

DOWNLOAD PDF SECOND INTERIM REPORT OF THE TRIBUNAL OF INQUIRY INTO CERTAIN PLANNING MATTERS AND PAYMENTS.

Chapter 1 : Tribunals of Inquiry: Statements.: 20 Feb DÃ¡il debates (blog.quintoapp.com)

Introduction to the Second Interim Report of the Tribunal of Inquiry into Certain Planning Matters and Payments This Tribunal was established by Ministerial Order, on the 4.

Tags Mahon Tribunal timeline: By Susan Daly Wednesday 31 Jul , Developer brothers Michael and Tom Bailey were also part of these deals in north Dublin, he claimed. When some questioned the wisdom of the appointment, Bertie asked Dermot Ahern to make enquiries into the Burke allegations. September - Ray Burke, under increased scrutiny and allegations, resigns as minister. November - The now retired judge Feargus Flood is brought in to investigate possible corruption in the planning process in the greater Dublin area. He said, however, that if it was decided to go ahead with 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. I never asked or took money from anybody to do favours for anybody in my life. His home had been raided by CAB in February and he was hit for a tax bill of over half a million pounds for undeclared offshore bank accounts. April - PR man Frank Dunlop makes several revelations to the Tribunal about money he paid to politicians on behalf of developers in return for favourable rezoning decisions in relations to land at Carrickmines. January - Liam Lawlor is jailed for the first time for contempt of court for not co-operating with the Flood Tribunal. He will be jailed briefly twice more by February for the same reason. June - Mr Justice Feargus Flood resigns as head of the Tribunal after 75 months there and recommends his assistant Judge Alan Mahon as his replacement. Circuit court judges Mary Faherty and Gerald Keys assist the new chair. November - George Redmond is convicted on two counts of corruption for accepting a bribe in relation to a right-of-way at Lucan, but the conviction is later found unsafe in July By then, Redmond had served much of his one-year sentence and so a retrial was not ordered. She said that as far as she could remember: Therefore, it appealed for more resources and staff: November - Bertie Ahern is ordered to bring forward all documents relating to any accounts he might have in financial institutions either here or abroad. This later led to the astonishing claim that Ahern had no bank account between and He was a government minister, first for Labour and then for Finance in all of this time. The Tribunal demands more documentation from him. January â€™ Ray Burke serves just over four months in prison for not paying tax on undeclared income. The Flood Tribunal had found that he had been paid this money from backers of Century Radio, which had been awarded a number of radio station and one national station licences. Lawlor dies in a car crash in Moscow in October of this year. June â€™ Bailey brothers and Bovale Developments come to a settlement of tax owed to the Revenue Commissioners. July â€™ The Criminal Assets Bureau stops the sale of lands owned by Jackson Way Properties at Carrickmines due to Dunlop allegations that councillors were bribed to rezone the land. He appears to get upset just before 3: Part 3 is here. May - Bertie Ahern officially resigns as Taoiseach. It is a matter of real concern to me that the important work of government and party is now being over shadowed by issues relating to me at the Tribunal of Inquiry into Certain Planning Matters and Payments. The constant barrage of commentary on Tribunal related matters has and I believe will continue to dominate the political agenda at an important point for our country. We face uncertain economic times and challenges and we are soon to cast our vote on the Lisbon Treaty. The vital interests of Ireland demand that the national dialogue of our political system address these fundamental issues and not be constantly deflected by the minutiae of my life, my lifestyle, and my finances. The decision I am announcing today â€™ like all other decisions that I have taken in a lifetime in politics â€™ is solely motivated by what is best for the people. I have been reflecting on pursuing this course of action for some time. This is solely a personal decision. I have no doubt that a simplistic analysis will suggest that my decision has been influenced by most recent events at the Tribunal. What I announce today is completely inspired by the desire to refocus the political dynamic in Ireland. October - Public hearings concluded at the

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Tribunal. December - A Government-published report on tribunals of inquiry in Ireland delves into the cost of the Mahon alleged planning irregularities and payments ; Morris complaints about certain gardai in Donegal and Moriarty alleged payments to politicians and related matters Tribunals. May â€” Frank Dunlop is sentenced to two years in prison for corruption, with the final six months suspended. He is released in July
July - The final chapter of the final report from the Tribunal is published following the collapse of a corruption trial against four former politicians. The chapter had been held back in case it would interfere with the prosecution but after star prosecution witness Frank Dunlop fell ill, the case could not continue. First published 22 March ; Updated 31 July

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Chapter 2 : Mahon Tribunal | Revolvly

The Tribunal is comprised of the Chairman and Members of the Tribunal of Inquiry into Certain Planning Matters and Payments. The Tribunal commenced as a Sole Member Tribunal which was established by resolution of Dail Eireann and appointed by Instrument of the Minister for the Environment and Local Government dated the 4 th of November,

If the Government considers that a particular issue of controversy or dispute is of such public importance that a public inquiry is necessary, it can propose legislation to set up a tribunal of inquiry. These tribunals are not permanent tribunals. Instead, they are set up with powers to investigate specific matters. They are usually chaired by judges or senior lawyers. At the end of the investigation, the tribunal submits a report to the Oireachtas, which may contain recommendations. Some of the tribunals that have been set up include: This tribunal was set up to investigate alleged irregularities in the way the beef industry in Ireland was being run. This tribunal was set up to investigate the infection of large numbers of people in the s and s with contaminated blood products. This tribunal was set up to investigate the payment of moneys to politicians. This tribunal was set up to investigate payments to politicians in the context of planning decisions. This tribunal was set up to investigate into payments to politicians, including former Taoiseach Charles Haughey. This tribunal was set up to inquire into the infection with HIV and Hepatitis C of persons with haemophilia.

