



# **Coimisiún um Chaighdeáin in Oifigí Poiblí** **Standards in Public Office Commission**

Imscrúdú ag an gCoimisiún um Chaighdeáin in Oifigí Poiblí  
ar Sháruithe Líomhnaithe ar  
na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001,  
agus ar Chuid 15 den Acht Rialtais Áitiúil, 2001

An Seanadóir Brian Ó Domhnaill  
iarchomhalta de chuid  
Chomhairle Contae Dhún na nGall agus  
Údarás na Gaeltachta

Nollaig 2016

Tuarascáil faoi alt 24 den Acht um Eitic in Oifigí Poiblí, 1995, arna leasú  
leis an Acht um Chaighdeáin in Oifigí Poiblí, 2001, agus arna chur i  
bhfeidhm leis an Acht Rialtais Áitiúil, 2001

*An Coimisiún um Chaighdeán in Oifigí Poiblí  
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## **Brollach**

Rinne an Coimisiún um Chaighdeáin in Oifigí Poiblí (an Coimisiún), de réir alt 23 den Acht um Eitic in Oifigí Poiblí, 1995 (an tAcht um Eitic), arna leasú leis an Acht um Chaighdeáin in Oifigí Poiblí, 2001 (an tAcht um Chaighdeáin), imscrúdú chun a chinneadh an ndearna an Seanadóir Brian Ó Domhnaill, iarchomhalta de chuid Chomhairle Contae Dhún na nGall agus Údarás na Gaeltachta, sárú ar na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001 (na hAchtanna um Eitic), agus/nó ar Chuid 15 den Acht Rialtais Áitiúil, 2001 (an tAcht Rialtais Áitiúil). D'ullmhaigh an Coimisiún, de réir alt 24 den Acht um Eitic, an tuarascáil seo a leanas ar thoradh an imscrúdaithe, dá bhfuil cóipeanna á gcur ar fáil dóibh seo a leanas de réir alt 24(1) den Acht um Eitic agus alt 180(3) den Acht Rialtais Áitiúil:

1. an Seanadóir Ó Domhnaill, an duine is ábhar don imscrúdú;
2. an tUas. Seamus Neely, Príomhfheidhmeannach, Comhairle Contae Dhún na nGall, agus an Comhairleoir Terence Slowey, Cathaoirleach, Comhairle Contae Dhún na nGall, a ndearna duine dá réamhtheachtaithe, mar a bhí an Comhairleoir Noel McBride, gearán leis an gCoimisiún i gcomhar leis an Uas. Neely agus
3. an tAire Caiteachais Phoiblí agus Athchóirithe.

An Breitheamh Onórach Daniel O'Keeffe  
Cathaoirleach

An tUas. Seamus McCarthy  
An tArd-Reachtair Cuntas agus Ciste

An tUas. Peter Tyndall  
An tOmbudsman

An tUas. Peter Finnegan  
Cléireach Dháil Éireann

Deirdre Lane Uas.  
Cléireach Sheanad Éireann

An tUas. Jim O'Keeffe  
An Coimisinéir

Nollaig 2016

## **Clár Ábhar**

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5. Fionnachtana agus Cinntí

## **Aguisíní**

1. Litr chuig an Seanadóir Ó Domhnaill - an 25 Eanáir 2013 – inar cuireadh an Ráiteas maidir leis na Sáruihte Líomhnaithe faoi iamh
2. Sleachta ábhartha ó reachtaíocht, ó ordacháin ón Aire agus ón gCód Iompraíochta do Chomhairleoirí
3. Tras-scríbhinn den Éisteacht Imscrúdaithe – an 9 Bealtaine 2016
4. Aighneachtaí scríofa arna ndéanamh ag abhcóidí don Choimisiún agus ag abhcóidí don Seanadóir Ó Domhnaill

## 1. Réamhrá

- 1.1 Bunaíodh an Coimisiún le halt 21 den Acht um Eitic, arna leasú le halt 2 den Acht um Chaighdeáin, arna thabhairt i bhfeidhm leis an Ordú fán Acht um Chaighdeáin in Oifigí Poiblí, 2001 (Tosach Feidhme), 2001. Is iad seo a leanas na comhaltaí den Choimisiún chun críocha an imscrúdaithe seo:

An Breitheamh Onórach Daniel O'Keeffe (Cathaoirleach)  
An tUas. Séamus McCarthy, an tArd-Reachtaire Cuntas agus Ciste  
An tUas. Peter Tyndall, an tOmbudsman  
An tUas. Peter Finnegan, Cléireach Dháil Éireann  
Deirdre Lane Uas., Cléireach Sheanad Éireann  
An tUas. Jim O'Keeffe, iarchomhalta de Dháil Éireann

- 1.2 Mar achoimre, is é ról an Choimisiúin ná maoirseacht a dhéanamh ar oibriú na nAchtanna um Eitic a mhéid a bhaineann siad le sealbhóirí oifige, le hArd-Aighne nach comhalta de Theach den Oireachtas é/í, le comhairleoirí speisialta d'Airí, le stiúrthóirí ainmnithe agus fostaithe ainmnithe de chuid comhlachtaí poiblí sonraithe agus le státseirbhísigh áirithe; treoir agus comhairle a chur ar fáil maidir le hinfeidhmeacht na nAchtanna um Eitic agus imscrúduithe a dhéanamh ar shárúithe féideartha ar na hAchtanna um Eitic agus/nó ar Chuid 15 den Acht Rialtais Áitiúil.
- 1.3 Is é atá i bhfeidhm imscrúdaithe an Choimisiúin ná nós imeachta foirmiúil lena dtugtar cumhachtaí reachtúla dá Chathaoirleach, lena n-áirítear an chumhacht chun a éileamh go mbeidh finnétithe i láthair agus chun doiciméid nó ábhar eile a fháil. Ceanglaítear ar an gCoimisiún leis na hAchtanna um Eitic suíonna a reáchtáil chun críche imscrúduithe a dhéanamh. Tá an nós imeachta mionsonraithe arna shocrú ag an gCoimisiún le haghaidh imscrúduithe a dhéanamh ar fáil ar shuíomh Gréasáin an Choimisiúin ag <http://www.sipo.gov.ie/ga/Eolas-Fúinn/Polasaithe/An-Nós-Imeachta-Imscrúdaithe>
- 1.4 Tar éis dó imscrúdú a dhéanamh faoi alt 23 den Acht um Eitic chun a chinneadh an ndearnadh sárú ar na hAchtanna um Eitic nó ar Chuid 15 den Acht Rialtais Áitiúil, ceanglaítear ar an gCoimisiún, de bhun alt 24 den Acht um Eitic agus alt 180 den Acht Rialtais Áitiúil, tuarascáil a ullmhú agus cóip den tuarascáil a thabhairt dóibh seo:
- an duine is ábhar don imscrúdú,
  - duine a rinne gearán,
  - Leas-Chathaoirleach agus Príomhfheidhmeannach an údaráis, i gcás ina mbaineann tuarascáil leis an gCathaoirleach ar údarás áitiúil,
  - Cathaoirleach agus Príomhfheidhmeannach an údaráis, i gcás ina mbaineann tuarascáil le comhalta ar bith eile d'údarás áitiúil, agus
  - an tAire Caiteachais Phoiblí agus Athchóirithe.
- 1.5 Anuas air sin, foráiltear don méid seo a leanas le halt 24(2) den Acht um Eitic: i gcás ina mbeidh an Coimisiún den tuairim gur féidir go ndearna an duine is ábhar don imscrúdú cion a bhaineann lena fheidhmeanna nó lena feidhmeanna a chomhlíonadh, ullmhóidh sé tuarascáil i scríbhinn i ndáil leis an ní agus déanfaidh sé í a thabhairt don Stiúrthóir Ionchúiseamh Poiblí.

- 1.6 Leagtar amach sa tuarascáil seo, faoi alt 24 den Acht um Eitic, fionnachtana an Choimisiúin mar aon lena chinntí i ndáil leis na nithe seo a leanas:
- (a) an ndearnadh sárú ar Chuid 15 den Acht Rialtais Áitiúil, agus an bhfuil an sárú ag dul ar aghaidh, nó an ndearnadh “gníomh sonraithe” de réir bhrí na nAchtanna um Eitic,
  - (b) más é an cinneadh nach bhfuil sárú ar Chuid 15 ann nó nach ndearnadh “gníomh sonraithe”, an bhfuil an Coimisiún den tuairim go raibh an gearán suaibhreasach nó cráiteach nó nach raibh aon fhorais réasúnacha leis, agus
  - (c) más é an cinneadh go bhfuil sárú ar Chuid 15 ann nó go ndearnadh “gníomh sonraithe” -
    - (i) más é an cinneadh go bhfuil an sárú nó an gníomh ag dul ar aghaidh, na bearta is gá a dhéanamh d’fhonn a áirithiú go gcomhlíonfar Cuid 15, agus an tréimhse ama ar laistigh di ba chóir na bearta sin a dhéanamh,
    - (ii) an ndearnadh an sárú nó an gníomh de thaisme, go faillíoch, go meargánta nó d’aon turas,
    - (iii) sna himthosca uile, an sárú tromchúiseach nó mionsárú an sárú, agus
    - (iv) ar ghníomhaigh an duine atá á imscrúdú nó á himscrúdú de mheon macánta agus á chreidiúint go raibh a ghníomh nó a gníomh i gcomhréir le treoirlínte atá foilsithe nó comhairle atá tugtha i scríbhinn ag an gCoimisiún faoi alt 25 den Acht um Eitic.
- 1.7 Ní mór gur deimhin leis an gCoimisiún maidir le caighdeán sibhialta an chruthúnais, i.e. gur deimhin leis de réir chóimheá na dóchúlachta go ndearnadh sárú nó ‘gníomh sonraithe’ agus é ag déanamh cinnidh ina leith.
- 1.8 Tá ailt 168 agus 169 den Acht Rialtais Áitiúil leagtha amach in Aguisín 2. Is é an bhrí le ‘gníomh sonraithe’ ná gníomh nó neamhghníomh dá dtagraítear in alt 4(1)(a) den Acht um Chaighdeáin in Oifigí Poiblí, 2001, lena bhforáiltear don méid seo:

*Más rud é go measfaidh duine (“an gearánach”)...go mb’fhéidir go mbeadh gníomh nó neamhghníomh déanta ag duine sonraithe, nó ag duine ar duine bainteach é nó í i ndáil le duine sonraithe, tar éis thosach feidhme alt 2 ar gníomh nó neamhghníomh é de chineál, nó maidir le himthosca an chéanna gur imthosca iad de chineál, a bheidh ar neamhréir le comhlíonadh cúí fheidhmeanna na boifige nó an phoist ag an duine sonraithe, ar oifig í nó post é a bhfuil an duine sonraithe ina dhuine sonraithe nó ina duine sonraithe faoina treoir nó faoina threoir, nó le muinín an phobail i gcoitinne sa chomhlíonadh sin a choinneáil, agus gur ní é a ngabhann tábhacht shuntasach phoiblí leis,...féadfaidh an gearánach gearán a dhéanamh leis an gCoimisiún i ndáil leis an ní.”*

## 2. Cúlra

- 2.1 An 29 Bealtaine 2012, fuair an Coimisiún um Chaighdeáin gearán dar dáta an 28 Bealtaine 2012 ón gComhairleoir Noel McBride, an Méara ag an am, Comhairle Contae Dhún na nGall, agus ón Uas. Seamus Neely, Bainisteoir Contae (Príomhfheidhmeannach anois), Comhairle Contae Dhún na nGall, lenar bhain an Seanadóir Brian Ó Domhnaill, iar-Chomhairleoir, Comhairle Contae Dhún na nGall, agus comhalta d'Údarás na Gaeltachta. Ina cháil mar chomhalta den Údarás, d'ainmnigh an tÚdarás sin an Seanadóir Ó Domhnaill chuig Comhpháirtíocht Spóirt Dhún na nGall agus d'fhóin sé mar Chathaoirleach ón mbliain 2005 go dtí an bhliain 2008. D'fhreastail an Seanadóir Ó Domhnaill ar chruinnithe agus ar imeachtaí eile ina ról mar Chathaoirleach ar Chomhpháirtíocht Spóirt Dhún na nGall.
- 2.2 Bhain an gearán go príomha le sáruithe líomhnaithe ar Chuid 15 den Acht Rialtais Áitiúil maidir le:
- (i) costais taistil agus chothaithe a éileamh ar Chomhairle Contae Dhún na nGall agus ar Údarás na Gaeltachta i ndáil le freastal ar chomhdháil ag Óstán Fairways, Dún Dealgan, Co. Lú an 9, an 10 agus an 11 Márta 2006 agus i ndáil le freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn an 10 Márta 2006;
  - (ii) costais taistil agus chothaithe a éileamh ar Chomhairle Contae Dhún na nGall i ndáil le freastal ar Sheimineár Oilúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Co. Mhuineacháin, an 26 go dtí an 27 Aibreán 2006 agus costais taistil a éileamh ar Údarás na Gaeltachta i ndáil le freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Co. Dhún na nGall, an 27 Aibreán 2006; agus
  - (iii) costais taistil agus chothaithe a éileamh ar Chomhairle Contae Dhún na nGall i ndáil le freastal ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn, Co. Lú, an 30 Bealtaine go dtí an 1 Meitheamh 2006 agus costais taistil agus chothaithe a éileamh ar Údarás na Gaeltachta i ndáil le freastal ar imeacht de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Co. Dhún na nGall, an 31 Bealtaine 2006.
- 2.3 Tar éis dó an ní a bhreithniú, cheap an Coimisiún an tUas. Paddy Walsh ó Oifig an Ombudsman mar Oifigeach Fiosrúcháin an 15 Meitheamh 2012 faoi alt 6 den Acht um Chaighdeáin, agus é mar chúram air réamhfiosrúchán a dhéanamh ar an ngearán, tuarascáil ar a fhiosrúchán a ullmhú, aon ráitis a thug na daoine a ndearnadh gearán fúthu agus aon daoine ábhartha eile dó a chur ar fáil i dteannta aon doiciméad ábhartha agus tuairim a thabhairt faoi cé acu ab ann nó nárbh ann d'fhianaise *prima facie* chun an gearán a cheadú. Chuir an tOifigeach Fiosrúcháin an tuarascáil ar a fhiosrúchán agus ráitis agus doiciméid ábhartha faoi bhráid an Choimisiúin an 7 Samhain 2012. Thug sé an tuairim gurbh ann d'fhianaise *prima facie* chun imscrúdú ar an ngearán a cheadú.

- 2.4 Tar éis dó forálacha na nAchtanna um Eitic agus an Achta Rialtais Áitiúil a scrúdú agus tuarascáil an Oifigigh Fiosrúcháin a chur san áireamh, chinn an Coimisiún an 12 Samhain 2012 gur chúí imscrúdú a dhéanamh faoi alt 23 den Acht um Eitic chun a chinneadh ar sháraigh an Seanadóir Ó Domhnaill Cuid 15 den Acht Rialtais Áitiúil agus an ndearna sé “gníomh sonraithe” de réir bhí na nAchtanna um Eitic. Tá sonraí faoi na sáruithe líomhnaithe ar áireamh sa chomhfhreagras ón gCoimisiún chuig an Seanadóir Ó Domhnaill dar dáta an 25 Eanáir 2013 - féach Aguisín 1.
- 2.5 Baineann na sáruithe líomhnaithe le hait 168 agus 169 den Acht Rialtais Áitiúil. Tá na hait sin leagtha amach in Aguisín 2. Déantar tagairt sna sáruithe líomhnaithe do ‘ghníomhartha sonraithe’ líomhnaithe a dhéanamh freisin. Is é an bhí le ‘gníomh sonraithe’ ná gníomh nó neamhghníomh dá dtagraítear in alt 4(1)(a) den Acht um Chaighdeán in Oifigí Poiblí, 2001, lena bhforáiltear don méid seo:

*Más rud é go measfaidh duine (“an gearánach”)...go mb’fhéidir go mbeadh gníomh nó neamhghníomh déanta ag duine sonraithe, nó ag duine ar duine bainteach é nó í i ndáil le duine sonraithe, tar éis thosach feidhme alt 2 ar gníomh nó neamhghníomh é de chineál, nó maidir le himthosca an chéanna gur imthosca iad de chineál, a bheidh ar neamhréir le comblíonadh cuí fheidhmeanna na hoifige nó an phoist ag an duine sonraithe, ar oifig í nó post é a bhfuil an duine sonraithe ina dhuine sonraithe nó ina duine sonraithe faoina treoír nó faoina threoír, nó le muinín an phobail i gcoitinne sa chomblíonadh sin a choinneáil, agus gur ní é a ngabhann tábhacht shuntasach phoiblí leis,...féadfaidh an gearánach gearán a dhéanamh leis an gCoimisiún i ndáil leis an ní.”*

Tá téacs iomlán alt 4 leagtha amach in Aguisín 2.

- 2.6 Tá fáil in Aguisín 2 freisin ar shleachta ábhartha eile ó reachtaíocht, ó ordacháin arna n-eisiúint ag an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil maidir leis na rialacha do chostais agus ón gCód Iompraíochta do Chomhairleoirí.



