

**Opening statement of the Chairman of the Tribunal of Inquiry into
certain Planning matters**

**Preliminary hearing to hear applications for representation on
Wednesday the 14th of January 1998**

There are a number of points I wish to make before taking applications for representation.

1. I draw the attention of parties interested in the business of the Tribunal to the fact that the nature of the Tribunal is primarily an inquisitorial rather than an adversarial one. Consequently the evidence before the Tribunal will be led by Counsel on behalf of the Tribunal.
2. Any person whose interests are, in the opinion of the Tribunal, likely to be affected will be allowed such representation as is necessary to protect those interests and such parties will be allowed to cross examine relevant witnesses.
3. All proceedings before the Tribunal will be conducted ⁱⁿ a manner so as to ensure compliance with the requirements of natural justice
4. In the first instance it is necessary for the Tribunal to carry out a considerable amount of investigative work. The Tribunal has been

engaged in this work since shortly before Christmas. In the course of this work a large volume of material falls to be considered. The Tribunal has already received material from a number of sources and will be in contact with persons and companies who may have relevant documentation and information.

5. The members of the Tribunal legal team will be available to provide assistance to any party seeking to make statements or to forward documents to the Tribunal
6. The Tribunal earnestly hopes that all persons who have an interest in the business of the inquiry will co-operate fully in the provision of information and documentation to enable the inquiry to be brought to an expeditious and successful conclusion.
7. I fully appreciate concerns which persons wishing to assist the Tribunal may have in relation to the issues of personal and commercial confidentiality. In order to protect these legitimate concerns I propose to adopt the following protocol in regard to documents:-
 - (i) All original documents will be returned to their owners after the Tribunal has concluded its work.
 - (ii) All copies of documents with confidential, commercially sensitive or personal information will be destroyed after the conclusion of the inquiry.

- (iii) All documents will be stored in a secure location.
 - (iv) Confidential information not relevant to the inquiry will not be disclosed to any outside party. The only parties who will have access to such documents will be the Chairman and the legal team to the Tribunal.
 - (v) Documents, which contain both confidential, personal or commercially sensitive information not relevant to the inquiry, and other information, which is relevant, will have the irrelevant information blanked out.
 - (vi) Counsel for the Tribunal will be willing at all times to discuss any concerns any person may have concerning confidential, personal or commercially sensitive information.
8. With regard to the question of public hearings it should be noted that under its terms of reference the Tribunal is obliged in the first instance to carry out such preliminary investigations in private as are necessary to determine whether sufficient evidence exists in relation to any of the terms of reference to warrant proceeding to a full public enquiry. These preliminary investigations are already in hand and I hope to be in a position to make this determination before my interim report to the Dai. in February. The fact that representation may be granted to any person or company should not be taken as implying that the Tribunal has

made any finding that there is sufficient evidence to warrant proceeding to a full public inquiry.

9. Any person who may be in a position to assist this preliminary investigation in private should come forward at the earliest opportunity. The telephone and FAX numbers of the Tribunal which are posted on a noticeboard in the lobby are Telephone 4785633 and FAX 4785584.
10. It is not possible until the preliminary private investigation is completed to make an informed assessment as to when the public hearings, if any, will commence, if I conclude that such hearings are warranted. I can say however that if it is decided to have public hearings I intend to follow the excellent example of the Finlay and McCracken Tribunals which demonstrated that time spent on investigation can pay considerable dividends in terms of keeping the amount of expensive hearing days to a minimum consistent with the Tribunal fully discharging its terms of reference.
11. On the question of representation it should be noted that any decisions taken as a result of applications made to-day are not in any sense final. Any party who may not be given representation at this time may renew their application later if it subsequently becomes apparent that such representation is warranted.
12. For the purpose of any particular application for representation I may require a party to make submissions in writing as to the basis upon

which the application for representation is made and reserve my decision on the application until the submissions have been considered.

13. Parties who are granted representation should note that the granting of representation is not a guarantee that such party will be awarded costs at the conclusion of the inquiry.

14. Without fettering my discretion in any way, I would indicate that, in general, where any person or body, whether represented before the Tribunal or not has realistically and reasonably incurred any legal expense in fully and promptly assisting the Tribunal in its work, I would be favourably disposed to providing for indemnity in respect of such expense.

I now propose to take applications for representation.

In dealing with each application for representation I require the following:-

1. The name of Counsel
2. The name of the instructing Solicitor
3. The name and address of each person or company on whose behalf each application is made.
4. Whether the Applicant seeks full or limited representation.
5. The grounds upon which such representation is sought