Powers of tribunals of inquiry To carry out the investigation, the tribunal is given certain powers, including the power to hold public or private hearings. The Oireachtas may decide that any tribunal that it sets up shall be invested with the powers set out in the Tribunals of Inquiry Evidence Act to This Act provides that a tribunal can make orders to force witnesses to attend and give evidence. It also allows the tribunal to apply to the High Court if a person refuses to give evidence or is in contempt of the tribunal. The High Court may order a witness to give evidence. If he or she continues to fail to co-operate with the tribunal, the High Court may hold the witness in contempt of court and have the witness imprisoned until he or she has co-operated with the tribunal. It is also a criminal offence to refuse to give evidence or to co-operate with a tribunal. If the tribunal considers that there is sufficient reason to do so, it can order any person to pay the costs of another person appearing before the tribunal or the costs of the tribunal itself. This may happen if a person fails to co-operate with the tribunal or gives false or misleading evidence. In many cases, a tribunal of inquiry will also be given the power to make recommendations with a view to preventing the same problem happening again. These recommendations may include suggestions for law reform. Although it may make recommendations, it does not make a binding judgement on the rights of individuals. It simply states, in its report, the results of its investigations and the findings of fact it has made. Any statement or admission made at a tribunal cannot be used in evidence against a person in criminal proceedings. However, sometimes the findings of tribunals can give rise to an investigation leading to independent criminal or civil proceedings. This means that strict procedures are usually applied in the course of the tribunals. Interested parties usually have legal representation, including a solicitor, a junior counsel and a senior counsel. Witnesses are usually cross-examined. The Report came in the wake of the establishment of numerous tribunals. These tribunals have examined various matters, including major disasters involving loss of life, and allegations of wrongdoing in land development and the planning process.

Tribunals of inquiry and costs The cost of tribunals of inquiry, including the cost of legal representation of all interested parties, is usually paid by the State. Significant costs have arisen in recent years with regard to tribunals. The report gives an estimate of the costs involved in the more recent Mahon, Moriarty and Morris tribunals. Proposed legislation The Tribunals of Inquiry Bill pdf aims to consolidate and modernise the law regarding Tribunals of Inquiry. The Bill contains provisions which: Clarify the process for setting and amending terms of reference of a tribunal Require a tribunal, within three months of its establishment, to produce a statement of estimated costs and duration of the tribunal. This statement must be subsequently amended after significant developments Enable the Government for stated reasons and following a resolution of both Houses of the Oireachtas to dissolve a tribunal Governing the

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taking of evidence, including a provision to end the costly practice of orally reading-in of evidence already available in written form and not disputed Clarify the situation with regard to the granting of legal representation before a tribunal Enable the responsible Minister will be able to request an interim report on the general progress of an inquiry, or of a particular aspect of an inquiry, from the tribunal Allow tribunal reports to be admissible in civil cases. This section provides that the facts in a report or the opinions expressed therein are uncontested Require the Minister for Justice and Equality, with the consent of the Minister for Finance, to make regulations which will set out maximum amounts of legal fees recoverable from the State Require the Taxing Master of the High Court, when adjudicating on applications for costs in respect of third parties, not to exceed the amounts set out in the regulations.

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Chapter 3 : Bertie Ahern | prime minister of Ireland | blog.quintoapp.com

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Save Andrew Birrell after Henry Fuseli , Caractacus at the Tribunal of Claudius at Rome A tribunal, generally, is any person or institution with authority to judge , adjudicate on, or determine claims or disputes—whether or not it is called a tribunal in its title. For example, the International Criminal Tribunal for Rwanda is a body specially constituted under international law ; in Great Britain , employment tribunals are bodies set up to hear specific employment disputes. In many but not all cases, the word tribunal implies a judicial or quasi-judicial body with a lesser degree of formality than a court, to which the normal rules of evidence and procedure may not apply, and whose presiding officers are frequently neither judges nor magistrates. The term is derived from the tribunes , magistrates of the Classical Roman Republic. Republic of Ireland In the Republic of Ireland , tribunal popularly refers to a public inquiry established under the Tribunals of Inquiry Evidence Act The main difference between a Parliamentary Inquiry non statutory and a Tribunal of Inquiry in Ireland is that non-statutory inquiries are not vested with the powers, privileges, and rights of the High Court. Tribunals of Inquiry are. Tribunals are established by resolution of the Houses of the Oireachtas to enquire into matters of urgent public importance. It is not a function of Tribunals to administer justice, their work is solely inquisitorial. Tribunals are obliged to report their findings to the Oireachtas. They have the power to enforce the attendance and examination of witnesses and the production of documents relevant to the work in hand. Tribunals can consist of one or more people. A layperson, or non-lawyer, may be the Sole member of a tribunal. United Kingdom The tribunal system of the United Kingdom is part of the national system of administrative justice. Though it has grown up on an ad hoc basis since the beginning of the twentieth century, from reforms were put in place to build a unified system with recognised judicial authority, routes of appeal and regulatory supervision. Netherlands Historically in the Netherlands, before the separation of lawmaking, law enforcement, and justice duties, all sentences were delivered by a tribunal of seven schepenen or magistrates, appointed by the local count. Such a tribunal was called a Vierschaar, so called for a rope -or cord - that was drawn schaar or scheren In a four-square dimension, wherein the judges took place on four benches. These benches were positioned in a square as well with the defendant standing in the middle. Towns had the Vierschaar privilege to hear their own disputes. The Vierschaar was usually located in the town hall, and many historic town halls still have such a room, usually decorated with scenes from the Judgment of Solomon. It was established under the Armed Forces Tribunal Act, For public inquiries, commissions are set up instead, under the Commissions of Inquiry Ordinance. Roman Catholic Church In the Roman Catholic Church , a tribunal usually refers literally to one of three instances of ecclesiastical courts: Australia In Australia, the term tribunal generally implies a judicial body with a lesser degree of formality than a court, with a simplified legal procedure, often presided over by a lawyer solicitor or barrister who is not a judge or magistrate often referred to as a member of the tribunal. In many cases the lawyers who function as tribunal members do so only on a part time basis, and spend the greater part of their time carrying out other aspects of legal practice, such as representing clients. In many cases, the formal rules of evidence which apply in courts do not apply in tribunals, which enables tribunals to hear forms of evidence which courts may not be allowed to consider. Tribunals generally deal with simpler matters; while legal representation is permitted and not uncommon, self-representation is much more common in tribunals than in courts, and tribunal members and registry staff are generally more accustomed to dealing with self-represented parties than courts are. Appeal from a tribunal is to a court. Tribunals in the Australian judicial system include:

