14, 53:27
significant [1] - 21:27
silence [1] - 15:1
silent [1] - 4:28
similarly [1] - 36:21
simply [9] - 19:21, 31:1, 32:2, 32:7, 36:3, 43:14, 43:20, 49:23, 63:9
SIPO [2] - 44:17, 63:11
situation [2] - 10:24, 19:21
situations [2] - 59:23, 59:24
six [5] - 14:19, 17:24, 53:6, 55:12, 60:18
sixth [1] - 17:11
slots [1] - 48:25
smoothly [1] - 4:9
social [4] - 14:26, 47:4, 47:12, 53:17
Social [1] - 56:10
solely [1] - 42:13
solicitor [5] - 7:17, 7:24, 7:28, 38:22, 46:12
SOLICITOR [1] - 2:13
SOLICITORS [1] - 2:20
somewhere [1] - 55:2
sorry [24] - 8:28, 9:1, 9:3, 9:12, 10:1, 11:4, 21:11, 21:13, 24:7, 24:10, 27:2, 30:6, 30:9, 31:28, 35:2,

39:27, 43:24, 47:25, 48:2, 48:4, 51:12, 62:5, 63:23
sought [1] - 32:26
source [1] - 50:20
sourced [1] - 33:27
speaking [3] - 4:25, 7:5, 9:2
speaks [1] - 53:28
specified [6] - 12:11, 21:17, 21:18, 21:23, 21:27, 21:29
spectacularly [1] - 41:17
speech [2] - 15:10, 61:11
spent [3] - 14:29, 47:7, 53:20
spirit [2] - 42:15, 43:8
stage [9] - 7:11, 11:12, 15:9, 15:15, 21:4, 28:27, 41:8, 45:15, 49:12
STANDARDS [1] - 1:4
standards [15] - 4:6, 4:16, 12:3, 12:6, 16:22, 17:19, 19:17, 20:1, 20:12, 36:15, 57:23, 57:29, 60:7, 60:14, 61:2
Standards [7] - 12:14, 13:7, 13:10, 13:17, 30:1, 37:2, 44:19
start [3] - 9:11, 14:3, 52:6
started [1] - 39:10
State [1] - 55:28
state [5] - 6:7, 25:25, 38:22, 55:21, 55:25
statement [16] - 12:1, 13:5, 13:26, 15:20, 16:7, 34:21, 35:19, 46:24, 46:26, 51:22, 52:1, 58:3, 58:15, 58:26, 59:12, 60:19
states [3] - 12:18, 13:28, 36:11
statistics [3] - 54:22, 54:24, 55:1
status [1] - 54:27
statutory [1] - 55:18
stay [2] - 14:12, 52:20
stenographic [1] - 1:24
Stenography [3] - 2:30, 2:32, 5:21

stenography [1] - 1:22
STENOGRAPHY [1] - 1:27
step [2] - 33:9
step-by-step [1] - 33:9
steps [3] - 31:22, 32:11, 35:1
still [1] - 39:24
stock [1] - 48:11
subject [8] - 5:9, 17:26, 20:16, 20:21, 25:3, 25:26, 56:1, 56:8
submission [8] - 18:7, 18:8, 23:10, 24:28, 27:21, 43:29, 63:19, 64:10
SUBMISSION [30] - 3:4, 3:5, 3:6, 3:7, 3:10, 3:11, 3:12, 3:23, 3:24, 3:25, 11:15, 17:29, 18:4, 19:7, 19:12, 22:19, 22:24, 23:4, 24:25, 26:6, 26:10, 28:4, 28:10, 28:21, 51:17, 61:29, 62:7, 63:15, 64:1, 65:17
submissions [19] - 11:23, 17:26, 22:17, 23:15, 26:3, 28:25, 28:26, 29:14, 45:16, 45:19, 45:21, 61:26, 62:11, 63:12, 65:15, 66:23, 66:28, 66:29, 67:7
submit [4] - 19:5, 28:12, 30:18, 39:23
submitting [1] - 45:14
subparagraph [1] - 56:8
subsequently [1] - 50:7
subsidiary [1] - 54:27
substantial [1] - 50:11
suggestion [2] - 56:22, 64:29
Sunday [1] - 54:18
supplied [1] - 2:31
support [1] - 35:6
suppose [2] - 30:27, 48:23
sustain [2] - 13:14, 37:1
sworn [1] - 29:19
Syrian [2] - 47:21,