### 3. Suí Imscrúdaithe an Choimisiúin

- 3.1 Bhí rún ag an gCoimisiún suí an 11 Márta 2013 chun fianaise ó bhéal a éisteacht i dtaca lena imscrúdú. D'iarr an Seanadóir tuilleadh ama chun ullmhú don fhiosrúchán. Freastalaíodh ar an iarratas sin le cur ar atráth go dtí an 8 Aibreán 2013.
- 3.2 Chuir an Seanadóir in iúl don Choimisiún le litir dar dáta an 26 Márta 2013 gur athraigh sé a aturnaetha. Chuir na haturnaetha nua don Seanadóir in iúl go n-éileofaí cruthúnas foirmiúil ar na gnéithe uile de na líomhaintí in aghaidh an tSeanadóira a mbreithneodh an Coimisiún iad.
- 3.3 Chuir na haturnaetha nua don Seanadóir in iúl freisin go raibh fonn air anois a chuid gnó leis an gCoimisiún a dhéanamh i nGaeilge, lena n-áirítear an éisteacht phoiblí ó bhéal a bhí socraithe ag an am don 8 Aibreán 2013. Ón uair a cuireadh é sin in iúl i leith, is i nGaeilge atá an teagmháil ar fad atá déanta ag an gCoimisiún leis an Seanadóir. Ón mbliain 2011 go dtí an uair sin, ba i mBéarla amháin a bhí an comhfhreagras ar fad a seoladh idir an Seanadóir agus an t-údarás áitiúil agus an Coimisiún.
- 3.4 Mar thoradh ar na ceanglais a bhí ann le finnétithe a ghlaoch agus ateangairí a chur ar fáil, cuireadh an éisteacht ar atráth an athuair go dtí an 10 Meitheamh 2013. Rinneadh socruithe le go mbeadh saoráidí aistriúcháin ar fáil agus finnétithe i láthair ar an lá sin.
- 3.5 Scríobh na haturnaetha don Seanadóir ina dhiaidh sin á áitiú nach raibh an t-údarás ag an gCoimisiún na gearáin a rinne Méara agus Bainisteoir Contae Dhún na nGall a imscrúdú, á rá gurbh ionann iad agus tarchur ar ghearáin anaithnid. D'áitigh an Seanadóir freisin gur cheart an éisteacht imscrúdaithe a bheith seolta ag painéal de chuid an Choimisiúin a bheadh in ann nithe a éisteacht i nGaeilge gan ateangairí a úsáid. Dhiúltaigh an Coimisiún do na háitithe sin.
- 3.6 Cuireadh in iúl don Seanadóir Ó Domhnaill roimhe sin go ndearnadh bearta cuí chun an éisteacht a éascú trí Ghaeilge agus go mbeadh an éisteacht ar siúl an 10 Meitheamh 2013. An 6 Meitheamh 2013, rinne an Seanadóir iarratas leis an Ard-Chúirt ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach ar an imscrúdú agus cuireadh éisteacht an Choimisiúin siar. Dhiúltaigh an Ard-Chúirt i mí Eanáir 2014 do na nithe a mhaígh an Seanadóir Ó Domhnaill. Rinne an Seanadóir Ó Domhnaill achomharc chuig an gCúirt Uachtarach i mí Aibreáin 2014 in aghaidh na breithe a thug an Ard-Chúirt. I mí na Samhna 2014, d'ordaigh an Príomh-Bhreitheamh go ndéanfadh an Chúirt Achomhairc achomharc an tSeanadóira Uí Dhomhnaill a éisteacht agus a chinneadh. Dhiúltaigh an Chúirt Achomhairc i mí Iúil 2015 d'achomharc an tSeanadóira Uí Dhomhnaill.
- 3.7 Shocraigh an Coimisiún a éisteacht imscrúdaithe don 9 Bealtaine 2016. Choinnigh an Seanadóir a sheasamh maidir leis an ngá a bhí ann le cruthúnas foirmiúil a fháil ar na gnéithe uile de na líomhaintí go dtí dáta na héisteachta. Bhí sé riachtanach, dá bharr sin, go mbeadh finnétithe ó Chomhairle Contae Dhún na nGall agus ó Údarás na Gaeltachta i láthair. Níor mhaígh an Seanadóir am ar bith roimh an éisteacht nó lena linn go raibh an fhianaise a tugadh ar aird míchruinn ar bhealach ar bith nó nárbh eisean údar a chuid doiciméad. Cé gurb eisean a

cheistigh na doiciméid, níor ardaigh an Seanadóir aon saincheist a bhain leo le linn éisteacht an Choimisiúin.

- 3.8 Láithrigh an tUas. Seamus Ó Tuathail SC agus an tUas. Daithí Mac Cárthaigh BL (faoi stiúir ag an Uas. Seán Ó Canainn, Aturnae) don Seanadóir Ó Domhnaill ag an suí. Rinne an tUas. Luán ó Braonáin SC agus Siobhán Ní Chúlacháin BL Uas. ionadaíocht don Choimisiún (faoi stiúir ag an Uas. Peter Law ó A & L Goodbody Solicitors). Tá tras-scríbhinn na héisteachta imscrúdaithe ar fáil in Aguisín 3.
- 3.9 Ag deireadh na héisteachta, comhaontaíodh, mar go raibh sé mall sa lá, go ndéanadh na habhcóidí don Choimisiún agus don Seanadóir Ó Domhnaill aighneachtaí scríofa tráth nach déanaí ná an 20 Meitheamh 2016. Tá na haighneachtaí sin ar fáil in Aguisín 4.

#### 4. Na Sáruihe Líomhnaithe

- 4.1 Ba iad na ceisteanna a bhí le cinneadh ag an gCoimisiún ná an ndearna an Seanadóir Ó Domhnaill sárú ar an Acht Rialtais Áitiúil agus an ndearna sé sraith “gníomhartha sonraithe” mar atá leagtha amach sna naoi sárú líomhnaithe sa Ráiteas maidir leis na Sáruihe Líomhnaithe.
- 4.2 Baineann na sáruihe líomhnaithe le costais taistil agus chothaithe a éileamh ar Chomhairle Contae Dhún na nGall agus ar Údarás na Gaeltachta.
- 4.3 Maidir le gach ceann de na héilimh ar aisíoc costais a chuir an Seanadóir Ó Domhnaill faoi bhráid Chomhairle Contae Dhún na nGall, tionscnaíodh iad trí fhoirm éilimh scríofa a chomhlánú, ar foirm í ina ndearna sé na dearbhuithe seo a leanas, i measc nithe eile:
- “(c) This claim is made strictly in accordance with the Local Government (Expenses of Local Authority Members) Regulations 1993 and directions thereunder.*
- (d) The statements and particulars furnished herein are complete and accurate in all respects.*
- (e) No other payment has been made to me or is payable to me in respect of the time(s), journey(s) or other matters set out herein.*
- (f) I have not made, and will not make, any other claims for payment in respect of the time(s) journey(s) or other matters set out herein.”*
- 4.4 D’eisigh an tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil Ordacháin i gCiorclán Uimh. LG. 49/2 dar dáta an 17 Nollaig 1993 ina leagtar amach na mionrialacha maidir le héilimh chostais taistil agus chothaithe ag comhaltaí d’údaráis áitiúla. Tá na sleachta ábhartha leagtha amach in Aguisín 2.
- 4.5 Bhí sé riachtanach freisin foirm scríofa a chomhlánú le haghaidh costais a éileamh ar Údarás na Gaeltachta.
- 4.6 Tá comhaltaí Boird d’Údarás na Gaeltachta i dteideal liúntais taistil agus chothaithe a éileamh ar aon dul leis na rialacha is infheidhme maidir le státseirbhísigh. Íoctar na liúntais sin le comhaltaí Boird ag na rátaí státseirbhíse is airde. Ba cheart a thabhairt faoi deara go bhfuil liúntais chothaithe iníoctha le comhaltaí Boird i leith neamhláithreachtaí is mó ná (a) cúig huaire agus (b) deich n-uaire de réir rialacha státseirbhíse, cé go bhfuil liúntais chothaithe iníoctha le comhairleoirí i leith neamhláithreachtaí is mó ná (a) trí huaire agus (b) seacht n-uaire de réir Chiorclán Uimh. LG 49/2.
- 4.7 Is féidir breathnú ar na naoi sárú líomhnaithe mar thrí ghrúpa a chuimsíonn trí shárú an ceann.

**Líomhaintí 1, 4 agus 7 Comhdháil Chumann Comhairlí Contae is Cathrach, Dún Dealgan/cruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall**

- 4.8 Ina cháil mar chomhalta de Chomhairle Contae Dhún na nGall, d'fhreastail an Seanadóir Ó Domhnaill ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Co. Lú an 9, an 10 agus an 11 Márta 2006. D'fhan sé é féin ón gcomhdháil an 10 Márta 2006 chun freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn.
- 4.9 An 20 Márta 2006, chuir an Seanadóir Ó Domhnaill a éileamh ar liúntais taistil agus chothaithe faoi bhráid na Comhairle mar a leanas –
- Déardaoin an 9 Márta 1.00pm - d'fhág sé a bhaile ar an bhFál Carrach chun dul chuig Dún Dealgan
- Dé Sathairn an 11 Márta 4.30pm - bhain sé a bhaile amach ar an bhFál Carrach
- 4.10 An 24 Deireadh Fómhair 2006, chuir an Seanadóir Ó Domhnaill a éileamh ar liúntais taistil agus chothaithe faoi bhráid Údarás na Gaeltachta mar a leanas –
- Dé hAoine an 10 Márta 3.30pm – d'fhág sé a bhaile chun freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn
- 9.00pm – bhain sé a bhaile amach
- 4.11 Ba mar a leanas a bhí na híocaíochtaí a rinneadh leis i dtaca lena éilimh ar liúntais taistil agus chothaithe ar an gComhairle agus ar Údarás na Gaeltachta:

**An íocaíocht ó Chomhairle Contae Dhún na nGall**

136 mhíle x 2 =	€348.43
2 fhanacht thar oíche =	€276.82
1 x 3 huairé =	€16.32
<b>Iomlán =</b>	<b>€641.57</b>

Ina fhoirm éilimh, mhaígh an Seanadóir Ó Domhnaill gurb ionann an fad go Dún Dealgan agus 179 míle. Ríomh an Chomhairle gurb é 136 mhíle an fad agus d'íoc sí an t-éileamh ar an mbonn sin. Glacann an Seanadóir Ó Domhnaill leis gurb é sin an fad ceart.

Rinne an Chomhairle íocaíocht €641.57 leis i leith a éilimh. D'íoc sí táille comhdhála €190.00 go díreach le heagraithe na comhdhála freisin. Níl an táille comhdhála ina cuid de na sárúithe líomhnaithe ar bhreithnigh an Coimisiún iad san imscrúdú seo.

**An íocaíocht ó Údarás na Gaeltachta**

62 mhíle =	€76.95
1 x 5 huairé =	€16.32
<b>Iomlán =</b>	<b>€93.27</b>

- 4.12 Is é an tsaincheist ná gur íoc an Chomhairle liúntais taistil agus chothaithe leis an Seanadóir Ó Domhnaill i dtaca lena fhreastal ar an gcomhdháil i nDún Dealgan ón 9 go dtí an 11 Márta

2006 agus gur íoc Údarás na Gaeltachta na liúntais sin leis freisin as freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar cheann amháin de na laethanta ar lena linn a luadh gur fhreastail sé ar an gcomhdháil i nDún Dealgan.

- 4.13 Foráiltear don méid seo, i measc nithe eile, leis na hOrdacháin ón Aire ina leagtar amach na rialacha do chomhairleoirí atá ag éileamh costais taistil agus chothaithe: ní íocfaidh údarás áitiúil níos mó ná liúntas taistil amháin le comhalta i leith an turais chéanna agus ní íocfaidh sé aon liúntas taistil le comhalta i leith aon turais nó cuid de thuras a bhfuil liúntas íoctha ag, nó iníoctha ag údarás poiblí eile, nó atá á éileamh ó údarás poiblí eile - Ciorclán LG. 49/2, mír 6 – Aguisín 2.
- 4.14 San fhianaise uaidh, dúirt an Seanadóir Ó Domhnaill go ndearna sé roinnt botún agus é ag comhlánú a fhoirmeacha éilimh ar chostais. Bhí na botúin mar a leanas –
- a) bhí sé maíte aige gurb é 179 míle an fad idir a bhaile agus Dún Dealgan; ghlac sé leis gur ceart a bhí an cinneadh ón gComhairle costais taistil a íoc as 136 mhíle an turas agus dúirt sé: *“the claim of 179 miles was a genuine error”*; agus
- b) Anuas air sin, mhaígh sé i mír 1.1 den litir a sheol sé an 21 Márta 2012 chuig Méara agus Bainisteoir Contae Chomhairle Contae Dhún na nGall nach raibh i gceist go bunúsach le freastal ar an seisiún tráthnóna den chomhdháil i nDún Dealgan an 10 Márta 2006 ach cuid roghnach den chomhdháil agus seisiún caitheamh aimsire agus gurbh é ceann de na roghanna a bhí ar fáil sa seisiún sin do rannpháirtithe na comhdhála ná galf a imirt. Chuige sin, dúirt an tUas. Liam Kenny, Stiúrthóir, Cumann Comhairlí Contae is Cathrach:

*“The Friday afternoon programme comprised mainstream conference presentations including: “Building communities in city, suburb and county” -- Mr Nicky Brennan, President elect, GAA and “Rolling out the Roads Agenda” -- Mr. Fred Barry, CEO, National Roads Authority. Golf was not a timetabled feature of the programme -- however the contact details of a conference participant interested in arranging a golf game were given on the conference leaflet.”*

Sna freagraí a thug sé don Oifigeach Fiosrúcháin, dúirt an Seanadóir Ó Domhnaill:

*“I simply made a mistake in my recollection and fully accept your clarification. You will no doubt have noted in this regard that the letter referred to was written over six years following the conference.”*

- 4.15 Ag tabhairt míniú dó ar cén fáth ar fhan sé ar an bhFál Carrach tar éis an chruinnithe de chuid Chomhpháirtíocht Spóirt Dhún na nGall an 27 Aibreán 2006 in ionad filleadh go díreach ar Dhún Dealgan, thug an Seanadóir an fhianaise seo:
- a) Fuair sé seisiún cóireála fisiteiripe 45 nóiméad ó fhear atá lonnaithe ar an bhFál Carrach ag 9.30pm an oíche sin. Níor luaigh sé é sin i míniúcháin a thug sé roimhe sin ar a ghníomhartha. Dúirt sé gur ní pearsanta é sin agus nár bhain sé lena chuid oibre mar chomhairleoir ná mar chomhalta d’Údarás na Gaeltachta agus

- b) Anuas air sin, dúirt sé go mbainfeadh na nithe a mbeadh air déileáil leo le teachtaireachtaí teileafóin a fuarthas ina oifig mar aon le litreacha sa phost, etc. Dúirt sé gur bhain roinnt de na ceisteanna le cúrsaí leighis agus, dá bhrí sin, bhí air déileáil leo mar bheart práinne. Dúirt sé gurb amhlaidh i gcontae ar nós Dhún na nGall go bhfuil an t-ospidéal réigiúnach ann ag déileáil le 145,000 duine agus go bhfuil daoine ag fanacht le hobráidí agus dúirt sé go mbeadh sé ag déileáil lena lán daoine (sna himthosca sin).
- c) D'fhág sé an Fál Carrach ag thart ar 10.30pm agus d'fhill sé ar an gcomhdháil i nDún Dealgan.

### **Liomhaintí 2, 5 agus 8 Seisiún Oiliúna i gCarraig Mhachaire Rois, Co. Mhuineacháin**

- 4.16 D'fhreastail an Seanadóir Ó Domhnaill ar Sheimineár Oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Co. Mhuineacháin, an 26 go dtí an 27 Aibreán 2006. D'fhreastail sé ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn le linn na tréimhse a chlúdaítear leis an éileamh seo.
- 4.17 An 13 Meitheamh 2006, chuir an Seanadóir Ó Domhnaill éileamh ar liúntas taistil agus cothaithe faoi bhráid Chomhairle Contae Dhún na nGall ina raibh an fhaisnéis seo a leanas –
- |                           |        |  |
|---------------------------|--------|--|
| Dé Céadaoin an 26 Aibreán | 5.00pm | - d'fhág sé a bhaile ar an bhFál Carrach chun dul chuig Carraig Mhachaire Rois |
| Déardaoin an 27 Aibreán   | 8.00pm | - bhain sé a bhaile amach i Leitir Ceanainn                                    |
- 4.18 An 24 Deireadh Fómhair 2006, chuir an Seanadóir Ó Domhnaill a éileamh ar liúntais taistil agus chothaithe faoi bhráid Údarás na Gaeltachta mar a leanas –
- |                         |        |  |
|-------------------------|--------|--|
| Déardaoin an 27 Aibreán | 5.00pm | d'fhág sé a bhaile chun freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn |
|                         | 8.00pm | - bhain sé a bhaile amach  |
- 4.19 Ba mar a leanas a bhí na híocaíochtaí a rinneadh leis i dtaca lena éilimh ar liúntais taistil agus chothaithe ar an gComhairle agus ar Údarás na Gaeltachta:

#### **An íocaíocht ó Chomhairle Contae Dhún na nGall**

123 mhíle x 2 =	€315.13
1 fhanacht thar oíche =	€138.41
1 x 3 huaire =	€16.32
<b>Iomlán =</b>	<b>€469.86</b>

Ina fhoirm éilimh, mhaígh an Seanadóir Ó Domhnaill gurb ionann an fad go Carraig Mhachaire Rois agus 163 mhíle. Ríomh an Chomhairle gurb é 123 mhíle an fad agus d'íoc sí an t-éileamh ar an mbonn sin. Glacann an Seanadóir Ó Domhnaill leis gurb é sin an fad ceart.

Rinne an Chomhairle íocaíocht €469.86 leis i leith a éilimh. D'íoc sí táille seimineáir €190 go díreach le heagraithe an tseimineáir freisin. Níl an táille seimineáir ina cuid de na sárúithe líomhnaithe ar bhreithnigh an Coimisiún iad san imscrúdú seo.

**An íocaíocht ó Údarás na Gaeltachta**

62 mhíle = €76.95

Ní raibh an Seanadóir Ó Domhnaill i dteideal íocaíocht liúntas cothaithe a fháil ó Údarás na Gaeltachta sa chás seo mar gur lú ná cúig huairé a neamhláithreacht.