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Chapter 4 : George Redmond corruption findings withdrawn by Mahon Tribunal

Since its establishment on 4th November, , the Tribunal has published four interim reports, two of which, the second interim report (September,) and the third interim report (September,), have dealt with allegations of corruption in the planning process.

I have to say I am bemused by the Amendment put down in the name of Deputy Flanagan. It proposes that we should delay consideration of this significant reform of the way in which we conduct tribunals in the future until after the completion of the current Tribunals which I have made clear several times over the week end, will not be affected by this Bill. The Law Reform Commission has issued a report on tribunals of Inquiry and has made recommendations to this House which would lead to more efficient and effective management of Tribunals. The Government believes it is important that future tribunals should be more efficient and more cost effective. That is a view that is shared by the vast majority of tax payers who have, time and again expressed frustration at the mounting cost of tribunals. And yet the main opposition party has put down a motion seeking to delay the passage of this timely and responsible piece of legislation. With this kind of cynical political judgement which is contemptuous of the public interest, is it any wonder that Fine Gael has languished on the Opposition benches for the past ten years. Deputy Kenny accused the Government of trying to intimidate the current Tribunals by bringing forward this legislation now. That is, of course nonsense. It is my job to ensure that tribunals are efficient and cost effective: I will not be intimidated out of doing that duty by some fuzzy opposition notion that this Bill might upset an inquiry which is manifestly outside of its remit. I will now outline the details of this important piece of legislation. The main legislative vehicle for the public investigation of matters of urgent public importance is the Tribunals of Inquiries Evidence Act as amended by a series of Acts between and It may be useful to recall the seven amendments which were found to be necessary to the original Tribunals of Inquiry Evidence Act between and Usually, the need for the amendment became apparent in the course of the work of the relevant tribunal. The Tribunals of Inquiry Evidence Amendment Act remedied certain defects which emerged in the course of establishing the inquiry into the Whiddy Island disaster. That Act created a number of offences for non-cooperation with a tribunal. It provided a statutory basis for the establishment of multi-member tribunals. It provided for the summoning of witnesses, compelling the production of documents, the issuing of a commission to examine witnesses abroad and, importantly, it allowed a tribunal, where there were sufficient reasons rendering it equitable to do so, to make orders for the payment of the costs of a person represented before it. The Tribunals of Inquiry Evidence Amendment Act “ was a direct response to the McCracken Tribunal and included a power for the tribunal to direct that its own costs could be paid by a person who had caused those costs to be incurred through his or her non-cooperation. The Tribunals of Inquiry Evidence Amendment Act included provision to enable additional members to be appointed to a tribunal as was necessary in the case of the Flood Tribunal. And finally, the Tribunals of Inquiry Evidence Amendment Act was necessary to ensure that Judge Mahon as the new chairperson of the tribunal to inquire into certain planning matters and payments, previously chaired by Mr. Justice Flood, could make orders regarding applications for costs incurred during the tenure of the previous chairperson. The extensive powers of tribunals, set up under the Tribunals of Inquiry legislation, have facilitated the tribunals in establishing the facts in relation to certain matters of serious public concern. A tribunal of inquiry has a wide range of powers which, as I have outlined, have been strengthened in successive pieces of legislation, to secure the co-operation of persons with their inquiries and there are significant sanctions for persons who fail or refuse to comply with a direction of a tribunal. As I mentioned earlier, the Law Reform Commission has carried out a comprehensive examination of tribunal legislation and, in May , published its Report on Public Inquiries including Tribunals of Inquiry. The Report provides a well-reasoned and historically well-informed basis for recommendations for reform. There are over 50 recommendations which are designed to ensure the efficient and effective management of tribunals and cover areas ranging from