<p>53:29 system [2] - 14:11, 52:20</p>	<p>Transcripts [1] - 2:30 travel [1] - 55:24 travelled [1] - 34:13 Treanor [53] - 6:17, 6:28, 7:11, 10:2, 12:2, 12:18, 12:22, 12:29, 13:4, 15:5, 15:10, 15:19, 15:22, 16:10, 24:3, 28:18, 31:18, 32:14, 32:19, 32:26, 33:11, 33:14, 33:25, 34:11, 34:17, 34:25, 35:16, 35:21, 35:24, 35:25, 37:5, 38:25, 39:6, 41:1, 41:21, 46:25, 49:14, 49:24, 50:1, 51:21, 52:2, 53:25, 55:7, 55:16, 57:6, 58:4, 58:17, 60:23, 61:10, 61:19, 62:14, 63:8, 65:3 TREANOR [2] - 1:13, 2:19 Treanor's [5] - 7:6, 7:28, 26:16, 26:27, 49:27 treatment [1] - 55:20 true [2] - 48:27, 50:9 trust [7] - 16:21, 16:25, 57:17, 57:21, 57:27, 58:10, 58:14 try [3] - 7:18, 7:29, 65:6 trying [1] - 42:19 turn [2] - 6:12, 54:10 Twenty [1] - 56:16 two [10] - 25:7, 26:2, 40:13, 53:1, 56:16, 57:3, 58:14, 58:20, 62:23, 66:24 TYNDALL [1] - 2:4 Tyndall [2] - 6:24, 8:18 type [1] - 27:27</p>	<p>13:12, 13:17, 21:1, 21:7, 21:14, 22:14, 24:17, 25:6, 28:12, 28:14, 36:13, 36:27, 39:26, 39:28, 41:10, 41:16, 43:3, 44:9, 44:21, 44:29, 45:17, 47:20, 47:22, 47:26, 48:9, 49:19, 50:25, 56:10, 57:10, 60:11, 63:8, 63:9, 66:29 underlying [1] - 42:6 underpin [1] - 57:18 undertakings [1] - 5:24 unfair [7] - 14:22, 46:28, 49:16, 49:17, 49:25, 53:13, 53:26 unfortunate [1] - 10:4 unfortunately [4] - 10:22, 14:5, 37:19, 52:8 UNHCR [1] - 54:23 unit [4] - 8:24, 9:12, 9:13, 30:1 United [1] - 54:20 unknown [2] - 16:19, 17:18 unless [2] - 4:24, 61:26 unmute [1] - 4:24 unmuted [1] - 4:29 unpopular [2] - 15:14, 61:13 up [6] - 12:23, 14:9, 48:4, 49:11, 52:18, 64:25 uphold [3] - 29:13, 30:20, 42:11</p>	<p>virtue [3] - 19:22, 20:26, 26:25 vote [1] - 15:5</p>	<p>47:5, 53:19</p>
T			W	Z
<p>taxpayer [2] - 14:12, 52:21 TDs [2] - 22:27, 23:1 team [1] - 5:10 technical [1] - 4:10 ten [1] - 66:9 terms [11] - 22:16, 26:14, 26:26, 27:28, 31:21, 38:21, 41:5, 52:25, 56:1, 61:4, 61:23 text [1] - 51:24 thanked [1] - 34:25 THE [14] - 2:3, 2:10, 3:8, 3:13, 4:1, 10:16, 23:23, 24:12, 29:5, 29:10, 38:1, 66:1, 66:18, 67:19 themselves [4] - 14:4, 48:21, 50:20, 52:7 theoretical [1] - 26:22 thereafter [5] - 34:11, 35:1, 52:13, 52:26, 53:6 therefore [1] - 57:17 thereunder [1] - 16:11 third [3] - 33:22, 53:24, 56:12 thirdly [1] - 16:1 thorny [1] - 15:12 three [4] - 52:13, 53:11, 53:23, 58:26 timing [1] - 4:18 to....(Interjection [1] - 41:21 today [4] - 11:25, 36:1, 64:11, 65:11 today's [5] - 4:5, 4:6, 5:19, 64:24, 67:12 toeing [1] - 15:3 together [1] - 60:27 tone [3] - 60:27, 61:5, 61:21 took [4] - 21:5, 24:29, 35:1, 41:19 trade [1] - 55:26 tradition [1] - 42:4 training [1] - 55:27 transcript [1] - 1:24 transcription [1] - 5:21</p>	<p style="text-align: center;">U</p> <p>ultimately [8] - 13:2, 13:23, 17:23, 27:25, 28:1, 31:16, 36:1, 61:2 unable [3] - 8:25, 9:13, 29:13 unauthorised [1] - 5:28 unaware [1] - 63:3 uncontrolled [2] - 14:7, 52:10 under [37] - 6:5, 6:15, 12:4, 12:6,</p>	<p style="text-align: center;">V</p> <p>values [1] - 57:18 various [8] - 12:29, 15:19, 18:22, 27:15, 27:19, 36:4, 38:25, 51:27 verbatim [1] - 1:24 version [1] - 41:6 versions [1] - 57:3 vested [1] - 22:8 via [1] - 30:13 VIA [1] - 1:14 video [1] - 5:27 view [7] - 24:14, 24:17, 32:7, 61:13, 62:20, 64:15, 64:24 views [7] - 13:25, 15:13, 15:16, 34:12, 34:19, 61:12, 61:13</p>	<p>waiting [4] - 5:6, 15:1, 47:7, 53:21 warrant [1] - 61:7 warrants [1] - 22:13 WAS [4] - 29:23, 38:9, 46:16, 49:5 ways [1] - 54:6 week [4] - 66:25, 67:6 weeks [2] - 34:18, 66:24 weighty [1] - 15:12 welcome [2] - 4:4, 6:13 welfare [5] - 14:26, 47:4, 47:12, 53:17, 56:10 who'll [1] - 8:9 who've [1] - 34:13 whole [1] - 61:20 wish [6] - 4:21, 17:26, 24:22, 59:18, 63:19, 64:6 wishes [2] - 5:9, 5:11 witnesses [9] - 5:5, 11:21, 11:22, 24:20, 24:22, 51:8, 51:9, 51:11, 51:13 wonder [5] - 7:12, 8:22, 51:19, 51:20, 63:24 word [2] - 43:3, 50:6 words [3] - 6:27, 13:3, 66:24 written [6] - 2:31, 45:16, 45:19, 45:21, 63:19, 66:23 wrongness [1] - 36:1 wrote [6] - 32:13, 32:22, 35:4, 35:15, 35:17</p>	<p style="text-align: center;">€</p> <p>€4,000 [2] - 14:25, 47:12</p> <p style="text-align: center;">É</p> <p>éireann [3] - 6:22, 6:26, 8:16</p>
			X	
			Y	
			<p>yardstick [1] - 57:14 year [3] - 14:23, 46:29, 53:14 years [3] - 14:28,</p>	