- 4.20 Is é an tsaincheist ná gur íoc an Chomhairle liúntais taistil leis an Seanadóir Ó Domhnaill i dtaca lena fhreastal ar an seimineár oiliúna i gCarraig Mhachaire Rois **ón 26 go dtí an 27 Aibreán 2006** agus gur íoc Údarás na Gaeltachta na liúntais sin leis freisin as freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn ar cheann amháin de na laethanta ar lena linn a luadh gur fhreastail sé ar an seimineár i gCarraig Mhachaire Rois.
- 4.21 Foráiltear don méid seo, i measc nithe eile, leis na hOrdacháin ón Aire ina leagtar amach na rialacha do chomhairleoirí atá ag éileamh costais taistil agus cothaithe: ní íocfaidh údarás áitiúil níos mó ná liúntas taistil amháin le comhalta i leith an turais chéanna agus ní íocfaidh sé aon liúntas taistil le comhalta i leith aon turais nó cuid de thuras a bhfuil liúntas íoctha ag, nó iníoctha ag údarás poiblí eile, nó atá á éileamh ó údarás poiblí eile - Ciorclán LG. 49/2, mír 6 – Aguisín 2.
- 4.22 San fhianaise uaidh, dúirt an Seanadóir Ó Domhnaill go ndearna sé roinnt botún agus é ag comhlánú a fhoirmeacha éilimh ar chostais. Bhí na botúin mar a leanas –
- scríobh sé go raibh an cruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar siúl an 24 Aibreán agus ní an 27 Aibreán;
  - scríobh sé gurb é 8pm an t-am ar fhíll sé abhaile ó Charraig Mhachaire Rois an 27 Aibreán - ba é 3pm an t-am ceart;
  - mhaígh sé gurb é 163 mhíle an fad idir a bhaile agus Carraig Mhachaire Rois; ghlac sé leis gur ceart a bhí an cinneadh ón gComhairle costais taistil a íoc as 123 mhíle an turas agus dúirt sé gur tugadh an figiúr bunaidh de 163 mhíle trí bhotún.

**Líomhaintí 3, 6 agus 9 Comhdháil maidir leis an Turasóireacht Mhuirí i gCairlín, Co. Lú**

- 4.23 D'fhreastail an Seanadóir Ó Domhnaill ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlín, Co. Lú, ón 30 Bealtaine go dtí an 1 Meitheamh 2006. D'fhan sé é féin ón gcomhdháil an 31 Bealtaine 2006 chun freastal ar imeacht de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Co. Dhún na nGall.
- 4.24 An 13 Meitheamh 2006, chuir an Seanadóir Ó Domhnaill éileamh (dar dáta an 13 Aibreán 2006) ar liúntas taistil agus cothaithe faoi bhráid Chomhairle Contae Dhún na nGall ina raibh an fhaisnéis seo a leanas –

Dé Máirt an 30 Bealtaine            3.00pm - d'fhág sé a bhaile ar an bhFál Carrach chun  
dul chuig Cairlinn  
Dé hAoine an 2 Meitheamh        2.00pm - bhain sé a bhaile amach

- 4.25 An 24 Deireadh Fómhair 2006, chuir an Seanadóir Ó Domhnaill a éileamh ar liúntais taistil agus chothaithe faoi bhráid Údarás na Gaeltachta mar a leanas –

Dé Céadaoin an 31 Bealtaine - d'fhág sé a bhaile chun freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn  
- bhain sé a bhaile amach  
[TABHAIR FAOI DEARA: níor tugadh na hamanna ar fhág sé a bhaile nó ar bhain sé a bhaile amach]

- 4.26 Ba mar a leanas a bhí na híocaíochtaí a rinneadh leis i dtaca lena éilimh ar liúntais taistil agus chothaithe ar an gComhairle agus ar Údarás na Gaeltachta:

**An íocaíocht ó Chomhairle Contae Dhún na nGall**

142 mhíle x 2 =	€363.80
2 fhanacht thar oíche (30 + 31) =	€276.82
1 x 7 n-uaire =	€40.01
<b>Iomlán =</b>	<b>€680.63</b>

Ina fhoirm éilimh, mhaígh an Seanadóir Ó Domhnaill gurb ionann an fad go Cairlinn agus 176 mhíle. Ríomh an Chomhairle gurb é 142 mhíle an fad agus d'íoc sí an t-éileamh ar an mbonn sin. Glacann an Seanadóir Ó Domhnaill leis gurb é sin an fad ceart.

Rinne an Chomhairle íocaíocht €680.63 leis i leith a éilimh. D'íoc sí táille comhdhála €150 go díreach le heagraithe na comhdhála freisin. Níl an táille comhdhála ina cuid de na sáruithe íomhnaithe ar bhreithnigh an Coimisiún iad san imscrúdú seo.

**An íocaíocht ó Údarás na Gaeltachta**

54 mhíle =	€67.00
1 x 5 huairé =	€16.32
<b>Iomlán</b>	<b>€83.32</b>

- 4.27 Is é an tsaincheist ná gur íoc an Chomhairle liúntais taistil agus chothaithe leis an Seanadóir Ó Domhnaill i dtaca lena fhreastal ar an gcomhdháil i gCairlinn **ón 30 Bealtaine go dtí an 1 Meitheamh 2006** agus gur íoc Údarás na Gaeltachta na liúntais sin leis freisin as freastal ar imeacht de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath ar cheann amháin de na laethanta ar lena linn a luadh gur fhreastail sé ar an gcomhdháil i gCairlinn.
- 4.28 Foráiltear don méid seo, i measc nithe eile, leis na hOrdacháin ón Aire ina leagtar amach na rialacha do chomhairleoirí atá ag éileamh costais taistil agus chothaithe: ní íocfaidh údarás áitiúil níos mó ná liúntas taistil amháin le comhalta i leith an turais chéanna agus ní íocfaidh sé aon liúntas taistil le comhalta i leith aon turais nó cuid de thuras a bhfuil liúntas íoctha ag, nó iníoctha ag údarás poiblí eile, nó atá á éileamh ó údarás poiblí eile - Ciorclán LG. 49/2, mír 6 – Aguisín 2.



4.29 Ina fhianaise, dúirt an Seanadóir Ó Domhnaill go ndearna sé roinnt botúin agus é ag comhlánú a fhoirmeacha éilimh ar chostais. Bhí na botúin mar a leanas –

- a) san fhianaise a thug sé d'éisteacht an Choimisiúin an 9 Bealtaine 2016, dúirt sé go ndearna sé botúin i dtaca le héileamh ar chostais taistil a chur isteach i mí Dheireadh Fómhair 2006 maidir le lá (31 Bealtaine 2006) ar ina leith a chuir sé éileamh ar chostais taistil faoi bhráid Chomhairle Contae Dhún na nGall cheana féin.
- b) mhaígh sé gurb é 176 mhíle an fad idir a bhaile agus Cairlinn; d'íoc an Chomhairle costais taistil as 142 mhíle.

4.30 Is iad na comhaltaí den Chomhairle a dhéanann cinntí ar fhreastal Comhairleoirí ar chomhdhála thar ceann an údaráis áitiúil. Chuir an Seanadóir Ó Domhnaill in iúl don Oifigeach Fiosrúcháin gur ag an gcruinniú roimhe de ghnáth a socraítí dátaí cruinne na gcruinnithe de chuid Chomhpháirtíocht Spóirt Dhún na nGall agus b'eol don Seanadóir Ó Domhnaill, dá bhrí sin, go raibh sé le freastal ar an gcomhdháil i gCairlinn ón 30 Bealtaine go dtí an 1 Meitheamh 2006 tráth a raibh an cruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall á shocrú don 31 Bealtaine 2006. Nuair a d'fhiafraigh an tOifigeach Fiosrúcháin de cén fáth nár tharraing sé é féin amach as an gcomhdháil i nDún Dealgan agus nach ndearna sé iarracht an cruinniú a shocrú do lá eile, dúirt sé:

*“It would have been inappropriate and indeed unfair in my view upon the other members and directors of the Sports Partnership, to seek to have the meeting re-scheduled. I made the decision on the Friday morning 10th March to attend. This was a decision which I made in the best interests of all I serve. As already detailed, the decision to attend the DSP meeting meant that I incurred additional travel costs for which I was not recompensed. I made the decision, however, for what I perceived to be the best interests of all of those I served.”*

4.31 Tá sé soiléir ón bhfianaise a thug an Seanadóir Ó Domhnaill gur rífhairsing agus rífhadálach ar bhonn rialta a bhíodh a cheangaltais pholaitiúla agus a cheangaltais eile. Ba é an toradh a bhí ar a ghníomhartha ná gur thug sé tús áite dá thogthóirí áitiúla chun déileáil lena gcuid riachtanas agus iarrataí. Bhí sé an-eolach ar na ceangaltais sin. Bhí na héilimh ama chomh mór sin gurbh eol dó nuair a bhí sé ag freastal ar na comhdhála sin gur dhóigh go mbeadh air a fhreastal a ghiorrú nó cur isteach air le go mbeadh sé in ann déileáil lena cheangaltais teaghlaigh, ghnó agus pholaitiúla. Chuaigh sé sin, dá réir, i bhfeidhm ar a theidlíocht i leith costais taistil agus chothaithe a éileamh.

4.32 Mar gheall ar an tréimhse ama idir na turais ar tugadh fúthu agus cur isteach a éileamh ar chostais chuig Údarás na Gaeltachta, bhí féidearthacht ann go ndéanfaí botúin. D'admhaigh sé na botúin sin agus mhaígh sé gur bhotúin ionraice iad.

4.33 Tugann an Coimisiún dá aire gurb amhlaidh, i gcás na dtrí éileamh go léir ar chostais taistil a chuir an Seanadóir Ó Domhnaill faoi bhráid Chomhairle Contae Dhún na nGall, gur lena leas féin a bhí na botúin a rinne sé nuair a bhí an fad idir a bhaile agus a cheann scríbe á mheas aige agus go gcuirfeadh an Chomhairle íocaíochtaí costais gan údar ar fáil dó dá nglacadh sí leis na héilimh mar a bhí siad. Luaigh an Seanadóir Ó Domhnaill san fhianaise uaidh gur bhotúin ionraice iad gach ceann de na botúin sin. Dúirt sé:

*“generally... I would have put in an approximate distance..., and the Council would always, you know they would always do the AA route finder for the members and put in the correct distance.”*

4.34 An scrúdú ar éilimh an tSeanadóir Uí Dhomhnaill a rinne Comhairle Contae Dhún na nGall ar an gcéad dul síos, a rinne Oifigeach Fiosrúcháin an Choimisiúin ina dhiaidh sin agus a rinneadh sa deireadh le linn imscrúdú an Choimisiúin, rinneadh iad méid suntasach ama tar éis na huairé a thit na himeachtaí amach ar dtús. Chuir an Seanadóir Ó Domhnaill mionchuntais ar a ghníomhartha ar fáil don Chomhairle, don Oifigeach Fiosrúcháin agus don Choimisiún. Mar sin féin, nuair a cuireadh ceist air san éisteacht imscrúdaithe faoina chuimhne ar chúrsaí agus faoina chumas chun a rá gur míchruinn a bhí amanna áirithe, dúirt sé:

*“Bhuel bhí orm dul tríd seo chomb mion agus a thiofáidh liom mar go raibh m’ainm amuigh ansin agus bhí agam le cuimhne de chineál éigin a chur air seo agus a bheith ag smaoineamh agus ag labhairt le daoine eile agus ag labhairt le mo theaghlach rud a rinne mé. Ag labhairt le mo rúnaí san oifig, ag labhairt le hachan duine a thiofáidh liom. Fiú ag labhairt le mo thraenálaí/cóitseálaí chomb mall le aréir...”*

4.35 Thug an Seanadóir Ó Domhnaill an fhianaise seo a leanas don Choimisiún:

- D’ainneoin na fíricí gur shínigh sé foirmeacha éilimh ar chostais taistil agus chothaithe agus gur chuir sé faoi bhráid Chomhairle Contae Dhún na nGall iad, ar foirmeacha iad inar luadh *“This claim is made in accordance with the Local Government (Expenses of Local Authorities Members) Regulations 1993 and directions thereunder”*, dúirt sé nach raibh na rialacháin ná na hordacháin léite aige agus nárbh fhéidir leis a chuimhneamh an bhfuair sé cóip de na rialacháin nó nach bhfuair.
- Bhí dialann aige chun a choinní a thaifeadadh agus ba dhócha go mbeadh taifead inti go raibh sé ag comhdháil i nDún Dealgan an 9, an 10 agus an 11 Márta 2006 agus go raibh sé i Leitir Ceanainn an 10 Márta 2006. Luaigh sé go raibh sé den tuairim gur thar ceann dhá eagraíocht dhifriúla a bhí sé ag freastal orthu, rud a bhí, dar leis, *“an rud is fearr thar ceann phobal Dhún na nGall”*.
- Chuir sé éileamh ar chothú don 10 Márta 2006 faoi bhráid Údarás na Gaeltachta, tar éis dó íocaíocht a fháil ó Chomhairle Contae Dhún na nGall i leith an dáta sin. Cheap sé go raibh sé i dteideal dhá íocaíocht cothaithe agus dúirt sé go raibh sé den tuairim ionraic go raibh sé ag iarraidh an dá thrá a fhreastal.
- Cheap sé go raibh sé ag déanamh an chirt trí fhreastal ar na cruinnithe.
- I litir dar dáta an 15 Nollaig 2011 chuig an Uas. Liam Ward, Comhairle Contae Dhún na nGall, dúirt sé: *“I attended the conference in Dundalk on 9th, 10th and 11th March 2006. I left the conference at lunchtime Friday the 10th to travel to Letterkenny as I had a meeting of the Donegal Sports Partnership of which I was and remain a Board member. This meeting finished at approximately 8 p.m. and at this point in the knowledge that the conference events would be finished on my return, I decided to travel to my home in Falcarragh and picked up my mail for Thursday and Friday.”*
- Thug sé an fhianaise seo don éisteacht imscrúdaithe an 9 Bealtaine 2016, áfach: *“[go] bhfuair mé ón gcomhdháil go dtí m’oifig agus mo bhaile agus ar ais ansin go dtí an cruinniú i Leitir Ceanainn an tráthnóna sin mar go raibh am agam é sin a dhéanamh.”*
- Dheimhnigh an Seanadóir nuair a bhí sé á chroscheistiú go raibh sé eolach ar na

rialacha lena rialáítear éilimh chostais. Dheimhnigh sé gur choinnigh sé dialann agus gur líonadh isteach é go comhaimseartha mar thaifead ar a fhreastal ar imeachtaí éagsúla. Nuair a bhí sé á chroscheistiú faoi imeachtaí an 10 Márta 2006, ghlac an Seanadóir leis go ndearna sé dhá íocaíocht cothaithe a éileamh agus a fháil agus dúirt sé: *“I mo thuairim-se bhí na hócáidí sin bhí difear dubh agus bán idir an dá ócáid. Bhí mé ag déanamh freastail thar ceann dhá eagrais. Ag comhlíonadh i mo thuairim-se an rud is fearr thar ceann phobal Dhún na nGall. C. An gciallaíonn sé go mbraitheann tú go bhfuil sé de cheart agat dhá íocaíocht cothabhála a fháil má tá obair á déanamh agat thar son an dá eagrais? F. Sin ceist don Choimisiún is dóig. ... Creidim go raibh mé i dteideal na híocaíochtaí cothabhála sin. Mar nach raibh éileamh ar bith déanta agam chuig an Údarás ar éileamh íocaíochta den chineál céanna.”* D’aontaigh sé, áfach, gur sheiceáil sé a dhialann tráth ar chuir sé a éileamh faoi bhráid Údarás na Gaeltachta agus go bhfaca sé gur íocadh líuntas cothaithe leis cheana féin i ndáil leis an lá lenar bhain.

### ***An Cód Iompraíochta do Chomhairleoirí***

- 4.36 Leis an Ordú fán Acht Rialtais Áitiúil, 2001 (Tosach Feidhme), 2004 (I.R. Uimh 217 de 2004), tosaíodh, le héifeacht ón 21 Bealtaine 2004, forálacha áirithe den Acht Rialtais Áitiúil lena mbaineann cóid iompraíochta. Tar éis an t-ordú sin a dhéanamh, d’fhoilsigh an tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil Cód Iompraíochta i mí an Mheithimh 2004 de bhun alt 169(1) den Acht Rialtais Áitiúil chun treoir a thabhairt do chomhaltaí údarás áitiúil. Forálacha den Acht lena mbaineann ceanglas go dtabharfaí fógra do chomhaltaí lena dtarraingeofaí a n-aird ar an gCód agus ar an dualgas atá orthu aird a bheith acu air agus treoir a ghlacadh uaidh agus iad ag comhlíonadh a bhfeidhmeanna, tosaíodh iad le héifeacht ón 1 Eanáir 2005 faoi I.R. Uimh. 217 de 2004.