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the establishment of tribunals; the setting of terms of reference for tribunals; membership of tribunals; procedures at tribunals; preparation and publication of reports of tribunals and, of course, an issue of major concern to the Government, the costs, particularly legal costs of tribunals. The Bill now before the House has significant regard to that Report. I would like to pay tribute to the Commission on its Report which has informed the Bill before the House. The Bill is also consistent with the commitment in the Agreed Programme for Government to "Implement comprehensive reform of the legislation governing Tribunals of Inquiry so that all future Tribunals will operate in accordance with modern and efficient management practices, with focused terms of reference, and in a manner which ensures that the costs and duration of Tribunals are known and controlled. There is justified concern at the mounting legal costs of some of the current tribunals. Indeed, I recall some members opposite expressing such concern. These third-party legal costs are expected to rise sharply, as eligibility for such costs is generally determined only towards the end of tribunal hearings. We are all very much aware that the constitutional entitlement to legal representation for those whose good name or personal and property rights are at issue, combined with the necessity for a tribunal to be independent in its operations, means that it can be difficult to control costs once an inquiry is established. The provisions in the Bill will not prevent legal representatives from charging whatever level of fees they wish to or can agree with their clients. It will, however, give a clear indication of the likely maximum level of fees for which the State will be liable. The payment of any amounts of legal fees over and above the levels set down by the relevant fees regulation will be a matter for the legal representative and client to resolve between themselves. Ceann Comhairle, I now propose to outline the provisions of the Bill. I should say that many of the provisions restate, with minimal or no amendment, certain of the existing provisions of the current legislation concerning the operation of tribunals. Provisions of the Bill Part 1 of the Bill contains standard provisions dealing with preliminary matters such as the short title, commencement and interpretation. Part 2 of the Bill contains many new provisions dealing with the establishment, terms of reference, suspension and dissolution of tribunals. Section 3 provides that the Government may, by order approved by both Houses of the Oireachtas, establish a tribunal to inquire into any matter of urgent and significant public importance. The order must specify the matter considered by the Government to be a matter of urgent and significant public importance, the terms of reference of the tribunal and also the Minister who is to have responsibility for the tribunal. Clarity is provided at section 4 of the Bill as to the inquisitorial nature of a tribunal and its independence in the performance of its functions - aspects of a tribunal which are often misunderstood. It is important for tribunals to be able to function properly and be adequately resourced for this purpose. Section 5 enables the responsible Minister, with the consent of the Minister for Finance, to provide the tribunal with the administrative support including counsel and solicitors and resources considered necessary. With a view to ensuring efficiency and value for money, the administrative support may consist of public servants by way of secondment or persons engaged from the private sector by the responsible Minister or the tribunal, if necessary by way of a competitive tendering process. It is important that the terms of reference for a tribunal should be drafted as precisely as is practicable and that they can be amended as required following approval by both Houses of the Oireachtas. Sections 6 and 7 of the Bill deal with this aspect and update the current provisions in the Act. Section 8 is a new provision which requires a tribunal, within 30 days and not later than 60 days after its establishment, in consultation with the responsible Minister, to prepare a statement containing an estimate of all the costs including third party legal costs likely to be incurred by the tribunal in performing its functions and an estimate of the time frame for the submission of the final report. This statement must be amended where it becomes apparent that the estimate is no longer appropriate. The statement, or amended statement, must be laid before the Houses of the Oireachtas. As currently drafted, the section could be interpreted as requiring a tribunal to include in the statement only such third party legal costs as may be incurred by the tribunal itself, rather than such costs incurred by, for example, witnesses who have been granted legal representation before the inquiry. The intention of requiring a tribunal to prepare a statement of estimated costs is to provide the State with a realistic estimate of the cost to the Exchequer of the inquiry. The proposed amendment will

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copper fasten this intention by clarifying that the statement must contain an estimate of all third party legal costs likely to be incurred in consequence of the inquiry and not just third party legal costs which may be incurred by the Tribunal itself. A tribunal of inquiry can only be established by the Oireachtas. However, there is no statutory basis whereby the Oireachtas, should it so wish, can suspend or dissolve a tribunal. Thus, having received the advice of the then Attorney General on this matter and in line with the recommendations of the Law Reform Commission, the Bill provides, at sections 9 and 10, that the Government may, for stated reasons and on foot of an order approved by each House of the Oireachtas suspend an inquiry in whole or in part to allow for the completion of any other inquiry or the determination of any civil or criminal proceedings relating to matters to which the inquiry relates; or dissolve a tribunal. Before the Government makes an order under either of these sections, the responsible Minister must consult with the tribunal. I also intend to bring forward at Committee Stage, a technical amendment to section 10 which will ensure that the Chairperson will not be required, on dissolution of a tribunal, to deposit material which would prevent the tribunal from performing its functions in relation to preparation of its report or in relation to the making of an order for costs. Section 11 is a new provision which provides that an inquiry comes to an end when a tribunal, following submission of its final report to the responsible Minister, notifies the Minister that it has fulfilled its terms of reference. Again, I intend to bring forward at Committee Stage, a technical amendment to section 11 which will provide that the suspension or dissolution of an inquiry will not of itself cause any civil or criminal proceedings pending or in progress in relation to that tribunal to be discontinued or otherwise to fall. Part 3 of the Bill deals with issues of civil and criminal liability. Section 12 acknowledges this fact, but in order to ensure that a tribunal can fulfil its terms of reference, provides that a tribunal is not to be inhibited in the performance of any function by any likelihood of liability being inferred from such performance. Section 13 restates existing legislative provisions governing the non-admissibility in criminal proceedings of evidence given to a tribunal. Part 4 of the Bill modernises existing legislative provisions dealing with membership of tribunals and the appointment of experts and researchers. Section 16 is new and provides that the responsible Minister may, by notice approved by both Houses of the Oireachtas, terminate the appointment of a member, or reserve member, of a tribunal for specified reasons. Before terminating an appointment of a member, the responsible Minister must inform the member of his or her intention, take into account any representations, and consult with other members of the tribunal if requested by the member concerned and with the chairperson. As with the provisions relating to the suspension or dissolution of a tribunal and in line with recommendations of the Law Reform Commission, termination of the appointment of a member or reserve member of a tribunal requires approval of the Oireachtas. Section 17 is also new and makes provision for the appointment, subject to Ministerial approval, and termination of appointment of experts by a tribunal. Part 5 of the Bill contains many new provisions dealing with the proceedings of tribunals. Section 18 requires a tribunal to carry out its functions as efficiently, effectively and expeditiously as is practicable having regard to its terms of reference. A tribunal is precluded from inquiring into a relevant matter unless it is satisfied that the cost and duration of that inquiry are likely to be justified by the importance of the facts that are likely to be established in consequence of the inquiry. Under section 19, a tribunal must establish rules and procedures, which must be given to all persons likely to be affected by them, relating to receiving evidence and submissions. Section 20 allows uncontested evidence, which is essentially evidence in a written form and circulated to those persons who have a right to receive it, to be simply taken as if it had been "read into" the record. A party who insists on such evidence being taken orally, notwithstanding the opinion of the tribunal that it should not be so taken, may be liable for any additional costs incurred as a result of the evidence in question being taken orally. By their very nature, tribunals of inquiry are held in public. However, there may be instances where, in the opinion of the tribunal, it is in the public interest not to do so or where there is a risk of prejudice to criminal or civil proceedings that are pending or in progress. In line with a recommendation of the Law Reform Commission, section 24 builds on existing legislative provisions at section 2 a of the Act which prohibits a tribunal from refusing to allow the public to be present at any of the public proceedings of

