



**Tribunal of Inquiry
Into Certain Planning Matters and Payments**

Appointed by Instrument of The Minister for the Environment
and Local Government dated the 4th day of November 1997
as amended by Instrument dated the 15th day of July 1998

THE SOLE MEMBER
Mr. JUSTICE FEARGUS M. FLOOD

**Determination of the Sole Member on Application on behalf of
JMSE re Frank Connolly**

Tuesday 23rd February 1999 at 2.15pm

**Determination of Sole Member on Application on behalf of
JMSE in relation to Frank Connolly**

I have read the submissions made on behalf of JMSE and Mr. Connolly. I have also read the Transcript of the programme in question.

I recognise that Mr. Connolly's submissions were made without the benefit of the detail of the submissions on behalf of JMSE. Mr. Connolly is the Journalist who first published Mr. Gogarty's story since sometime in 1996. As a result of this he has become involved in this Tribunal as a Witness as to facts. Mr. Connolly is a working Journalist and has been engaged by the Radio station, Today FM, to comment on the proceedings of the Tribunal on a daily basis.

On behalf of JMSE it is complained that Mr. Connolly does not confine his comments to the evidence given on a particular day but that he introduces material which may be the subject matter of his own evidence and/or which is biased.

It seems to me that it would not be appropriate for me to direct that Mr. Connolly should desist from commenting on the proceedings of the Tribunal in his capacity as a Journalist merely because he is a Witness before this Tribunal in respect of certain factual events. Clearly it is in everybody's interest, including those of Mr. Connolly, that any comments which he makes are accurate and confined to the actual evidence which has been given and the proceedings at the Tribunal. The proceedings of the Tribunal are not subject to the sub judice rule. Furthermore this is not a situation where a jury might be inappropriately influenced by any statement concerning its proceedings. Consequently I do not propose to make any form of Order at this stage.