Foráiltear don méid seo le halt 169(3)(a) den Acht:

*“Beidh aird ag gach comhalta ar an gcód iompair iomchuí, agus glacfaidh sé nó sí treoir uaidh, le linn dó nó di a fheidhmeanna nó a feidhmeanna a fheidhmiú.”*

Foráiltear don méid seo le halt 169(4)(a)(i):

*“A luaithe is indéanta tar éis duine a thogbadh nó a chombhthoghadh ina chomhalta nó ina comhalta d’údarás áitiúil, tabharfaidh an cláráitheoir eitice do gach comhalta den sórt sin cóip den Chód Iompair Náisiúnta do Chomhaltaí Údarás Áitiúil.”*

Foráiltear don méid seo le halt 169(4)(a)(ii):

*“Tarraingoidh an fógra a eiseoidh an cláráitheoir eitice faoi alt 174 aird an chomhalta ar an gcód iompair agus ar fho-alt (3)(a).”*

- 4.37 Bhí ar gach comhalta údarás áitiúil dearbhú bliantúil um leasanna is gá a fhógairt a chur ar fáil don Chláraitheoir Eitice i bhfoirm ar chuir an Cláráitheoir Eitice í ar fáil dó/di mar aon le fógra lena dtarraingíodh aird an chomhalta ar an gCód Iompraíochta (alt 169(4)(a)(ii)) agus ar an gceanglas a bhí ar gach comhalta aird a bheith aige/aici ar an gCód Iompraíochta agus

treoir a ghlacadh uaidh (alt 169(3)(a)). Le héifeacht ón 1 Eanáir 2005, rinneadh leasú le hairteagal 10 de na Rialacháin fán Acht Rialtais Áitiúil, 2001 (Cuid 15), 2004 (I.R. Uimh. 770 de 2004), ar an bhfoirm dearbhaithe a bhí le comhlánú ag comhaltaí údarás áitiúil ionas go gcuirfí an gealltanais seo a leanas ar áireamh inti:

*“I hereby undertake to have regard to and be guided by the Code of Conduct for Councillors in the exercise of my functions. (The Code of Conduct for Councillors was issued by the Minister under section 169 of the Local Government Act 2001.)”*

- 4.38 Bainneann an Cód Iompraíochta le hábhar san imscrúdú seo mar go bhfuil sé líomhnaithe gur theip ar an Seanadóir Ó Domhnaill cloí le, nó seasamh le, prionsabail áirithe atá istigh ann. Foráiltear don méid seo le míreanna 8.1 agus 8.2 go háirithe:

*“8.1 Ní mór do chombairleoirí an uile aire réasúnta a thabhairt do mhaoin, acmhainní agus chistí an údaráis áitiúil, agus gan úsáid a bhaint astu, nó cead a thabhairt go mbainfí úsáid astu, chun críocha neamhúdaraithe nó críocha neamhoifigiúla. Ní mór dóibh na rialacha a rialaíonn próisis déanta éileamh agus íocaíochtaí de chineál ar bith a chomhlíonadh go hiomlán agus ag gach tráth. Áirítear íocaíocht ionadaíochta, liúntas bliantúil, liúntas an chathaoirligh nó liúntas eile, freastal ar chomhbháil nó taisteal eile sa mhéid sin.*

*8.2 Ceadáitear leis an Acht go n-údarófaí go bhfreastalódh duine ar chomhbháil sa chás go bhfuil an chombairle sásta go bhfuil bunús maith leis an bhfreastal sin i bhfianaise a mhéid is a bhainfidh sé leis an údarás agus leis an bpobal áitiúil, agus trí thagairt don chostas agus do na sochair is dócha a gheofar dá bharr. Tá sé d’fhreagracht phearsanta ar gach duine a chinntiú go bhfreastalaíonn sé nó sí i gceart ar an gcomhbháil lena linn agus go dtuairisceoidh siad ar ais chuig an gcombairle de réir an Achta.”*

### ***Aighneachtaí scríofa***

- 4.39 Ina n-aighneacht scríofa thar a cheann, luaigh na hionadaithe dlíthiúla don Seanadóir Ó Domhnaill an tuarascáil ón gCoimisiún ar a imscrúdú ar shárúithe líomhnaithe ar na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001, agus ar Chuid 15 den Acht Rialtais Áitiúil, 2001, arna ndéanamh ag an iar-Chombhairleoir Dessie Larkin, Comhairle Contae Dhún na nGall agus Tionól Réigiúnach na Teorann, Lár Tíre agus an Iarthair (Nollaig 2014). Luann siad mír 5.3 den tuarascáil go háirithe:

*In relation to alleged contraventions 4 to 6, whilst the Code of Conduct for Councillors and Section 142(5)(f) of the Local Government Act require a councillor attending a conference to submit a report to the local authority, Donegal County Council in a letter dated 9 August 2013 informed the Inquiry Officer that it was not “a compulsory practice” of the Council at that time to enforce the requirement and Councillor Larkin had not submitted reports in respect of the conferences. The letter stated that revised arrangements were introduced in March 2010 following the raising of the matter by the Local Government Auditor during the 2008 audit. The Commission concludes that in any given case, it is a matter in the first instance for the Council to assess whether there was proper attendance for the duration of a conference by a councillor as required by paragraph 8.2 of the Code and to enforce compliance with the obligation to report back to the Council in accordance with the Act. Against this background, the Commission is of the opinion that it would be inequitable to*

*adjudicate on Councillor Larkin in relation to his partial attendance at a conference when the regime for assessing a councillor's attendance and reporting thereon was not operated by the Council until 2010. In these circumstances, the alleged contraventions 4 to 6 are not established against Councillor Larkin.*

4.40 Luaitear san aighneacht, i measc nithe eile:

*“Ag éirí as cinneadh agus dlí-eolaíocht an Choimisiúin seo i gcás Larkin, bhí an Seanadóir Ó Dombnaill saor le himeacht ar feadh tamaill ó chombhdháil Dhún Dealgan chun freastal ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall thar ceann an Údaráis má shíl sé go raibh an rogha sin fóinteach don phobal a raibh sé mar ionadaí orthu, rud a rinne sé.”*

4.41 Luaitear san aighneacht freisin, i measc nithe eile:

*“Níl éileamb dúbailte i gceist anseo ach dá éileamb éagsúla ar dhá chomhlacht phoiblí éagsúla as turasanna éagsúla ar laethanta éagsúla agus de bhun Cinneadh an Choimisiúin i gcás Larkin, bhí lán-chead ag an Seanadóir Ó Dombnaill an turas óna oifig ar an bhFál Carrach/Gort a' Choirce chuig Leitir Ceanainn agus ar ais arís ar an 10 Márta a dbéanamb.”*

4.42 Luaitear san aighneacht freisin, i measc nithe eile, i dtaca le héilimh an tSeanadóir i ndáil lena fhreastal ar an Seimineár Oilíúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Co. Mhuineacháin, ón 26 go dtí an 27 Aibreán 2006 agus lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn an 27 Aibreán 2006:

*“Eascraíonn an sárú líombnaithe anseo as botún macánta ar an bhfoirm éileamb chuig an gComhairle Chontae”*

## 5. Fionnachtana agus Cinntí

- 5.1 Faoi mar a leag an Coimisiún amach ina thuarascáil ar an imscrúdú ar sháruithe líomhnaithe ag an gComhairleoir Pádraig Doherty, Comhairle Contae Dhún na nGall (Meitheamh 2014), is é an prionsabal ginearálta taobh thiar de chostais taistil agus chothaithe a íoc ná a aithint go bhfuiltear i dteideal íocaíocht a fháil i leith costais nach féidir a sheachaint le linn feidhmeanna oifigiúla a chomhlíonadh. Measann an Coimisiún gur gá do chomhairleoirí dícheall agus cúram a thaispeáint nuair a bhíonn éilimh á ndéanamh acu, cibé acu a bhaineann na héilimh sin le costais taistil nó le liúntais chothaithe. Tá gné iontaoibhe ann d'éilimh den sórt sin a dhéanamh. Bíonn cúram ar leith ag teastáil nuair a bhíonn éilimh á ndéanamh chuig gníomhaireachtaí difriúla Stáit. I bprionsabal, is ní tromchúiseach é costais agus liúntais chothaithe a éileamh i gceart agus is ní é nach mór do chomhairleoirí a chomhlíonadh, go háirithe chun iontaoibh agus muinín an phobail a choinneáil agus a mhéadú as an rialtas áitiúil. Maidir leis sin, ní ar an méid atá i gceist amháin a mheastar tromchúis an ábhair.
- 5.2 Bhí aird ag an gCoimisiún ar an bhfianaise a cuireadh ina láthair i bhfoirm doiciméad agus ráiteas agus ag an éisteacht. Bhí aird aige freisin ar na haighneachtaí scríofa a rinneadh chuige. Tá na haighneachtaí sin ar áireamh in Aguisín 4.
- 5.3 Maidir le sáruithe líomhnaithe 1, 4 agus 7, cinneann an Coimisiún nach raibh an Seanadóir Ó Domhnaill i dteideal, faoi Chuid II, mír 6 de na hOrdacháin ón Aire atá i gCiorclán LG. 49/2, costais a éileamh agus a fháil mar a rinne sé ó Chomhairle Contae Dhún na nGall agus ó Údarás na Gaeltachta araon i ndáil lena fhreastal ar chomhdháil bhliantúil Chumann Comhairlí Contae is Cathrach i nDún Dealgan an 9, an 10 agus an 11 Márta 2006 agus ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn an 10 Márta 2006.
- 5.4 Maidir le sáruithe líomhnaithe 2, 5 agus 8, cinneann an Coimisiún nach raibh an Seanadóir Ó Domhnaill i dteideal, faoi Chuid II, mír 6 de na hOrdacháin ón Aire atá i gCiorclán LG. 49/2 costais a éileamh agus a fháil mar a rinne sé ó Chomhairle Contae Dhún na nGall agus ó Údarás na Gaeltachta araon i ndáil lena fhreastal ar Sheimineár Oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Contae Mhuineacháin, an 26 go dtí an 27 Aibreán 2006 agus ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán 2006.
- 5.5 Maidir le sáruithe líomhnaithe 3, 6 agus 9, cinneann an Coimisiún nach raibh an Seanadóir Ó Domhnaill i dteideal, faoi Chuid II, mír 6 de na hOrdacháin ón Aire atá i gCiorclán LG. 49/2 costais a éileamh agus a fháil mar a rinne sé ó Chomhairle Contae Dhún na nGall agus ó Údarás na Gaeltachta araon i ndáil lena fhreastal ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn, Contae Lú, an 30 Bealtaine go dtí an 1 Meitheamh 2006 agus ar imeacht de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Contae Dhún na nGall, an 31 Bealtaine 2006.
- 5.6 Ní ghlacann an Coimisiún leis an aighneacht a rinneadh thar ceann an tSeanóra Uí Dhomhnaill go raibh sé, mar gheall ar an gcinneadh ón gCoimisiún ina thuarascáil ar an imscrúdú ar an gComhairleoir Dessie Larkin, i dteideal é féin a fhanacht ó chomhdháil Dhún Dealgan go sealadach nó ar shlí eile ionas go bhféadfadh sé freastal, thar ceann Údarás na Gaeltachta, ar imeacht de chuid Chomhpháirtíocht Spóirt Dhún na nGall, fiú amháin sa chás

go raibh sé ag déanamh amhlaidh, mar a mhaígh sé, ar an mbonn go mbeadh an rogha sin ní ba thairbhiúla dá thoghthóirí. Ní ghlacann an Coimisiún leis go raibh sé de cheart ag an Seanadóir roghnú a dhéanamh ar a mhéid a d'fhreastalódh sé ar chomhdháil, rud ar le cinneadh ó na comhaltaí tofa a cuireadh chuici é chun ionadaíocht a dhéanamh don chomhairle contae. Níorbh ionann na firicí agus na sáruithe do chás Larkin agus don chás seo. Níl sé inchomparáide leis an gcás seo agus ní féidir brath air mar fhasach.

- 5.7 Ní ghlacann an Coimisiún leis an aighneacht nárbh éilimh chostais dhúbailte iad na héilimh a chuir an Seanadóir Ó Domhnaill faoi bhráid Chomhairle Contae Dhún na nGall agus Údarás na Gaeltachta, agus é ag maíomh gur dhá éileamh ar leith iad a cuireadh faoi bhráid dhá chomhlacht phoiblí dhifriúla agus a d'eascair as dátaí difriúla.
- 5.8 Ní ghlacann an Coimisiún leis na dearbhuithe ón Seanadóir ná leis na dearbhuithe a rinneadh thar a cheann gur bhotúin ionraice nó theagmhasacha a bhí san fhaisnéis mhícheart a bhí tugtha ar a bhfoirmeacha éilimh. Agus é ag teacht ar an gcinneadh sin, bhí aird ag an gCoimisiún ar an bpatrún taobh thiar den fhaisnéis mhícheart sin agus ar an bhfíric gur lena leas féin ó thaobh airgeadais de a bhí an botún líomhnaithe i ngach cás. Measann an Coimisiún gur ghníomhaigh an Seanadóir Ó Domhnaill ar bhealach chun an toradh airgeadais is mó is féidir a bhaint amach. Ní ghlacann an Coimisiún leis an bhfianaise ón Seanadóir, lena féachadh le cuntais ní ba luaithe uaidh a cheartú. Tugann na hadmhálacha éagsúla ón Seanadóir maidir lena bhotúin le fios go raibh a fhianaise míshásúil agus go raibh creidiúnacht in easnamh uirthi.
- 5.9 Mar áis tagartha, tá na sáruithe a líomhnaíodh in aghaidh an tSeanadóir Uí Dhomhnaill leagtha amach ceann ar cheann anseo, agus na fionnachtana agus na cinntí ón gCoimisiún leagtha amach ina ndiaidh.
1. Gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, de dheasca gur theip air na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta agus an chúraim do leas an phobail agus é ag comhall a fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú, an 9, an 10 agus an 11 Márta 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chomhair, gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, ar an mbealach atá líomhnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dócbúlachta gur d'aon turas a rinneadh an sárú agus gur ní tromchúiseach sna cúinsí go léir é.*

2. Gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, de dheasca gur theip air na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta agus an chúraim do leas an phobail agus é ag comhall a fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Sheimineár Oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Contae Mhuineacháin, an 26 go dtí an 27 Aibreán 2006 agus, dá éis sin, gur éiligh sé costais taistil ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán 2006, de shárú ar mhíreanna 6, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1991 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, ar an mbealach atá líombnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh an sárú agus gur ní tromchúiseach sna cúinsí go léir é.*

3. Gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, de dheasca gur theip air na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta agus an chúraim do leas an phobail agus é ag comhall a fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn, Contae Lú, an 30 Bealtaine go dtí an 1 Meitheamh 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Contae Dhún na nGall, an 31 Bealtaine 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, gur sháraigh an Seanadóir Ó Domhnaill alt 168 den Acht Rialtais Áitiúil, 2001, ar an mbealach atá líombnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh an sárú agus gur ní tromchúiseach sna cúinsí go léir é.*

4. Gur sháraigh an Seanadóir Ó Domhnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí (Meitheamh 2004) sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil Bhliantúil Chumann Chomhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú, an 9, an 10 agus an 11 Márta 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse



céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, gur sháraigh an Seanadóir Ó Domhnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí ar an mbealach atá líombnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh na sárúithe agus gur ní tromchúiseach sna cúinsí go léir iad.*

5. Gur sháraigh an Seanadóir Ó Domhnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí (Meitheamh 2004) sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Sheimineár Oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Contae Mhuineacháin, an 26 go dtí an 27 Aibreán 2006 agus, dá éis sin, gur éiligh sé costais taistil ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán 2006, de shárú ar mhíreanna 6, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, gur sháraigh an Seanadóir Ó Domhnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí ar an mbealach atá líombnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh na sárúithe agus gur ní tromchúiseach sna cúinsí go léir iad.*

6. Gur sháraigh an Seanadóir Ó Domhnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí (Meitheamh 2004) sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn, Contae Lú, an 30 Bealtaine go dtí an 1 Meitheamh 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Contae Dhún na nGall, an 31 Bealtaine 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin

Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, gur sháraigh an Seanadóir Ó Dombnaill alt 169(3) den Acht Rialtais Áitiúil, 2001, agus gur thug sé neamhaird ar fhorálacha mhíreanna 2.1, 2.2, 2.3 agus 8.1 den Chód Iompraíochta do Chomhairleoirí ar an mbealach atá líomhnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh na sárúithe agus gur ní tromchúiseach sna cúinsí go léir iad.*

7. Ós “duine sonraithe” é de réir bhrí alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí, 2001, go ndearna an Seanadóir Ó Dombnaill “gníomh sonraithe” de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach le Sceideal 1 den Acht um Chaighdeáin in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú, an 9, an 10 agus an 11 Márta 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991, agus/nó bhí a leithéid d’iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus comhalta Údarás na Gaeltachta aige agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d’fheidhmiú, ar ní é a ngabhann tábhacht shuntasach phoiblí leis.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, go ndearna an Seanadóir Ó Dombnaill “gníomh sonraithe” ar an mbealach atá líomhnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh an “gníomh sonraithe” agus gur ní tromchúiseach sna cúinsí go léir é.*

8. Ós “duine sonraithe” é de réir bhrí alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí, 2001, go ndearna an Seanadóir Ó Dombnaill “gníomh sonraithe” de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach le Sceideal 1 den Acht um Chaighdeáin in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Sheimineár Oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois, Contae Mhuineacháin, an 26 go dtí an 27 Aibreán 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán 2006, de shárú ar mhíreanna 6, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993

(I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 2001, agus/nó bhí a leithéid d'iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus comhalta Údarás na Gaeltachta aige agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú, ar ní é a ngabhann tábhacht shuntasach phoiblí leis.

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9. Ós “duine sonraithe” é de réir bhrí alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí, 2001, go ndearna an Seanadóir Ó Domhnaill “gníomh sonraithe” de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach le Sceideal 1 den Acht um Chaighdeáin in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, sa mhéid gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i ndáil lena fhreastal ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlín, Contae Lú, an 30 Bealtaine go dtí an 1 Meitheamh 2006 agus, dá éis sin, gur éiligh sé costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil lena fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Contae Dhún na nGall, an 31 Bealtaine 2006, de shárú ar mhíreanna 6, 13, 18 agus 22 de Chuid II de na hOrdacháin arna n-eisiúint ag an Aire Comhshaoil faoi airteagal 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993), arna ndéanamh de bhun alt 51 den Acht Rialtais Áitiúil, 1991, agus/nó bhí a leithéid d'iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus comhalta Údarás na Gaeltachta aige agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú, ar ní é a ngabhann tábhacht shuntasach phoiblí leis.