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the tribunal except in cases such as those I have outlined. Part 6 of the Bill deals with representation before tribunals and is a matter which has given rise to much publicity in the context of the cost to the Exchequer of such representation. Section 25 empowers a tribunal to grant, or refuse, an application for legal representation. The person seeking representation must state: The tribunal must provide written reasons where it refuses an application for representation. Section 26 is new. It empowers the tribunal, where it is authorising representation under section 25, to specify: The person concerned is not obliged to follow the determination of the tribunal in this regard but, where he or she does not do so, the tribunal is prohibited from allowing costs over and above those which would have arisen had the person complied with the original determination. Deputies will appreciate that this is a significant new provision which will assist the chairperson of a tribunal in determining the total amount of costs likely to be incurred by the tribunal for the purposes of the statement of estimated costs required under section 8 of the Bill. Section 26 will also provide an indication to the person applying for representation as to the amount of costs which may be reimbursed if he or she cooperates with the tribunal. Part 7 of the Bill deals with the powers of a tribunal and enforcement matters. Section 30 in line with a recommendation of the Law Reform Commission, provides for judicial review in respect of a challenge to a decision or determination of a tribunal. Section 31 enables a tribunal to apply to the High Court for directions in relation to the performance of its functions. This part of the Bill has been drafted along the lines recommended by the Law Reform Commission. I intend to bring forward at Committee Stage an amendment which will clarify the timeframe within which a tribunal must prepare its report upon dissolution. Part 9 of the Bill deals with costs and I propose to outline the provisions of this part in some detail. Section 36 modernises the arrangements currently contained in section 6 of the Tribunals of Inquiry Evidence Amendment Act dealing with costs and provides that an application for costs by any person who has incurred costs as a result of co-operating with a tribunal may be made, at the discretion of the chairperson, on the conclusion of particular proceedings, or on the conclusion of particular parts, modules or other divisions of proceedings, or on the conclusion of all proceedings, before the tribunal. It is a matter for the chairperson to determine if costs are to be paid and at what point. In determining whether to award costs to a person, the chairperson must have reference to the following criteria: If the chairperson refuses an application for costs, he or she must give reasons for the refusal.

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Chapter 5 : Tribunals of inquiry

The Tribunal of Inquiry Into Certain Planning Matters and Payments commonly known as the Mahon Tribunal after the name of its last chairman, was a public inquiry in Ireland established by Dáil Éireann in to investigate allegations of corrupt payments to politicians regarding political decisions.

Loughlinstown[edit] Loughlinstown was, prior to a scenic area directly south of Dublin city on the Wexford road , site of the first dual carriageway in Ireland. The rezoning was approved. Establishment[edit] During the formation of the new Ahern Government in June , questions about the suitability of the appointment of Burke as a minister were raised. Ahern asked Dermot Ahern to investigate and defended Burke with the infamous statement: Burke was appointed to the Government but resigned in September following further public revelations and questions. This increased pressure on the Government to investigate. The tribunal was formally established on 4 November to investigate the Gogarty allegations and also: The terms dictated that the Tribunal would enquire into payments to Ray Burke in the course of his long political career and examine the decisions he had made in broadcasting as well as in planning. The government had just months earlier also established the separate Moriarty Tribunal to investigate payments to politicians Charles Haughey and Michael Lowry The Tribunal has organised its investigations into discrete modules: Witnesses[edit] In the course of its investigations, the tribunal has communicated with and cross-examined in public hundreds of witnesses. Among the most notable were: James Gogarty[edit] One of the leading witnesses in the early days was James Gogarty. Gogarty, born in Kells , County Meath was of advanced age at the start of the Tribunal. For this reason, the evidence from Gogarty was of concern, from the beginning, in case his health failed. Gogarty was a former Garda. Gogarty also provided evidence of payments to George Redmond, Dublin Corporation manager. Gogarty was outspoken in his criticism of his employers, several politicians, and the entire planning process. Gogarty received much support from the public gallery during his participation in the Tribunal. Gogarty died on 15 September The Tribunal reported in September that the payments received by Burke amounted to corrupt payments. The Report also cited witnesses who obstructed and hindered its work over the prior five years. Burke did not purchase his home, Briargate, in as a normal commercial transaction but a benefit conferred to ensure that Burke would act in the best interests of Oakpark Developments when performing his public duties. Burke opened and maintained offshore bank accounts in the Isle of Man for the purpose of receiving and concealing corrupt payments. A 5-year Planning Permission was approved. The Tribunal investigated these payments and concluded.: Further transactions relating to the purchase of his house and foreign currency conversions became public during the lead up to the general election. The tribunal postponed sittings for the duration of the campaign. Ahern was re-elected Taoiseach and attended the tribunal for witness questioning in September and December and February On 2 April, Ahern announced his intention to resign from the position of Taoiseach, effective 6 May Justice Flood reflected overnight on his evidence and on the following day began to reveal the monies he had paid to various politicians on behalf of his clients, developers seeking rezoning. He was brought to the attention of the Tribunal by Tom Gilmartin, who alleged that he was a bag-man for developers looking to pay bribes to corrupt politicians in return for favours, an allegation Dunlop denied until he realised he could not credibly explain away his expenditure for so much money after the Tribunal produced evidence of an undisclosed account he held in Terenure. His evidence was central to the tribunal findings of corruption, though there are doubts about the veracity of the evidence he has given since his revelations. Cosgrave , former Fine Gael politician, who admitted he had received payments from Frank Dunlop. His case is going through the courts. She was chair of the health board when the developer needed road access through health board lands for development of land for industry at Lissenhall. Liam Lawlor has served three prison sentences for non-co-operation. CAB has interviewed and taken statements from Frank Dunlop and will use him as a witness against a number of property developers. The lands in question have been the subject of investigation by the Tribunal in and If this case succeeds the

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Chapter 6 : Mahon Tribunal timeline: From whistleblower to digouts Â· blog.quintoapp.com

Tribunal of Inquiry into Certain Planning Matters and Payments Act (Act 39 of) Tribunal of Inquiry into Certain Planning Matters and Payments Bill (Bill 51 of).