*Is deimhin leis an gCoimisiún, bunaithe ar an bhfianaise os a chombair, go ndearna an Seanadóir Ó Domhnaill “gníomh sonraithe” ar an mbealach atá liombnaithe. Is deimhin leis an gCoimisiún de réir chóimbeá na dóchúlachta gur d'aon turas a rinneadh an “gníomh sonraithe” agus gur ní tromchúiseach sna cúinsí go léir é.*

- 5.10 Le halt 24 den Acht um Eitic, ceanglaítear ar an gCoimisiún a chinneadh an ndearnadh an sárú nó an gníomh sonraithe de thaisme, go faillíoch, go meargánta nó d'aon turas. Measann an Coimisiún gur le gníomh a rinneadh d'aon turas a bhaineann an tromchúis is mó (agus, dá réir sin, gur le gníomhartha a rinneadh de thaisme a bhaineann an tromchúis is lú). Déantar cinneadh den sórt sin sa chás go ndearnadh gníomh go comhfhiosach d'fhonn toradh ar leith a bhaint amach. Agus cinneadh á dhéanamh aige ar an mbealach inar ghníomhaigh an Seanadóir Ó Domhnaill, bhí aird ag an gCoimisiún ar chineál na sárúithe agus na ngníomhartha atá i gceist agus ar an gcóras trína ndearnadh na sárúithe agus na gníomhartha sin. Bhí aird aige freisin ar na mínithe a tugadh don Choimisiún maidir leo sin agus ar an meon a bhí ag an Seanadóir Ó Domhnaill i leith a iompair ag an am sin. Agus aird aige ar an bhfianaise a tugadh, is é tátal an Choimisiúin gurbh ag an leibhéal ab airde a bhí gach ceann de na sárúithe agus na gníomhartha agus gur d'aon turas a rinne an Seanadóir Ó Domhnaill iad.

- 5.11 Agus é ag teacht ar na cinní uaidh maidir le sárúithe líomhnaithe 1 go 9 – ba iad sin, gur d'aon turas a rinneadh na sárúithe agus an “gníomh sonraithe” agus gur nithe tromchúiseacha sna cúinsí go léir iad, bhí aird ag an gCoimisiún ar na mínithe difriúla a thug an Seanadóir Ó Domhnaill ar a ghníomhartha ina leith sin ag céimeanna éagsúla den scrúdú ar an ní seo laistigh de Chomhairle Contae Dhún na nGall agus ag an gCoimisiún araon.
- 5.12 De bharr a gcineáil, cinneann an Coimisiún nach sárúithe leanúnacha iad na sárúithe atá i gceist.
- 5.13 Chinn an Coimisiún nach bhfuil sé in ann a chinneadh gur ghníomhaigh an Seanadóir Ó Domhnaill de mheon macánta maidir leis na sárúithe.
- 5.14 Toisc nach bhfuil aon aisíocaíocht déanta i leith na gcostas ar éiligh an Seanadóir Ó Domhnaill go mícheart iad agus in ainneoin go bhfuil sé ar oscailt dó aisíocaíocht den sórt sin a dhéanamh, is faoi Chomhairle Contae Dhún na nGall agus/nó faoi Údarás na Gaeltachta atá sé na bearta cuí a dhéanamh chun na suimeanna airgid atá i gceist a aisghabháil.

## **Aguisín 1**

**Litir chuig an Seanadóir Ó Domhnaill - an 25 Eanáir 2013 – inar cuireadh an Ráiteas maidir leis na Sáruithe Líomhnaithe faoi iamh**

25 Eanáir 2013

An Seanadóir Brian Ó Domhnaill  
Cill Ulta  
An Fál Carrach  
Co. Dhún na nGall

A Sheanadóir Ó Domhnaill, a chara,

Tagraím do mo litir dar dáta an 16 Samhain 2012 maidir leis an gcinneadh ón gCoimisiún um Chaighdeán imscrúdú a thionscnamh faoi alt 23 den Acht um Eitic in Oifigí Poiblí, 1995, arna leasú, i ndáil leis an ngearán dar dáta an 28 Bealtaine 2012 a fuarthas ón gComhairleoir Noel McBride, an Méara ag an am sin ar Chomhairle Contae Dhún na nGall, agus ón Uas. Seamus Neely, Bainisteoir Contae, Comhairle Contae Dhún na nGall.

Beartaíonn an Coimisiún um Chaighdeán teacht le chéile Dé Luain an 11 Márta 2013 ag 11.00 a.m. ina oifigí ag 18 Sráid Líosain Íochtarach, Baile Átha Cliath 2, chun críocha fianaise a easraíonn as an imscrúdú sin a éisteacht. Deimhnigh, trí fhreagra a thabhairt ar an litir seo, go mbeidh tú ar fáil chun freastal os comhair an Choimisiúin ar an dáta sin. Cuir in iúl freisin cé acu a dhéanfar nó nach ndéanfar ionadaíocht dhlíthiúil duit ag an éisteacht.

D'fhonn cabhrú leat an próiseas imscrúdaithe a thuiscint, cuirim Ráiteas maidir le Nósanna Imeachta Beartaithe arna n-ullmhú ag an gCoimisiún faoi iamh. Cuirim cóipeanna de na nithe seo a leanas faoi iamh freisin:

1. Ráiteas maidir leis na Sárúithe Líomhnaithe ar an Acht Rialtais Áitiúil, 2001, agus ar na hAchtanna um Eitic.
2. Tuarascáil dar dáta an 7 Samhain 2012 (lena n-áirítear Aguisíní) ón Uas. Paddy Walsh, an tOifigeach Fiosrúcháin arna cheapadh ag an gCoimisiún chuig an gcás.

Sa Tuarascáil faoi iamh, is mar Aguisíní a thugtar doiciméid áirithe a cuireadh ar fáil don Uas. Walsh le linn dó a fhiosrúithe a dhéanamh agus Ráitis a fuair an tUas. Walsh ó oifigigh de chuid Chomhairle Contae Dhún na nGall, Údarás na Gaeltachta agus an Chumainn Chomhairlí Contae is Cathrach agus ón Méara ar Chomhairle Contae Dhún na nGall ag an am. Tá sé beartaithe ag an gCoimisiún brath ar na doiciméid agus ar na Ráitis sin le linn an imscrúdaithe.

Tá cumhachtaí fairsinge ag an gCoimisiún chun iallach a chur ar dhaoine teacht i láthair chun fianaise a thabhairt dó agus chun doiciméid a fháil. Feictear don Choimisiún, áfach, go bhfuil beagán díospóide fíorasáí nó nach bhfuil aon díospóid fhíorasach ann sna doiciméid agus sna Ráitis sin agus, ionas nach gá don Choimisiún na doiciméid sin a chruthú go foirmiúil agus nach gá dó údair na Ráiteas a ghlaoch chun fianaise ó bhéal a thabhairt ag an éisteacht de réir na Ráiteas, thug Cathaoirleach an Choimisiúin treoir dom iarraidh ort do thoiliú i scríbhinn a thabhairt go dtabharfaí

na doiciméid sin ar aird i bhfianaise gan cruthúnas foirmiúil a bheith ag teastáil agus go mbeadh na Ráitis i scríbhinn inghlactha mar fhianaise ag an gCoimisiún ag an éisteacht. Ar ndóigh, ní chuirfeadh an méid sin cosc ort fianaise a thabhairt thar do cheann féin, aon fhianaise bhreise a mheasann tú a bheith cuí a ghlaoch ná aighneachtaí a dhéanamh chuig an gCoimisiún.

Maidir leis sin, ba cheart duit forálacha alt 32(2) den Acht um Eitic in Oifigí Poiblí, 1995, dá dtagraítear i mír 4.6 den Ráiteas maidir le Nósanna Imeachta Beartaithe, a thabhairt faoi deara. Mar atá luaite ansin, déanfaidh an Coimisiún iarracht cloí le haon iarraidh réasúnach arna déanamh agat nó thar do cheann maidir leis an dóigh a bhfeidhmeoidh an Cathaoirleach na cumhachtaí atá aige faoin alt sin chun a áirithiú go bhfreastalóidh finnétithe os comhair an Choimisiúin agus go dtáirgfear doiciméid is mian leat a chur i láthair an Choimisiúin.

Táim ag tnúth le cloisteáil uait maidir le cé acu a bheidh nó nach mbeidh tú ar fáil chun freastal ar an éisteacht an 11 Márta 2013, maidir le cé acu a dhéanfar nó nach ndéanfar ionadaíocht dhlíthiúil duit ag an éisteacht agus maidir le cé acu atá nó nach bhfuil tú sásta a chomhaontú go ndéanfaí na doiciméid agus na Ráitis atá ar áireamh sna hAguisíní a ghabhann le Tuarascáil an Oifigigh Fiosrúcháin a ghlacadh isteach san fhianaise gan cruthúnas foirmiúil.

Má theastaíonn uait nó ó d'ionadaí dlíthiúil soiléiriú maidir le haon nithe atá tarraingthe anuas sa litir seo nó maidir le haon cheann de na nósanna imeachta atá leagtha amach sa Ráiteas maidir le Nósanna Imeachta Beartaithe, ná bíodh aon drogall ort teagmháil a dhéanamh liom.

Is mise le meas,

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David Waddell  
Rúnaí an Choimisiúin

**An tAcht um Eitic in Oifigí Poiblí, 1995**  
**An tAcht um Chaighdeáin in Oifigí Poiblí, 2001**  
**An tAcht Rialtais Áitiúil, 2001**

**(Alt 32(6)(b) den Acht um Eitic in Oifigí Poiblí, 1995)**

**An tIar-Chomhairleoir Brian Ó Domhnaill, Comhairle Contae Dhún na nGall**

**RÁITEAS MAIDIR LEIS NA SÁRUITHE LÍOMHNAITHE**

1. Gur sháraigh tú Alt 168 den Acht Rialtais Áitiúil, 2001 de dheasca gur theip ort na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta, agus an chúraim do leas an phobail agus tú ag comhall d'fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú an 9, an 10 agus an 11 Márta, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta, 2006, contrártha le hait 6, 13, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991.

2. Gur sháraigh tú Alt 168 den Acht Rialtais Áitiúil, 2001 de dheasca gur theip ort na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta, agus an chúraim do leas an phobail agus tú ag comhall d'fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar sheimineár oiliúna de chuid an Fhorais Riaracháin ar Charraig Mhachaire Rois, Contae Mhuineacháin an 26 go dtí an 27 Aibreán, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán, 2006, contrártha le hait 6, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1991 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991.

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4. Gur sháraigh tú Alt 169 (3) den Acht Rialtais Áitiúil, 2001 agus gur thug tú neamhaird ar fhorálacha alt 2.1, alt 2.2, alt 2.3 agus alt 8.1 den Chód Cleachtais do Chomhairleoirí (Meitheamh 2004) toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú an 9, an 10 agus an 11 Márta, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta, 2006, contrártha le hailt 6, 13, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991.

5. Gur sháraigh tú Alt 169 (3) den Acht Rialtais Áitiúil, 2001 agus gur thug tú neamhaird ar fhorálacha alt 2.1, alt 2.2, alt 2.3 agus alt 8.1 den Chód Cleachtais do Chomhairleoirí (Meitheamh 2004) toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar sheimineár oiliúna de chuid an Fhorais Riaracháin ar Charraig Mhachaire Rois, Contae Mhuineacháin an 26 go dtí an 27 Aibreán, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán, 2006, contrártha le hailt 6, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991.

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7. Ós *“duine sonraithe”* thú de réir bhrí alt 4(6) den Acht um Chaighdeán in Oifigí Poiblí, 2001, go ndearna tú *“gníomb sonraithe”* de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach ag Sceideal 1 den Acht um Chaighdeán in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach 2006 ag Óstán Fairways, Dún Dealgan, Contae Lú an 9, an 10 agus an 11 Márta, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 10 Márta, 2006, contrártha le hailt 6, 13, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991, agus bhí a leithéid d'iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus comhalta Údarás na Gaeltachta

agat agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú agus is ábhar é a bhfuil tábhacht shuntasach phoiblí ag baint leis.

8. Ós *“duine sonraithe”* thú de réir bhrí alt 4(6) den Acht um Chaighdeán in Oifigí Poiblí, 2001, go ndearna tú *“gníomb sonraithe”* de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach ag Sceideal 1 den Acht um Chaighdeán in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar sheimineár oiliúna de chuid an Fhorais Riaracháin ar Charraig Mhachaire Rois, Contae Mhuineacháin an 26 go dtí an 27 Aibreán, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, Contae Dhún na nGall, an 27 Aibreán, 2006, contrártha le hailt 6, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 2001, agus bhí a leithéid d'iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus chomhalta Údarás na Gaeltachta agat agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú agus is ábhar é a bhfuil tábhacht shuntasach phoiblí ag baint leis.

9. Ós *“duine sonraithe”* thú de réir bhrí alt 4(6) den Acht um Chaighdeán in Oifigí Poiblí, 2001, go ndearna tú *“gníomb sonraithe”* de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995 (arna chur isteach ag Sceideal 1 den Acht um Chaighdeán in Oifigí Poiblí, 2001), nó sraith dá leithéid de ghníomhartha, toisc gur éiligh tú costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall i leith d'fhreastail ar Chomhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn, Contae Lú an 30 Bealtaine go dtí an 1 Meitheamh, 2006 agus, dá éis sin, gur éiligh tú costais taistil agus chothaithe ar Údarás na Gaeltachta i leith na tréimhse céanna i ndáil le d'fhreastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath, Contae Dhún na nGall, an 31 Bealtaine, 2006, contrártha le hailt 6, 13, 18 agus 22 de Chuid II de na Treoracha arna n-eisiúint ag an Aire Comhshaoil de réir Alt 12 de na Rialacháin Rialtais Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993) arna ndéanamh de réir Alt 51 den Acht Rialtais Áitiúil, 1991, agus bhí a leithéid d'iompar, nó cúinsí an iompair sin, ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus chomhalta Údarás na Gaeltachta agat agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú agus is ábhar é a bhfuil tábhacht shuntasach phoiblí ag baint leis.

## **Aguisín 2**

**Sleachta ábhartha ó reachtaíocht, ó ordacháin ón Aire agus ón gCód Iompraíochta do Chomhairleoirí**

## **An tAcht Rialtais Áitiúil 2001**

*Dualgas comhaltaí arna gceapadh chuig comhlachtaí eile.*

141.—(1) I gcás ina ndéanfaidh údarás áitiúil comhalta amháin nó níos mó den údarás sin a thoghadh, a cheapadh nó a ainmniú chuig comhlacht eile, cibé acu arna bhunú le reacht nó faoi reacht nó ar shlí eile, beidh sé de dhualgas ar an gcomhalta sin nó ar na comhaltaí sin ionadaíocht a dhéanamh don údarás áitiúil agus tuarascáil a thíolacadh dó faoi ghníomhaíochtaí agus oibriú an chomhlachta sin—

- (a) gach bliain, nó
- (b) aon tráth eile, má iarrtar le rún é nó má iarrann an Cathaoirleach sin a dhéanamh.

(2) Déanfaidh an comhalta nó na comhaltaí lena mbaineann gach tuarascáil lena mbaineann fo-alt (1) a thíolacadh do chruinniú den údarás áitiúil.

(3) Ní cheanglóidh aon ní san alt seo go nochtfaí faisnéis don údarás ar faisnéis í atá faoi rún nó nach bhféadfaí í a nochtadh thairis sin.

(4) Baineann an t-alt seo freisin le haon duine a shealbhaíonn comhaltas de chomhlacht de bhua é nó í a bheith ina Chathaoirleach nó ina Cathaoirleach nó ina comhalta eile nó ina comhalta eile d'údarás áitiúil.

*Caiteachais, luach saothair, etc. comhaltaí.*

142 — (5)(f) I gcás ina bhfreastalóidh comhalta de chomhairle thofa ar chruinniú nó ar imeacht de bhua údarú faoin alt seo, cuirfidh sé nó sí achoimre ar na himeachtaí faoi bhráid an chéad ghnáthchruinnithe eile den údarás áitiúil.

*Caighdeáin ionracais.*

168.— Is é dualgas gach comhalta d'údarás áitiúil agus gach fostaí de chuid údaráis áitiúil agus gach comhalta de gach coiste, le linn dóibh a bhfeidhmeanna a chomhall faoin achtachán seo nó faoi aon achtachán eile, caighdeáin chuí a chothabháil maidir le hionracas, iompar agus aird a thabhairt ar leas an phobail.

*Cóid iompair don tSeirbhís Rialtais Áitiúil.*

169.— (3) (a) Beidh aird ag gach comhalta ar an gcód iompair iomchuí, agus glacfaidh sé nó sí treoir uaidh, le linn dó nó di a fheidhmeanna nó a fheidhmiú.

## An tAcht um Chaighdeáin in Oifigí Poiblí 2001

*Gearáin leis an gCoimisiún.*

4.— (1) Más rud é go measfaidh duine (“an gearánach”)—

(a) go mb’fhéidir go mbeadh gníomh nó neamhghníomh déanta ag duine sonraithe, nó ag duine ar duine bainteach é nó í i ndáil le duine sonraithe, tar éis thosach feidhme *alt 2* ar gníomh nó neamhghníomh é de chineál, nó maidir le himthosca an chéanna gur imthosca iad de chineál, a bheidh ar neamhréir le comhlíonadh cúí fheidhmeanna na hoifige nó an phoist ag an duine sonraithe, ar oifig í nó post é a bhfuil an duine sonraithe ina dhuine sonraithe nó ina duine sonraithe faoina treoir nó faoina threoir, nó le muintín an phobail i gcoitinne sa chomhlíonadh sin a choinneáil, agus gur ní é a gabhann tábhacht shuntasach phoiblí leis,

(b) go mb’fhéidir go mbeadh foráil den Phríomh-Acht sáraithe ag duine sonraithe, nó

(c) go mb’fhéidir go mbeadh foráil d’Acht 1997 sáraithe ag duine sonraithe,

féadfaidh an gearánach gearán a dhéanamh leis an gCoimisiún i ndáil leis an ní..