To the extent necessary for the determination of these proceedings, the following extracts are in point: Bailey or a connected person or company within the meaning of the Ethics in Public Office Act, , from 20th June to date, and the circumstances, considerations and motives relative to any such payment. And that the person or persons selected to conduct the Inquiry should be informed that it is the desire of the House that - a the Inquiry be completed in as economical a manner as possible and at the earliest date consistent with a fair examination of the matters referred to it, and, in respect of the matters referred to in paragraphs 1 to 4 above, if possible, not later than the 31st December, , and b all costs incurred by reason of the failure of individuals to cooperate fully and expeditiously with the Inquiry should, so far as is consistent with the interests of justice, be borne by these individuals. While the amended Terms of Reference are more extensive and direct enquiry into any substantial payments directly or indirectly to a named politician Mr. Raphael Burke and expressly provide for interim reports the desire of the House as expressed in paragraph F is substantially the same as that contained in paragraph C of the original Terms of Reference. When the Tribunal came to make interim reports and in particular its Second Interim Report published 26th September hereinafter referred to as the 2nd Report it incorporated as Appendices A and B the original and amended Terms of Reference. I am satisfied as a matter of probability that the clear provisions of the original and amended Terms of Reference must be taken as something that would have been known to the Applicants, who gave evidence to the Tribunal and who had the benefit of legal advice and were granted representation and availed of the right to be represented before the Tribunal. When the Tribunal issued the 2nd Report, to which there is a preface, which is a form of explanation of its subject, purpose, scope and method of conduct, it inter alia states as follows: It is with considerable regret that I have concluded that I must report, as one of my findings, that certain parties who appeared before me chose not to cooperate with the Tribunal in its task, and, further, having been duly sworn did not to tell the truth. The extent to which their actions may have involved them in breaches of the criminal law is a matter upon which the Director of Public Prosecutions has absolute and exclusive jurisdiction. I have decided to forward a copy of my report to him to take such steps, and to do with it, what he, in his absolute discretion, considers appropriate. I am very mindful of the significant costs which have been incurred in conducting the Inquiry to date. I have endeavoured to conduct the Inquiry in as economical a fashion as possible, having regard to the rights of those appearing before the Tribunal and my obligations to the Oireachtas. The Introduction makes it clear that the Tribunal considered it necessary to do so for a number of reasons inter alia - "1. The Tribunal has heard sufficient evidence in public to enable to pronounce with finality upon certain payments made to Mr. George Redmond, in that regard Chapter 17, entitled "Co-Operation with the Tribunal" it records in detail the sentiments and approach to its task enunciated in the preface, and also its findings. At paragraph , it is recorded: The findings made against Mr. The relevant findings in "The Gogarty Module" are: The Tribunal is satisfied that Mr. Burke in June , at which he handed to Mr. Michael Bailey with regard to the participation proposal, in which it was envisaged that Mr. Michael Bailey subsequent to the publication of the Sunday Business Post articles. Frank Reynolds obstructed and hindered the Tribunal by: Gogarty a role in the payment of monies to Mr. Burke which he knew to be untrue. Michael Bailey d Failing to give a truthful account of the steps taken by him subsequent to the publication of the Gogarty allegations in the Sunday Business Post editions of the 30th March and the 6th April Roger Copsey to present a false account to the Tribunal of the role played by Mr. George Redmond was awaiting trial in the Dublin Circuit Criminal Court on charges of corruption arising from the performance of his duties as Assistant City and County Manager for Dublin. The 3rd Report completed the findings upon "the Gogarty Module" of evidence referred to in the 2nd Report. Chapter 2 of the 3rd Report deals with the Forrest Road Lands and the Tribunal drew a conclusion

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from the fact that radically different accounts of events were given by the witnesses before it. It expressed its conclusion thus - "2. The Tribunal concluded that the conflicts which are apparent from consideration of the evidence of the parties could not be explained on the basis that they were innocent failures of recollection, mistakes or misinterpretation of the true facts. The Tribunal concluded that the

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Page | iv *REPORT OF THE TRIBUNAL OF INQUIRY INTO CERTAIN PLANNING MATTERS & PAYMENTS PREFACE*
PREFACE This is the fourth and final Report of this Tribunal of Inquiry. One Chapter o.