(2) Níl feidhm ag *fo-alt (1)* maidir le gníomh nó le neamhghníomh arna dhéanamh ag duine sonraithe nó ag duine ar duine bainteach é nó í i ndáil le duine sonraithe más rud é—

(a) go mbaineann sé le ní príobháideach agus nach bhfuil baint aige le feidhmeanna na hoifige ná an phoist a bhfuil an duine sonraithe ina dhuine den sórt sin faoina threoir nó faoina treoir, nó

(b) go dtagann sé as neamhinniúlacht nó neamhéifeachtúlacht maidir le feidhm den sórt sin a chomhlíonadh, nó as mainneachtain feidhm den sórt sin a chomhlíonadh, ar thaobh an duine shonraithe.

(3) Is i scríbhinn nó i cibé foirm eile a chinnefidh an tAire a bheidh gearán faoi *fbo-alt (1)*.

(4) Féadfaidh an Coimisiún a iarraidh ar oifigeach fiosrúcháin réamhfiosrúchán a dhéanamh i dtaobh aon ghearáin faoi *fbo-alt (1)* a thagann faoi réim *mbír (a)* den fho-alt sin mura measfaidh sé an gearán a bheith suaibhreasach nó cráiteach.

(5) Más rud é, maidir le hábhar gearáin a dhéanfar leis an gCoimisiún nó a tharchuirfear chuige, nach bhfuil sé tromáí go leor, i dtuairim an Choimisiúin, le go mbeadh údar maith ag an gCoimisiún é a imscrúdú, maidir leis an gCoimisiún, dá rogha féin, ní dhéanfaidh sé é a imscrúdú nó déanfaidh sé é a tharchur—

(a) i gcás go mbainfidh sé le duine atá ina chomhalta nó ina comhalta nó, an tráth lena mbaineann an gearán, a bhí ina chomhalta nó ina comhalta, chuig cibé coiste den Teach lena mbaineann is cúí leis,

- (b) i gcás go mbainfidh sé le duine atá ina shealbhóir nó ina sealbhóir ar stiúrtóireacht ainmnithe nó ar aon stiúrtóireacht, nó a bhí, an tráth réamhráite, ina shealbhóir nó ina sealbhóir den sórt sin, nó atá i seilbh poist ainmnithe nó i seilbh aon phoist, i gcomhlacht poiblí, nó a bhí, an tráth réamhráite, i seilbh poist den sórt sin, chuig ceann an chomhlachta,
- (c) i gcás go mbainfidh sé le duine atá ina chomhairleoir speisialta nó ina comhairleoir speisialta, nó a bhí, an tráth réamhráite ina chomhairleoir nó ina comhairleoir den sórt sin, chuig an sealbhóir oifige a bhfuil nó a raibh sé nó sí ag gníomhú dó nó di mar chomhairleoir speisialta.

(6) (a) I *bhfo-alt (1)*, ciallaíonn “duine sonraithe” duine—

- (i) atá, nó a bhí an tráth lena mbaineann an gearán atá I gceist, ina shealbhóir oifige nó ina sealbhóir oifige nó atá, nó a bhí an tráth lena mbaineann an gearán atá i gceist, ina shealbhóir nó ina sealbhóir ar oifig an Ard-Aighne ach nach bhfuil nó nach raibh ina chomhalta nó ina comhalta,
  - (ii) atá, nó a bhí an tráth réamhráite, ina chomhairleoir speisialta nó ina comhairleoir speisialta nó a bhí ina shealbhóir nó ina sealbhóir ar stiúrtóireacht ainmnithe de chuid comhlachta phoiblí, nó a bhí I seilbh poist ainmnithe i gcomhlacht poiblí, nó
  - (iii) a shealbhaíonn, nó a shealbhaigh an tráth réamhráite, stiúrtóireacht nó post fostaíochta i gcomhlacht poiblí, nó atá, nó a bhí an tráth réamhráite, i seilbh an chéanna.
- (b) Gan dochar do ghinearáltacht na habairte “tábhacht shuntasach phoiblí” i *bhfo-alt (1)*, measfaidh an Coimisiún, más cú leis déanamh amhlaidh ag féachaint do na himthosca go léir, chun críocha an fho-ailt sin, go ngabhann tábhacht shuntasach phoiblí le ní má bhaineann an ní sin le tairbhe a líomhnaítear a bheith faighte ag duine sonraithe nó ag duine ar duine bainteach é nó í i ndáil le duine sonraithe agus, nár lú luach na tairbhe, i dtuairim an Choimisiúin, ná £10,000, nó nach lú ná sin é, nó go mb’fhéidir nár lú ná sin é, nó go rabhthas ag súil leis nó go bhfuiltear ag súil leis nó go mb’fhéidir go mbeifí ag súil leis nár lú ná sin é, nó go dtiocfadh luach nach lú ná £10,000 chun bheith air.

**Ciorclán LG. 49/2 - Ordacháin arna nEisiúint ag an Aire Comhshaoil faoi Airteagal 12 de na Rialacháin Údarás Áitiúil (Costais Comhaltaí Údarás Áitiúil), 1993 (I.R. Uimh. 391 de 1993)**

*Cuid II*

6. Ní íocfaidh údarás áitiúil níos mó na liúntas taistil amháin le comhalta i leith an turais chéanna agus ní íocfaidh sé aon liúntas taistil le comhalta i leith aon turais nó cuid de thuras a bhfuil liúntas íoctha ag, nó iníoctha ag údarás poiblí eile, nó áta á éileamh ó údarás poiblí eile.
13. Ní íocfaidh údarás áitiúil níos mó na aon liúntas costas cothaithe amháin le comhalta i leith na tréimhse céanna neamhláithreachta agus ní íocfaidh sé aon liúntas cothaithe le comhalta i leith aon tréimhse nó cuid de thréimhse a bhfuil liúntas íoctha, iníoctha nó á éileamh ó údarás poiblí eile nó comhlacht eile ina leith.
18. Ní íocfaidh údarás áitiúil aon liúntas costas nó cothaithe nó ní dhéanfaidh sé aon chostas ar chomhalta a aisghabháil i leith aon ní nó aon turas ar leith nó aon chuid de thuras, no tréimhse ama, nó mír chostais a íocadh nó a aisghabháladh, nó áta iníoctha nó in-aisghabháladh ag aon duine eile don chomhalta sin nó a éilíodh ar an gcomhalta sin ó aon duine eile.
22. (1) Ní bheidh comhalta i dteideal turas ar leith nó cuid de thuras, nó tréimhse ama ar leith nó aon ní eile a chur san áireamh chun críocha níos mó na éileamh amháin i leith liúntais chostas taistil nó cothaithe agus ní dhéanfaidh comhalta aon éileamh ar údarás áitiúil i leith aon ní nó aon turais ar leith nó cuid de thuras, nó aon tréimhse ama nó mír costais áta íoctha no aisghabháilte ag, nó áta iníoctha nó in-aisghabhála ag aon údarás áitiúil nó duine eile don chomhalta sin nó a éilíodh ó aon údarás áitiúil nó duine eile ag an gcomhalta sin.

## **Cód Iompraíochta do Chomhairleoirí (sleachta ábhartha)**

### *2. Iompraíocht agus iompar ginearálta*

- 2.1 Bíonn iompraíocht agus iompar ginearálta comhairleoirí agus a ról á chur i ngníomh acu ina slat tomhais thábhachtach lena meastar macántacht, ionracas, neamhchlaontacht agus feidhmíocht an rialtais áitiúil agus lena gcoimeádtar iontaoibh an phobail. Tá sé tábhachtach mar sin go mbíonn na lárluachanna seo mar bhonn is mar thaca ag gach gníomh dá ndéanann comhairleoirí a théann i bhfeidhm ar ghnó údaráis áitiúil. Mar shealbhóirí post tofa, bíonn sé de dhualgas orthu seasamh leis an iontaoibh a chuireann an pobal iontu. Freagracht phearsanta is ea é seo agus ceanglaíonn sé orthu déanamh de réir na gcaighdeán eitice is airde agus a ról á fheidhmiú acu.
- 2.2 Ba chóir do chomhairleoirí seasamh leis an gCód seo agus an méid seo a leanas a dhéanamh agus a ról á chur i ngníomh acu:-
- gníomhú ar bhealach a bhreiseoidh iontaoibh agus muinín an phobail;
  - coimhlíntí leasa a sheachaint agus gan féachaint le tionchar míchuíbhiúil a úsáid choíche;
  - cinntí a dhéanamh bunaithe ar a machnamh ar a mbeidh le leas an phobail agus leis an maitheas phoiblí, agus leis sin amháin;
  - freastal ar a n-údarás áitiúil agus a muintir go díograiseach, go macánta agus go neamhchlaonta;
  - an comhionannas a chur chun cinn agus claonadh a sheachaint;
  - a gcuid feidhmeanna a fheidhmiú ar bhealach stuama dícheallach;
  - caitheamh lena gcomhghleacaithe agus le fostaithe an údaráis áitiúil le cuirtéis agus meas.
- 2.3 Tríd is tríd, ba chóir do chomhairleoirí féachaint lena chinntiú, maidir le gach dá mbaineann lena a gcuid oibre, nach dtarraingíonn a n-iompraíocht droch-cháil ar ionracas a bpost nó an rialtais áitiúil.

### *8. Meas ar acmhainní na combhairle*

- 8.1 Ní mór do chomhairleoirí an uile aire réasúnta a thabhairt do mhaoín, acmhainní agus chistí an údaráis áitiúil, agus gan úsáid a bhaint astu, nó cead a thabhairt go mbainfí úsáid astu, chun críocha neamhúdaraithe nó críocha neamhoifigiúla. Ní mór dóibh na rialacha a rialaíonn próisis déanta éileamh agus íocaíochtaí de chineál ar bith, a chomhlíonadh go hiomlán agus ag gach tráth. Áirítear íocaíocht ionadaíochta, liúntas bliantúil, liúntas an chathaoirligh nó liúntas eile, freastal ar chomhdháil nó taisteal eile, sa mhéid sin.
- 8.2 Ceadáitear leis an Acht go n-údarófaí go bhfreastalódh duine ar chomhdháil sa chás go bhfuil an chomhairle sásta go bhfuil bunús maith leis an bhfreastal sin i bhfianaise a mhéid is a bhainfidh sé leis an údarás agus leis an bpobal áitiúil, agus trí thagairt don chostas agus do na sochair is dócha a gheofar dá bharr. Tá sé d'fhreagracht phearsanta ar gach duine a chinntiú go



bhfreastalaíonn sé nó sí i gceart ar an gcomhdháil lena linn agus go dtuairisceoidh siad ar ais chuig an gcomhairle de réir an Achta.

### **Aguisín 3**

#### **Tras-scríbhinn den Éisteacht Imscrúdaithe – an 9 Bealtaine 2016**

Is é atá sa méid atá faoi iamh ná tras-scríbhinn d'imeachtaí ón éisteacht imscrúdaithe a cuireadh ar siúl an 9 Bealtaine 2016. Tá sí ar áireamh mar Chuid A den Aguisín seo. I gcásanna inarb í an Ghaeilge an teanga inar éisteadh an fhianaise, léiríonn an tras-scríbhinn Bhéarla an teanga a d'úsáid an t-ateangaire a bhí ag aistriú i bhfíor-am ag an éisteacht.

Chomh maith leis sin, rinneadh fianaise a éisteadh i nGaeilge a thras-scríobh sa Ghaeilge bhunaidh ón taifeadadh fuaimne a rinneadh ag an éisteacht. De réir an chomhaontaithe a rinneadh ag an éisteacht, ba ar mhaithe lena húsáid ag an gCoimisiún a rinneadh an tras-scríbhinn seo. Tá sí ar áireamh anseo mar Chuid B den Aguisín seo.

Chuid A - Tras-scríbhinn Bhéarla

STANDARDS IN PUBLIC OFFICE COMMISSION

INQUIRY INTO A COMPLAINT  
CONCERNING SENATOR BRIAN O'DOMHNAILL  
HEARD ON MONDAY, 9th MAY 2016  
AT 18 LOWER LEESON STREET, DUBLIN 2

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

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## APPEARANCES

For the COMMISSION:

MR. JUSTICE D. O'KEEFFE (CHAIRMAN)  
MS. DEIRDRE LANE (CLERK OF SEANAD ÉIREANN)  
MR. PETER FINNEGAN (CLERK OF DÁIL ÉIREANN)  
MR. PETER TYNDALL (OMBUDSMAN)  
MR. SÉAMUS MCCARTHY (COMPTROLLER & AUDITOR GENERAL)  
MR. JIM O'KEEFFE (FORMER MEMBER OF DÁIL ÉIREANN)

COMMISSION'S LEGAL TEAM: MR. LUÁN Ó BRAONÁIN SC  
MS. SIOBHÁN NÍ CHÚLACHÁIN BL

Instructed by: MR. PETER LAW  
MS. EVA MORRIS  
A&L GOODBODY  
28 NORTH WALL QUAY  
DUBLIN 1

For SENATOR Ó DOMHNAILL: MR. SÉAMUS Ó TUATHAIL SC  
MR. DÁITHÍ MACCÁRTHAIGH BL

Instructed by: MR. SEÁN Ó CANAINN, SOLICITOR  
CASHEL  
GORTAHORK LETTERKENNY  
CO. DONEGAL

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1 THE HEARING COMMENCED AS FOLLOWS ON MONDAY, 9TH MAY  
2 2016

3  
4 **MR. WALSH:** Thank you very much. Just a few  
5 housekeeping issues before we start. If you would all, 09:48  
6 first of all, turn off your mobile phones. Secondly,  
7 in case of an emergency, the emergency exits, there is  
8 one at the back (indicating), the other one is at the  
9 side, down here, if you go out that door and straight  
10 cross, and the other one is, the way you came in, to go 09:48  
11 up the stairs rather than using the lift.

12  
13 So I'll hand you on now to the Chairman of the  
14 Standards in Public Office Commission, Mr. Justice  
15 Daniel O'Keefe. Thank you very much. 09:49

16 **CHAIRMAN:** welcome to everybody. So  
17 I welcome everybody here and we're going to start by  
18 hearing submissions by Mr. Ó Braonáin in relation to  
19 the matters which are before us today. When he has  
20 made his initial opening and submissions, he can call 09:49  
21 whatever witnesses he wishes and they will have the  
22 opportunity to give evidence and to be subject to  
23 re-examination, should it be necessary.

24  
25 In relation to any particular breaks, I think it will 09:49  
26 be primarily a matter for the people who are engaged in  
27 relation to the translation at the time and also the  
28 people who are involved in giving evidence at the time.  
29 But I should imagine it should be in the region of one



1 and a half to two hours and then there will be a short  
2 break. well, we won't be quite at lunchtime, possibly  
3 have a second session then and then we perhaps can have  
4 a break for lunch.

5  
6 So if, Mr. Ó Braonáin, if you could introduce your  
7 representation in relation to the matter and, Mr. Ó  
8 Tuathail, if you could give the representation on your  
9 side and who is there.

10 **MR. Ó BRAONÁIN:** Thank you, Chairman. Good  
11 morning, Members of the Commission. My name is Luán Ó  
12 Braonáin. I appear with Siobhán Ní Chúlacháin, I'm a  
13 barrister, as is Siobhán. We are instructed by A&L  
14 Goodbody and attended on by Peter Law of that office  
15 and assisted also by Brian McKeivitt of the Secretariat.

16 **MR. Ó TUATHAIL:** Chairman, I'm Séamus Ó Tuathail,  
17 Barrister, and Mr. Dáithí MacCárthaigh is with me well.  
18 I am attended by Séan Ó Canáinn, solicitor, and the  
19 client is here, Mr. Ó Domhnaill.

20 **MR. Ó BRAONÁIN:** If I might, this is an  
21 investigation by the Commission in relation to  
22 specified acts that have been put forward, alleged to  
23 have been contravened by Senator Ó Domhnaill.

24  
25 The procedure of the hearing is going to involve both  
26 of the official languages of the State. The Commission  
27 has asked me to present the matter in English, which  
28 I'm happy to do. Mr. Ó Domhnaill, as he is absolutely  
29 entitled to, is going to, I think, engage with his side

1 of the matter in Irish. To that end a translation  
2 facility has been made available so that the Members of  
3 the Commission can understand at all times what is  
4 being said by witnesses, participants and/or their  
5 representatives.

09:52

6  
7 I understand from Mr. Ó Tuathail and Mr. MacCárthaigh  
8 that the position is that witnesses who are giving  
9 their evidence in English are to be cross-examined in  
10 English, so that will obviate the necessity for any  
11 translation in respect of their evidence, but that  
12 witnesses who are giving their evidence in Irish will  
13 be cross-examined in Irish and that the translation  
14 facility can at that stage be used by those Members of  
15 the Commission that prefer it or are more comfortable  
16 with it, that that can be done.

09:52

09:53

17  
18 If it assists, it may be an idea to give a trial or an  
19 example to the Members of the Commission as to how that  
20 might work. Obviously I think people can understand me  
21 as I am, but what I propose to do is to say a little  
22 bit in Irish so that you can follow it as you might  
23 wish, I think on channel 2. So there are two channels.

09:53

24  
25 (In Irish) There is two channels to listen to the  
26 translation. Channel 1 is translation from English to  
27 Irish and I understand that the second one is the  
28 translation from Irish to English. If you choose  
29 number two and me speaking Irish, you will hear the

09:54

1 translation into English.

2 **CHAIRMAN:** That's not coming through for  
3 me.

4 **MR. Ó BRAONÁIN:** [Testing audio feeds] I would  
5 like to ensure that the translation system is working  
6 and I would like to ensure that if people hit No. 1,  
7 that that is working. Thank you. There is a volume  
8 switch on the left-hand side as well that allows the  
9 volume to be increased, if that becomes necessary.

10

09:55

11 Just to ensure that the Chair are hear the translation  
12 and that it is loud enough through the headphones on  
13 the system?

14 **CHAIRMAN:** In relation to any witnesses  
15 that you are calling, that they will take the oath and  
16 so there is a facility here for them to do, that we'll  
17 hand them a card in which the Irish or English version,  
18 whichever is appropriate --

09:56

19 **MR. Ó BRAONÁIN:** Yes.

20 **CHAIRMAN:** -- can be dealt with.

09:56

21 **MR. Ó BRAONÁIN:** Thank you, Chairman. I believe  
22 that a facility has also been made for such that desire  
23 it to affirm, if they prefer that to taking the oath,  
24 and that both have been translated and are available  
25 for the witnesses. Thank you.

09:56

26

27 Now, this obviously is a matter that is heard by the  
28 Commission in public for which reason members of the  
29 public have been invited and members of the press are

1 in attendance as the Commission is aware. To that end  
2 I'm conscious of the fact that, while documents have  
3 been exchanged between the parties and with the  
4 Commission, I propose to open the matter and to open to  
5 some extent also the legislative background against 09:57  
6 which these matters arise. I know that the Commission  
7 will be more familiar with the legislative background  
8 than members of the public, but believing still that it  
9 is important to set out that background so as to assist  
10 persons in following how these matters come before you. 09:57

11  
12 There is a statement of alleged contraventions which is  
13 the first document, I suppose, of significance. To put  
14 it in lay man's language, what is alleged is that there  
15 have been claims made by Senator Ó Domhnaill for 09:58  
16 expenses and the discharge of expenses in 2006 prior to  
17 his appointment to the Seanad but at a time when he was  
18 both a Councillor of Donegal County Council and a  
19 member of Údarás na Gaeltachta. On three particular  
20 occasions it is alleged that there were expenses 09:58  
21 claimed in respect of work done in his capacity as a  
22 councillor which appear to come into conflict with  
23 claims made for expenses for work done as a member of  
24 Údarás na Gaeltachta.

25 09:59  
26 There are three occasions, one in March of 2006, one in  
27 April of 2006 and one in May of 2006 that are of  
28 relevance, three different forms in which the  
29 Commission might view those events have been set out in

1 the statement of alleged contraventions. So that while  
2 there are nine paragraphs in the statement, they relate  
3 to three different forms in which the Commission might  
4 consider the three different events.

5  
6 The first form in which the Commission is invited to  
7 assess these matters relates to a contravention of  
8 section 168 of the Local Government Act of 2001 by:

9  
10 *"Failing to maintain proper standards of integrity,* 09:59  
11 *conduct and concern for the public interest in carrying*  
12 *out your functions as a member of Donegal County*  
13 *Council in that you claimed travelling and subsistence*  
14 *expenses from Donegal County Council in respect of your*  
15 *attendance at the Association of County and City* 10:00  
16 *Councils Annual Conference in 2006 at Fairways Hotel,*  
17 *Dundalk, Co. Louth on the 9th, 10th and 11th March*  
18 *2006;*

19  
20 *And later also claimed travelling and subsistence* 10:00  
21 *expenses in respect of the same period from Údarás na*  
22 *Gaeiltachta in respect of your attendance at a Donegal*  
23 *Sports Partnership meeting on 10th March 2006 in*  
24 *Letterkenny, Co. Donegal in contravention of paragraph*  
25 *6, 13, 18 and 22 of Part II of the directions issued by* 10:00  
26 *the Minister for the Environment under Article 12 of*  
27 *the Local Government (Expenses of Local Authority*  
28 *Members) Regulations 2003 made pursuant to section 51*  
29 *of the Local Government Act of 1991."*

1 There is an allegation in similar terms and in the same  
2 legislative context in relation to a claim made for  
3 travelling and subsistence expenses from Donegal County  
4 Council in respect of Mr. Ó Domhnaill's attendance at  
5 an Institute of Public Administration training seminar 10:01  
6 in Carrickmacross, Co. Monaghan on 26th to 27th April  
7 2006; and later also a claim for travelling expenses in  
8 respect of the same period from Údarás na Gaeltachta in  
9 respect of his attendance at a Donegal Sports  
10 Partnership meeting on 27th April 2006 in Letterkenny, 10:01  
11 Co. Donegal.

12  
13 Again I can read out the technical aspects of the  
14 statement of charges in each case, but I think, having  
15 done it in one, it may be simpler just to focus on the 10:01  
16 substance of the breach in each case. So at No. 3, in  
17 a similar legal context, the allegation relates to:

18  
19 *"A failure to maintain proper standards of integrity,*  
20 *conduct and concern for the public interest in carrying 10:02*  
21 *out functions as a Donegal County Council Member in*  
22 *claiming travelling and subsistence expenses from*  
23 *Donegal County Council in respect of his attendance at*  
24 *a marine tourism conference in Carlingford, Co. Louth*  
25 *on 30th May to 1st June 2006 and later also a claim for 10:02*  
26 *travelling and subsistence expenses in respect of the*  
27 *same period from Údarás na Gaeltachta in respect of his*  
28 *attendance at a Donegal Sports Partnership meeting on*  
29 *31st May of 2006 in Dungloe in Co. Donegal."*

1 The issues relating to these claims for travelling and  
2 subsistence expenses from Donegal County Council on the  
3 one hand and also then from Údarás na Gaeltachta is  
4 also couched in the context of section 169(3) of the  
5 Local Government Act 2001 at paragraphs 4, 5 and 6 of 10:03  
6 the statement of contraventions; 4 relating to the ACCC  
7 annual conference at Fairways Hotel, 5 relating to the  
8 Institute of Public Administration training seminar in  
9 Carrickmacross in Co. Monaghan and 6 relating to the  
10 marine tourism conference in Carlingford and in each 10:03  
11 case also relating to a meeting of the Donegal Sports  
12 Partnership meeting in the locations to which 1, 2 and  
13 3 already refer.

14  
15 Then at 7, 8, and 9 of the statement of contraventions 10:03  
16 the same instances are also referred to again but in  
17 the context of the specific language of the ethics  
18 legislation, that at paragraph 7 it outlines that:

19  
20 *"Being a specified person within the meaning of section 10:04*  
21 *4(6) of the Standards in Public Office Act 2001, that*  
22 *Senator Ó Domhnaill did a specified act within the*  
23 *meaning of section 2 of the Ethics in Public Office Act*  
24 *1995, or a series of such acts, by way of his conduct*  
25 *in claiming travelling and subsistence expenses from 10:04*  
26 *Donegal County Council in respect of his attendance at*  
27 *the Association of County and City Councils Annual*  
28 *Conference 2006 at Fairways Hotel, Dundalk, Co. Louth*  
29 *on the 9th, 10th and 11th March 2006 and later also*

1 *claimed travelling and subsistence expenses in respect*  
2 *of the same period from údarás na Gaeltachta in respect*  
3 *of his attendance at a Donegal Sports Partnership*  
4 *meeting on 10th March 2006 in Letterkenny,*  
5 *Co. Donegal."*

10:04

6  
7 Again in contravention of paragraph 6, 13, 18 and 22 of  
8 directions issued by the Minister for the Environment  
9 under Article 12 of the Local Government Regulations of  
10 1993 and was inconsistent with, that conduct and the  
11 circumstances of such conduct was:

10:05

12  
13 *"Inconsistent with the proper performance by him of the*  
14 *functions of a Member of Donegal County Council and of*  
15 *the functions of a Member of údarás na Gaeltachta*  
16 *and/or with the maintenance of confidence in such*  
17 *performance by the general public and which matter is*  
18 *one of significant public importance."*

10:05

19  
20 The two other events from April and from May of 2006  
21 are again alleged at paragraphs 8 and 9 in the same  
22 language, in the same legislative context and, rather  
23 than repeating the statements, what I propose to do now  
24 is to turn to the legislation itself. Members of the  
25 Commission, you have, I think, a book of legislation  
26 and if I could ask you to put to one side the book of  
27 documents that's been furnished and turn to the book of  
28 legislation, I propose to go through the relevant  
29 portions of that.

10:05

10:05



1 At tab 1 are parts 14 and 15 of the Local Government  
2 Act 2001. If I could ask you, firstly, to go to  
3 section 142 which simply provides for the -- it's at  
4 page 27 of the book of legislation or internal  
5 pagination 114, page 26, section 142. So it's Tab 1 10:06  
6 page 26.

7 **CHAIRMAN:** Thank you.

8 **MR. Ó BRAONÁIN:** Not at all, Chairman. Section  
9 142(1) provides that: *"The Minister may by*  
10 *regulations, made with the consent of the Minister for* 10:07  
11 *Finance, provide for the payment by a local authority*  
12 *of allowances for expenses incurred by its members in*  
13 *connection with"* and then it sets out a number of  
14 matters. And at (b), it says: *"Attendance at*  
15 *conferences, seminars, training or other events to* 10:08  
16 *which subsection (5) applies."*

17  
18 So that is simply to note the fact that the Minister  
19 has power to make regulations and I will turn then in  
20 due course to the regulations that have been made. 10:08  
21

22 At page 47 of the same tab, if I could ask you, Members  
23 of the Commission, to turn to section 168. This is the  
24 first of the sections referred to in the statements of  
25 contravention. Section 168 provides that: 10:08  
26

27 *"In carrying out their functions under this or any*  
28 *other enactment, it is the duty of every member and*  
29 *every employee of a local authority and of every member*

1 *of every committee to maintain proper standards of*  
2 *integrity, conduct and concern for the public*  
3 *interest."*

4  
5 Section 169 provides at subsection 1(a) that: "After 10:09  
6 *consultation with the Commission and the Minister for*  
7 *Finance, the Minister, may issue codes of conduct for*  
8 *the guidance of members of local authorities and of*  
9 *employees of local authorities."*

10 10:09  
11 Then down the page, subsection 3 of section 169  
12 provides at subsection 3(a) that: "*Each member shall*  
13 *have regard to and be guided by the relevant code of*  
14 *conduct in the exercise of his or her functions."*

15 10:09  
16 Now, if I could ask you then, Members of the  
17 Commission, to turn to Tab 2, you'll find there the  
18 Code of Conduct for Councillors which has been adopted  
19 and issued pursuant to section 169. At page 64 of the  
20 book's pagination, internal page 4 of the Code, you'll 10:10  
21 see under the heading, No. 2, General Conduct and  
22 Behaviour. At 2.1 it provides that:

23  
24 "*The general conduct and behaviour of councillors in*  
25 *carrying out their role is an important yardstick by* 10:10  
26 *which the honesty, integrity, impartiality and*  
27 *performance of the local government is judged and*  
28 *public trust maintained. It is important therefore*  
29 *that these core values underpin all actions of*

1           *councillors affecting local authority business. As*  
2           *holders of elected office they have a duty to keep*  
3           *faith with the public trust placed in them. This is a*  
4           *personal responsibility and requires them to observe*  
5           *the highest ethical standards in the performance of* 10:10  
6           *their role."*

7  
8           At paragraph 2.2 there is a series of bulleted points,  
9           but it proceeds that: "*Councillors in carrying out*  
10           *their role should abide by this Code and act in a way* 10:11  
11           *which enhances public trust and confidence, avoids*  
12           *conflicts of interest and never seeks to use improper*  
13           *influence, make decisions based solely on consideration*  
14           *of the public interest and common good, serve their*  
15           *local authority and its people conscientiously,* 10:11  
16           *honestly and impartially, promote equality and avoid*  
17           *bias and perform their functions in a responsible and*  
18           *diligent manner and treat their colleagues and local*  
19           *authority employees with courtesy and respect."*

20  
21           And then at 2.3 under the heading "*General Conduct and*  
22           *Behaviour*", it provides that: "*More generally*  
23           *councillors should in all matters seek to ensure that*  
24           *their conduct does not bring the integrity of their*  
25           *office or of local government into disrepute."* 10:11  
26

27           If I could ask you then, Members of the Commission, to  
28           turn to page 69, that's internal page 9, there is a  
29           heading at No. 8 "*Regard for Council Resources*". At

1 8.1, it provides: "Councillors must show all  
2 reasonable care for local authority property, resources  
3 and funds and not use them or permit their use for  
4 unauthorised or non-official purposes. They must  
5 observe in full and at all times the rules governing 10:12  
6 the making of claims and of payments of any kind. This  
7 includes representational payment, annual allowance,  
8 cathaoirleach's or other allowance, conference  
9 attendance or other travel."

10  
11 At 8.2 it provides that: "The Act permits the  
12 authorisation of conference attendance where the  
13 Council is satisfied such is justified by reference to  
14 relevance to the authority and local community, the  
15 cost and the benefits likely to accrue. It is the 10:12  
16 personal responsibility of each individual to ensure  
17 his or her proper attendance for the duration and to  
18 report back to the Council in accordance with the Act."

19  
20 Now, if I could turn to the regulations which are at 10:13  
21 Tab 3. I should say that section 142 of the 2001 Act  
22 at subsection 8 provides that:

23  
24 "Regulations made under section 51 of the Local  
25 Government Act of 1991 and in force at the commencement 10:13  
26 of the 2001 Act shall continue in force and have effect  
27 as if made under section 142 and may be amended or  
28 revoked accordingly."  
29

1 These 1993 Regulations, therefore, continued and  
2 subsisted after the passing of the 2001 Act in  
3 accordance with section 142(8).  
4

5 The Regulations at Article 12, that's at page 79 of the 10:14  
6 booklet, provide that: "*Directions may be issued by*  
7 *the Minister from time to time with regard to any*  
8 *matter referred to in section 51 of the Act or in these*  
9 *Regulations or any other matter which appears to him to*  
10 *be necessary or expedient for the purposes of* 10:14  
11 *section 51.*"

12  
13 If I could ask you to turn back to page 77, you'll see,  
14 Members of the Commission, Part 3 of the Regulations  
15 which relates to travelling and subsistence expenses 10:15  
16 allowance, matters to which Part 3 applies, Article 6:  
17

18 "*This part shall apply to the following, (a) subject to*  
19 *the exclusion of matters referred to in paragraph (c),*  
20 *(i) attendance authorised by the local authority in* 10:15  
21 *accordance with section 51(2) of the Act and in*  
22 *accordance with any directions given by the Minister*  
23 *pursuant to Article 12(2)(i) by a member at a meeting*  
24 *held at a place which is outside of the functional area*  
25 *of the authority or at a conference, seminar or similar* 10:15  
26 *event at which the authority is, pursuant to section*  
27 *subsection (2) of section 51 of the Act, entitled to be*  
28 *represented.*"  
29

1 So you'll see, Members of the Commission that --

2 **CHAIRMAN:** That's at page 77.

3 **MR. Ó BRAONÁIN:** That's at page 77 and into 78.

4 That part relates, insofar as it is relevant to these  
5 proceedings, to attendance by members at meetings and 10:16  
6 conferences for which they have been authorised by  
7 their council to attend and then directions are made by  
8 the Minister in relation to how those expenses are to  
9 be considered which set out the parameters within which  
10 the claims are to be made and allowed. 10:16

11  
12 So at Tab 4 you'll see the Minister's directions that  
13 were in being at the relevant time in 2006, these were  
14 directions given in 1993. And if I could ask you,  
15 Members of the Commission, to turn to page 85, the 10:17  
16 direction at paragraph 6 provides that:

17  
18 *"A local authority shall not pay more than one*  
19 *travelling allowance to a member in respect of the same*  
20 *journey and shall not pay any travelling allowance to a 10:17*  
21 *member in respect of any journey or part of a journey*  
22 *in respect of which an allowance is paid by or is*  
23 *payable by or is claimed from another public*  
24 *authority."*

25 10:17  
26 At paragraph 7: *"where a member attends more than one*  
27 *matter to which Part III of the Regulations applies on*  
28 *the same day, the distance in respect of which a*  
29 *travelling allowance shall be paid shall, subject to*

1 paragraph 8 of this Part, be the shortest overall route  
2 by which the member could reasonably be expected to  
3 travel between the member's official residence and the  
4 location of the matters concerned."

5  
6 Paragraph 8 provides that: "where a member who attends  
7 a matter to which Part III of the Regulations applies  
8 returns to his or her official residence and travels  
9 thence on the same day to the same matter or another  
10 such matter or matters, the total travelling and 10:18  
11 subsistence allowances to be paid shall be the lesser  
12 of - (a) the amounts payable on the basis of the actual  
13 journeys and periods of absence in connection with the  
14 matters, or (b) the amounts which would be payable if  
15 the member did not return to his or her official 10:18  
16 residence."

17  
18 Paragraph 13, which is at page 88, provides that: "A  
19 local authority shall not pay more than one subsistence  
20 expenses allowance to a member in respect of the same 10:19  
21 period of absence and shall not pay any subsistence  
22 allowance to a member in respect of any period or part  
23 of a period in respect of which an allowance is paid by  
24 or is payable by or is claimed from another public  
25 authority or other body." 10:19  
26

27 At page 91 at paragraph 18 the directions provide that:  
28 "A local authority shall not pay any travelling or  
29 subsistence expenses allowance or recoup any cost to a

1 *member in respect of any matter or any particular*  
2 *journey or part of a journey or period of time or item*  
3 *of expense which has been paid or recouped by or is*  
4 *payable or recoupable by any other person to such*  
5 *member or which has been claimed from any other person* 10:20  
6 *by such member."*

7  
8 Then over the page at page 92, at paragraph 22 of the  
9 directions, 22(1): "*A member shall not be entitled to*  
10 *take a particular journey or part of a journey or a* 10:20  
11 *particular period of time or any other item into*  
12 *account for the purposes of more than one claim in*  
13 *respect of a travelling or subsistence expenses*  
14 *allowance and a member shall not make a claim from a*  
15 *local authority in respect of any matter or any* 10:20  
16 *particular journey or part of a journey or period of*  
17 *time or item of expense which has been paid or recouped*  
18 *by or is payable or recoupable by any other local*  
19 *authority or person to such member or which has been*  
20 *claimed from any other local authority or person by* 10:20  
21 *such member."*

22  
23 I think that Tab 5 has within it the Local Government  
24 (Expenses of Local Authority Members) Regulations of  
25 2006 but which postdate the events in question and, 10:21  
26 while they are there for your information to indicate  
27 what replaced the 1993 Regulations, I don't propose to  
28 take up the Commission's time with an analysis of them.  
29



1 Similarly, there are directions issued in December of  
2 2006 with effect from 1st January of 2007 by the  
3 Minister arising from the 2006 Regulations, but again  
4 they postdate the claims in question here and I don't  
5 propose to take up the Commission's time any further  
6 with those. 10:21

7  
8 Then, Members of the Commission, you'll see at Tab 7  
9 the Údarás na Gaeltachta Act of 1979. Again I don't  
10 propose to go through the Act in any detail, but 10:22  
11 suffice to say it is an Act that creates a public body  
12 and that, as a member of the public body, the Senator,  
13 as he now is, but a member of Údarás na Gaeltachta,  
14 comes within the purview of the ethics and standards in  
15 public office legislation. 10:22

16  
17 There is a code of conduct which is provided in the  
18 Irish and English language versions from February 2006.  
19 What it does is it reiterates much of what one can see  
20 as being the codes of conduct for county councillors 10:23  
21 provided in the code of conduct issued under the Local  
22 Authority Act.