The original Chairman, who was the sole member until just before his retirement, was Judge Feargus Flood, giving rise to the original common name of the Flood Tribunal. Background Loughlinstown Loughlinstown was, prior to a scenic area directly south of Dublin city on the Wexford road, site of the first dual carriageway in Ireland. The rezoning was approved. Establishment During the formation of the new Ahern Government in June, questions about the suitability of the appointment of Burke as a minister were raised. Ahern asked Dermot Ahern to investigate and defended Burke with the infamous statement: Burke was appointed to the Government but resigned in September following further public revelations and questions. This increased pressure on the Government to investigate. The tribunal was formally established on 4 November to investigate the Gogarty allegations and also: The terms dictated that the Tribunal would enquire into payments to Ray Burke in the course of his long political career and examine the decisions he had made in broadcasting as well as in planning. The government had just months earlier also established the separate Moriarty Tribunal to investigate payments to politicians Charles Haughey and Michael Lowry. The Tribunal has organised its investigations into discrete modules: Witnesses In the course of its investigations, the tribunal has communicated with and cross-examined in public hundreds of witnesses. Among the most notable were: James Gogarty One of the leading witnesses in the early days was James Gogarty. Gogarty, born in Kells, County Meath was of advanced age at the start of the Tribunal. For this reason, the evidence from Gogarty was of concern, from the beginning, in case his health failed. Gogarty was a former Garda. Gogarty also provided evidence of payments to George Redmond, Dublin Corporation manager. Gogarty was outspoken in his criticism of his employers, several politicians, and the entire planning process. Gogarty received much support from the public gallery during his participation in the Tribunal. Gogarty died on 15 September. The Tribunal reported in September that the payments received by Burke amounted to corrupt payments. The Report also cited witnesses who obstructed and hindered its work over the prior five years. Burke did not purchase his home, Briargate, in as a normal commercial transaction but a benefit conferred to ensure that Burke would act in the best interests of Oakpark Developments when performing his public duties. Burke opened and maintained offshore bank accounts in the Isle of Man for the purpose of receiving and concealing corrupt payments. A 5-year Planning Permission was approved. The Tribunal investigated these payments and concluded.: Further transactions relating to the purchase of his house and foreign currency conversions became public during the lead up to the general election. The tribunal postponed sittings for the duration of the campaign. Ahern was re-elected Taoiseach and attended the tribunal for witness questioning in September and December and February. On 2 April, Ahern announced his intention to resign from the position of Taoiseach, effective 6 May. Justice Flood reflected overnight on his evidence and on the following day began to reveal the monies he had paid to various politicians on behalf of his clients, developers seeking rezoning. He was brought to the attention of the Tribunal by Tom Gilmartin, who alleged that he was a bag-man for developers looking to pay bribes to corrupt politicians in return for favours, an allegation Dunlop denied until he realised he could not credibly explain away his expenditure for so much money after the Tribunal produced evidence of an undisclosed account he held in Terenure. His evidence was central to the tribunal findings of corruption, though there are doubts about the veracity of the evidence he has given since his revelations. Cosgrave, former Fine Gael politician, who admitted he had received payments from Frank Dunlop. His case is going through the courts. She was chair of the health board when the developer needed road access through health board lands for development of land for industry at Lissenhall. Liam Lawlor has served three prison sentences for non-co-operation. CAB has interviewed and taken statements from Frank Dunlop and will use him as a witness against a number of property developers. The lands in question have been the subject of investigation

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Chapter 8 : Murphy & Ors -v- Flood & Ors, [] IEHC 75 () - Case Law - VLEX

Enable the responsible Minister will be able to request an interim report on the general progress of an inquiry, or of a particular aspect of an inquiry, from the tribunal Allow tribunal reports to be admissible in civil cases.

Background Demise of Loughlinstown and Carrickmines Michael Smith, a chairman of environmental body An Taisce grew up in Loughlinstown , originally a scenic area directly south of Dublin city on the Wexford road , site of the first dual carriageway in Ireland. Establishment During the formation of the new Ahern Government in June , questions about the suitability of the appointment of Burke as a minister were raised. Ahern asked Dermot Ahern to investigate and defended Burke with the infamous statement: Burke was appointed to the Government but resigned in September following further public revelations and questions. This increased pressure on the Government to investigate. The tribunal was formally established on 4th Nov to investigate the Gogarty allegations and also: The terms dictated that the Tribunal would inquire into payments to Ray Burke in the course of his long political career and examine the decisions he had made in broadcasting as well as in planning. The government had just months earlier also established the separate Moriarty Tribunal to investigate payments to politicians Charles Haughey and Michael Lowry Modules The Tribunal has organised its investigations into discrete modules: The rezoning proposal, for industry and air freight warehousing, was passed by a 0 in March despite strong opposition from Aer Rianta. Witnesses In the course of its investigations, the tribunal has communicated with and cross-examined in public hundreds of witnesses. Among the most notable were: James Gogarty One of the leading witnesses in the early days was James Gogarty. Gogarty, born in Kells , County Meath was of advanced age at the start of the Tribunal. For this reason, the evidence from Gogarty was of concern, from the beginning, in case his health failed. Gogarty was a former Garda and lifelong workaholic. Gogarty also provided evidence of payments to George Redmond, Dublin Corporation manager. Gogarty was outspoken in his criticism of his employers, several politicians, and the entire planning process. Gogarty received much support from the public gallery during his participation in the Tribunal. Gogarty has since died. The Tribunal reported in September that the payments received by Burke amounted to corrupt payments. The Report also cited witnesses who obstructed and hindered its work over the prior five years. Burke opened and maintained offshore bank accounts in the Isle of Man for the purpose of receiving and concealing corrupt payments. A 5-year Planning Permission was approved. The Tribunal investigated these payments and concluded. Further transactions relating to the purchase of his house and foreign currency conversions became public during the lead up to the Irish general election, The tribunal postponed sittings for the duration of the campaign. Ahern was re-elected Taoiseach and attended the tribunal for witness questioning in September and December and February On April 2, Ahern announced his intention to resign from the position of Taoiseach, effective May 6, Other witnesses Frank Dunlop the PR adviser who in on the advice of Justice Flood reflected overnight on his evidence and on the following day began to reveal the monies he had paid to various politicians on behalf of his clients, developers seeking rezoning. His evidence was central to the tribunal findings of corruption.

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Chapter 9 : Mahon Tribunal - Wikipedia

A Chathaoirligh, the main background to this important Planning and Development (Amendment) Bill is the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (otherwise known as the Mahon Tribunal) which was published on 22 March

Its findings relate to Mr. George Redmond and its publication was delayed as Mr. Redmond, who is the primary subject of the report, was before the courts facing charges for corruption. Redmond was the assistant city and county manager for Dublin. The report describes in detail three payments made to Mr. The report found that the persons who made the payments were Mr. The establishment of the tribunal has sent out a very clear message to anyone who has corrupt dealings relating to planning that these matters can no longer be kept secret. This message is reinforced by the clear findings in the second and third interim reports of Mr. The Government fully supports this and is providing the tribunal with the resources it requires to continue with work set out in its terms of reference so that the matters being investigated by the tribunal can be resolved once and for all. Corruption and the act of hindering or obstructing a tribunal are criminal offences and the law in this regard must be enforced. It is unacceptable for any person who holds high office to accept corrupt payments in return for favours. It is important that legislation and structures are in place to ensure that decisions taken by personnel in public office, which can confer large financial benefit on others, are taken in a transparent way. Over the past few years the Government has been actively working to ensure that this is the case. As yet, the tribunal has not made specific recommendations in regard to amendments to planning, local government or ethics in public office legislation. However, while much important work remains to be completed by the tribunal, the Government has initiated some ongoing improvements of planning and ethics law. The Government made a series of significant changes to planning legislation in the Planning and Development Act We introduced more opportunities for public consultation and scrutiny at both development plan and permission level. It is notable that, in the conclusion to the report, one payment referred to was connected to the non-application of development charges that are normally imposed as a condition of a grant of planning permission. The law has been updated and radically revised in the Planning and Development Act Contrary to the rhetoric of some Members opposite in recent debates, these revisions will improve the transparency of the system and ensure that it applies openly and fairly across all developments. It takes decisions away from the level of individual applicants and sets a common standard. The new system of development contribution schemes gives the job of deciding on a scheme of contributions to the elected members in each planning authority. The officials of the authority must then apply the scheme across all developments. All local authorities have adopted or are in the process of adopting a development contribution scheme to comply with the statutory deadline of 10 March In addition to the changes to development contributions over recent years, my Department has been intervening more proactively with planning policy advice and has issued guidelines on matters such as increasing residential densities, mobile phone masts and child care. Draft guidelines on quarries, architectural heritage and landscape have been issued for public consultation. The purpose of these guidelines on specific subjects is to assist local authorities in carrying out their planning function and to give all involved in the planning system up-to-date guidance on best practice. Modern guidelines for development management and control, which were last issued in , are being prepared and will be published later this year. These guidelines will give general guidance to planning authorities on processing planning applications and the content of permissions. Planning authorities have the difficult job of promoting the development of their areas at a strategic level, while handling tens of thousands of different applications for planning permission for individual developments every year. The guidelines issued by the Department will help planning authorities to remove inconsistencies regarding how applications are managed, as well as applying a more consistent national framework by which to measure their performance. As well as changes to the planning code, there have been significant developments in recent years in the legislative and

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regulatory framework governing the conduct of public representatives and public servants. These changes will reinforce public confidence in the standards by which Ireland is governed. I am glad to point out, in so far as local government is concerned, that the Local Government Act provides a comprehensive ethics framework for local government employees and councillors. From January this has applied to all local authorities. This new framework updated and developed the previous law taking account of the Ethics in Public Office Act. As its starting principle, 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. The framework is based on three basic requirements: The interests that have to be declared annually by councillors and specified staff include such matters as shareholdings, directorships, holdings of land or other property, gifts, supplies of property or services, travel facilities, contracts with a local authority and certain other matters. There is also a requirement to disclose interests in any matter which arises in the performance of functions by the local authority and in which the councillor or employee concerned or a connected person has an interest. A councillor cannot speak or vote in such cases and an employee must comply with directions from his or her manager. Where the matter relates to a manager, she or he must delegate the function. Failure to comply with either requirement is an offence and the penalties have been set at a high level to deter anyone from pursuing this course. The final elements of this framework, separate draft national codes of conduct for councillors and employees, have been drafted. These draft codes have been made available to interested parties for their views and it is intended, following consideration of those, to have them in place by the middle of . The intention is that the codes will supplement the specific requirements under the Act, and will form an integral part of the new ethics framework. Both the courts and the Standards in Public Office Commission may have regard to them in carrying out their duties. The Local Government Act is bolstered by other legislation covering the public service such as the Prevention of Corruption Amendment Act. This legislation strengthened the law on corruption. It provides for a presumption of corruption where there is proof that certain persons in public office have received money or other benefits from a person who has an interest in the way certain functions are carried out or the outcome of certain decisions. In effect, a person who receives a payment in these circumstances will have to prove the payment is not corrupt, instead of the prosecution proving that it was. This should make the prosecution of corrupt payments easier. The types of decision covered by this legislation specifically include the sale or purchase of property and decisions on planning matters. The Standards in Public Office Act provided for the establishment of the new Standards in Public Office Commission with wide investigative powers. The commission is a permanent statutory body set up to monitor, investigate and regulate the conduct of those elected to serve the people or who are employed in the public service. This is to ensure the maintenance of proper ethical standards. The Act imposes on politicians and others an obligation to have their tax affairs in order and to swear a statutory declaration that this is so. An independent and powerful body such as the Standards in Public Office Commission with an ongoing mandate to supervise and maintain proper ethical standards is the best guarantee that what has happened in the past will not be permitted in the future. Ireland needs a planning system that delivers a better quality of life for all. Hard decisions will always have to be taken on where and how the country is developed. The best way to get the right decisions that encourage sustainable development is to ensure that they are made in a way that is open and transparent and can be measured against the right standards. The changes the Government has introduced into the planning code will ensure that decisions on development will benefit not just a few individuals but all the people of the State, now and in the future. The Government welcomes the third interim report of the tribunal and the clear message it sends out to all persons who engage in corrupt practices. The tribunal has shown that wrongdoing will be exposed. The legislation already enacted and proposed by the Government ensures that we now have anti-corruption legislation appropriate to a modern democracy, with strong monitoring, reporting and enforcement mechanisms. We will not hesitate to respond to any recommendations made by the tribunal to improve our systems further.