23 **CHAIRMAN:** Excuse me, what page are you  
24 looking at there?

25 **MR. Ó BRAONÁIN:** This is Tab 8. I'm going to 10:23  
26 bring you, if I may, Chairman, to page 160.

27 **CHAIRMAN:** Page 160.

28 **MR. Ó BRAONÁIN:** obligations down at the bottom  
29 of the page:

1           *"Údarás na Gaeltachta should adhere to its statutory*  
2           *obligations and to other regulations and guidelines*  
3           *relating to the following." And the following include:*  
4           *"The supervision of public funds and the adherence to*  
5           *rules and rates relating to travel and subsistence*  
6           *costs."*

10:24

7  
8           Then over the page on page 161 under the heading  
9           *"Fidelity"*, there is a paragraph that includes  
10          reference to: *"The board and staff members being*  
11          *obliged to be loyal to the organisation and its*  
12          *functions in their conduct of their duties with Údarás*  
13          *na Gaeltachta, also factoring in obligations relating*  
14          *to the adherence to rules of ethics and honesty."*

10:24

15  
16          So that the core principles in relation to conduct and  
17          travel and subsistence are reflected in the code of  
18          conduct of Údarás na Gaeltachta, if not perhaps in as  
19          elaborate a way or in as elaborate language as one  
20          finds in the Code of Conduct for Councillors but the  
21          core is there.

10:24

10:25

22  
23          The definition over the tab at Tab 9 is the Ethics in  
24          Public Office Act of 1995. I don't propose to go  
25          through its provisions in detail. It is the case,  
26          insofar as such confirmation is required, if one looks  
27          at page 217, this is the first schedule to the Act  
28          which defines public bodies and No. 10 on page 217  
29          includes:

10:25

1           *"A body, organisation or group established by or under*  
2           *any enactment, other than the Companies Acts 1963 to*  
3           *1990."* And there, if you like, is the reference to  
4           Údarás na Gaeltachta.

10:26

5  
6           In the context of the report that is to be given by the  
7           Commission at the conclusion of its investigation, one  
8           doesn't want at this juncture to presume what  
9           conclusion is going to be reached by the Commission  
10          because obviously the Commission has yet to hear all of  
11          the evidence in relation to the matter and I don't  
12          propose, therefore, to go into terrible detail about  
13          it, that might be more appropriate to the end of the  
14          investigation hearing.

10:26

15  
16          But it is the case that the Commission is required, in  
17          the case it identifies a contravention, to address  
18          certain factors pursuant to section 24, as amended, of  
19          the Ethics in Public Office Act of 1995. One of the  
20          things that needs to be addressed is whether or not the  
21          contravention or act was committed or done  
22          inadvertently, negligently, recklessly or  
23          intentionally. As I say while I don't propose to go  
24          into that in any great depth at this juncture, just so  
25          that the Commission has in its mind the relevant  
26          parameters while it is hearing the evidence and  
27          assessing the matter and considering the relevant  
28          materials it might be of some assistance to just very  
29          briefly touch on the differences between the four

10:27

10:27

10:27

1 categories.

2  
3 Obviously they are a range of mental states, or mens  
4 rea as it might be referred to in the courts, which is  
5 attendant to conduct, the least significant being 10:28  
6 inadvertence. Inadvertence to my mind is something of  
7 an oversight, a heedlessness, a mistake perhaps,  
8 something that is done without knowledge. Neglect is  
9 something more than that because there is a failure to  
10 do what ought to have been done. So not mere 10:29  
11 heedlessness or mistake or oversight but a duty to do  
12 something and then a failure to do the thing that one  
13 has a duty to do.

14  
15 Recklessness in terms of one's state of mind is 10:29  
16 something perhaps more serious again because it  
17 involves a conscious disregard of a substantial or  
18 unjustifiable risk of the result. So that is to say  
19 that one is aware of the risk of the wrong but just  
20 simply disregards it and consciously disregards it. 10:29  
21 Then obviously intention is in some ways almost as  
22 clear or maybe even clearer than inadvertence at the  
23 other end of the spectrum because intention is  
24 something that is done with a view to the result and  
25 consciously with a view to the result. 10:30  
26

27 Perhaps those different categories will crystallise in  
28 their application to the facts as the evidence unfolds  
29 and the Commission will be able to form its view as to

1 where in the scale the conduct lies in the event that  
2 it identifies a contravention. Obviously I say these  
3 things subject obviously to the Commission also hearing  
4 what my Friend Mr. Ó Tuathail might have to say about  
5 these things and what the Commission might itself 10:31  
6 express and have as a view in relation to these things.

7  
8 There is then the question of whether or not, if a  
9 contravention is identified, whether it's a serious or  
10 a minor matter. Again that is something perhaps, 10:31  
11 I think, best left until the end of the hearing.

12  
13 That insofar as what I intend to open in respect of the  
14 legislative provisions is -- sorry, Ms. Ní Chúlacháin  
15 points out, and I think rightly, that, if I might bring 10:31  
16 to you Tab 10, I'm sorry, before those books are put  
17 away and go to page 227. Members of the Commission may  
18 be familiar with this but again because the matter is a  
19 public matter it may be appropriate to set out these  
20 relevant provisions for everyone's benefit. 10:32

21  
22 Complaints can be made to the Commission by persons  
23 referred to in the Act as a complainant. In section 4  
24 it provides that:

25 10:32  
26 *"where a person, the complainant, considers that a*  
27 *specified person may have done an act or made an*  
28 *omission after the commencement of section 2 or the*  
29 *circumstances of which are such as to be inconsistent*

1 *with the proper performance by the specified person of*  
2 *the functions of the office or position by reference to*  
3 *which he or she is such a person or with the*  
4 *maintenance of confidence in such performance by the*  
5 *general public and the matter is one of significant* 10:33  
6 *public importance, the complainant may make a complaint*  
7 *in relation to the matter to the Commission."*

8  
9 So the Commission then at subsection 4 has the  
10 statutory power to: "*Request an Inquiry Officer to* 10:33  
11 *carry out a preliminary inquiry into any complaint*  
12 *under subsection 1 falling within paragraph (a) of that*  
13 *subsection unless it considers the complaint to be*  
14 *frivolous or vexatious."*

15 10:33  
16 Now, what has happened in this case by way of  
17 background is that a complaint was received by the  
18 Commission on 28th May of 2012, a complaint by the  
19 Mayor and the County Manager of Donegal County Council.  
20 An Inquiry Officer, Mr. Walsh, was appointed by the 10:34  
21 Commission to undertake a preliminary inquiry on  
22 15th June of 2012 and that inquiry took place over the  
23 following months.

24  
25 As a result of the report of the Inquiring Officer, the 10:34  
26 Commission decided to initiate an investigation and  
27 I think wrote, made that decision and wrote to Senator  
28 Ó Domhnaill advising him of its decision in November of  
29 2012. The Commission has a copy of the report which

1 was generated by Mr. Walsh as a result of his  
2 preliminary inquiry and again that material and its  
3 appendices and so on have been shared with Senator Ó  
4 Domhnaill.

5  
6 This is a matter in which a member of the public  
7 looking at it might wonder well what has happened in  
8 the meantime because there has been some lapse of time  
9 in relation to it. The first date -- having made its  
10 decision to initiate an investigation in November 2012,  
11 the Commission determined to have a public hearing, an  
12 oral hearing and its first oral hearing was scheduled  
13 to take place in March of 2013, on the 11th, and  
14 notification of that date was given in January 2013.

15 Mr. Ó Domhnaill requested at that juncture some  
16 adjournment so as to allow for consideration in respect  
17 of the matter and that was done and the matter then  
18 went back to a hearing date in April of 2013.

19  
20 In advance of the 8th of 2013 Mr. Ó Domhnaill wrote  
21 indicating that he was requiring to have his side of  
22 the case dealt with in Irish, as he is entitled to do,  
23 and also that he wished further correspondence, which  
24 up until that point had been dealt with in English, to  
25 be dealt with in Irish. That was acceded to and the  
26 Commission, as the Commission is required to do in any  
27 event when it is asked to write in Irish to a member of  
28 the public who wishes to do so, the official languages  
29 legislation requires that choice of language to be

1 respected, and the matter was then adjourned to another  
2 date in June, 10th June of 2013, so as to allow for the  
3 necessary translation facilities to be made available  
4 for the hearing.

5  
6 There was an application to the High Court in June, in  
7 advance of that date, so as to agitate certain matters  
8 relating to language rights in respect of the hearing  
9 and in particular whether or not the Commission ought  
10 to be comprised of a bilingual panel able to deal with 10:37  
11 the matter without the assistance of translation in  
12 Irish and in English and other matters relating to  
13 language issues. At that juncture, obviously a stay  
14 was granted by the High Court restraining the matter  
15 from going on, and the time it took the court to meet 10:38  
16 these matters then became a factor.

17  
18 The High Court gave its decision, there was then an  
19 appeal by Senator Ó Domhnaill in relation to it and the  
20 matter then needed to be dealt with in the Court of 10:38  
21 Appeal. The appeal originally was to the Supreme Court  
22 but at a time before the Court of Appeal existed and in  
23 the meantime there was then a referendum and the matter  
24 was transferred from the Supreme Court back to the  
25 Court of Appeal. The Court of Appeal gave its decision 10:38  
26 in the matter in July of last year and then dealt with  
27 subsidiary issues arising from its decision in the  
28 appeal in October of last year and declined the relief  
29 sought by Senator Ó Domhnaill and perfected its order



1 then earlier this year, I think on 31st March of 2016,  
2 which brought to a conclusion the judicial review  
3 litigation and the appeal that came from it. But  
4 obviously that occupied a period of nearly up to three  
5 years from the original intended hearing date and that 10:39  
6 is the explanation for the lapse of time that has  
7 emerged in the interim.

8  
9 Now, in terms of the materials available in respect of  
10 the contraventions alleged, there are two smaller 10:39  
11 booklets. There is a booklet headed Donegal County  
12 Council documentation and a booklet headed Údarás na  
13 Gaeltachta documentation. I think, while I can bring  
14 the Commission through the documents, I don't want to  
15 have unnecessary repetition in doing that and what 10:40  
16 I would propose, subject to the Commission, is to call  
17 Mr. Walsh, the Inquiry Officer. As I understand he is  
18 to be cross-examined in relation to these matters in  
19 any event. Mr. Ó Domhnaill has at all times maintained  
20 the position that there was no contravention and what 10:41  
21 I would propose to do, rather than going through the  
22 documents on a number of occasions, is to call  
23 Mr. Walsh and in the bringing through of the  
24 documentation the position in respect of the alleged  
25 contraventions can be brought out. 10:41  
26

27 In addition to these booklets of documentation, the  
28 other documentation to which I'll be bringing the  
29 Commission is the correspondence from Mr. Ó Domhnaill,

1 from Senator Ó Domhnaill, which obviously sets out in  
2 much greater detail his answers in relation to and the  
3 explanations given by him in relation to the matters  
4 arising. And again what I will do, while Mr. Walsh is,  
5 if you like, testifying, is to point the Commission to 10:42  
6 the relevant documentation again so as to avoid my  
7 doing it once now and then having to do it all again  
8 with the witness, I was going to do it through the  
9 witness.

10 **CHAIRMAN:** Yes. 10:42

11 **MR. Ó BRAONÁIN:** Thank you. So, Mr. Walsh,  
12 please, if you might take the oath or affirmation as  
13 you prefer.

14 **MR. Ó TUATHAIL:** Chairman, before --

15 **CHAIRMAN:** I think I'll get this headphone 10:43  
16 adjusted. [Short pause]

17 **MR. Ó TUATHAIL:** Chair, I would like to say a  
18 couple of words about the opening that Mr. Ó Braonáin  
19 has made, a couple of sentences. Because I agree with  
20 the layout that he has on the legislation, there is no 10:43  
21 problem with that, but the description that he has made  
22 on the events in the High Court and in the Court of  
23 Appeal, I would like to say that the main question, the  
24 major question that was raised in those proceedings was  
25 the background, the malicious background from the 10:44  
26 beginning with the complaint that is before the  
27 Commission now, and it's in the documentation in this  
28 application before the Commission, that information was  
29 circulated to councillors in Donegal by an unknown

1 person at the time. The High Court, Judge Hogan, and  
2 the appeal court, with Judge Charleton in charge of  
3 that, that gave the judgment on 20th July 2015, that  
4 had to do almost totally with the legal question that  
5 was raised about evidence from an anonymous source 10:45  
6 being acceptable to the Commission. That was the  
7 point, the major point that was annoying him.

8  
9 Mr. Ó Domhnaill, after agreeing to go to this  
10 Commission and to discuss this question, it happens 10:45  
11 that it's not on the courts on or Mr. Ó Domhnaill, the  
12 delay had to happen because of the question, to clear  
13 that question, sort that question. And even though --

14 **CHAIRMAN:** Excuse me, sorry. Could you  
15 repeat what you have just said about Judge Hogan. You 10:46  
16 referred to --

17 **MR. Ó TUATHAIL:** I'm speaking too fast,  
18 I apologise. Judge Hogan gave a judgment in the High  
19 Court on the legal question that was raised about  
20 information, anonymous information, malicious 10:46  
21 information being used against Senator Ó Domhnaill.

22 **CHAIRMAN:** The court gave a judgment.

23 **MR. Ó TUATHAIL:** Yes, it did, Judge Hogan in the  
24 High Court at the time, yes. After that there was an  
25 appeal to the Court of Appeals. It had been sent to 10:46  
26 the Supreme Court. Under Judge Charleton, the appeal  
27 court listened to the legal question that had been  
28 raised and that is an anonymous person provided  
29 information to be used against a County Councillor and

1 that is the main reason that these matters were in the  
2 courts for about three years. There is no apology to  
3 be made or excuse to be made by us for raising these  
4 questions and these issues. Because the Court of  
5 Appeal under Judge Charleton, I can show the judgment 10:47  
6 that he gave, he clarified the law to do with anonymous  
7 information. The High Court and the appeal court  
8 accepted that the complaint that the Council, the  
9 manager of the Council and the Mayor of the county at  
10 the time, the complaint that they had made to this 10:48  
11 Commission, that that was proper because the Manager  
12 and the Mayor were undertaking the complaint but the  
13 background to it that brought it into the court, that  
14 brought us into the court was that it was a false,  
15 malicious attack on Mr. Ó Domhnaill. 10:48

16  
17 I wanted to explain that before things proceed here.  
18 I will get copies of this for the Commission of the  
19 judgment that was given in the Court of Appeal so that  
20 there is no misunderstanding of why we were brought 10:49  
21 there.

22 **CHAIRMAN:** All right.

23 **MR. Ó BRAONÁIN:** I don't believe that myself and  
24 Mr. Ó Tuathail really disagree about what the issues  
25 were before the High Court. Yes, there was certainly 10:49  
26 an issue about the anonymity of the complaint to  
27 Donegal County Council which prompted its inquiry  
28 through its acting Ethics Registrar in relation to the  
29 matters. It then had its inquiry and the complaint

1 that was received by the Commission was one from the  
2 Mayor and from the County Registrar -- County Manager,  
3 I beg your pardon, as he was -- in relation to the  
4 matter.

5  
6 Senator Ó Domhnaill was agitating that the Mayor's and  
7 the County Manager's complaint was an anonymous  
8 complaint, or at least a referral of an anonymous  
9 complaint, and there was a dispute between the parties  
10 in relation to that and that was then resolved by 10:50  
11 Mr. Justice Hogan in the High Court in the first  
12 instance, together with issues in relation to language  
13 rights and the make-up of the panel of the Commission  
14 and together with issues relating to correspondence  
15 being in Irish or in English and issues of that kind. 10:50

16  
17 Then all of those issues were ventilated again,  
18 including, and my Friend is right about this, including  
19 the issue in relation to the anonymity of the original  
20 complaint which was made to the County Council. The 10:51  
21 Court of Appeal concluded that the complaint that was  
22 received by the Commission was not an anonymous  
23 complaint, that it was a complaint made by the Mayor  
24 and the County Manager on the basis of their own  
25 inquiries, investigations and interactions in relation 10:51  
26 to it and not simply a referral of the anonymous  
27 complaint that had been made to them.

28  
29 If I in any way misled anyone in relation to the

1 issues, I apologise for that, I shouldn't have done  
2 that.

3 **CHAIRMAN:** But we will have the judgment?

4 **MR. Ó BRAONÁIN:** Absolutely the judgments can be  
5 made available. 10:52

6 **CHAIRMAN:** Yes.

7 **MR. Ó BRAONÁIN:** In both courts. That process  
8 concluded by way of judgments in October of 2015, the  
9 perfection of the order wasn't made until March of  
10 2016. And in effect what I was trying to convey was 10:52  
11 that it's not a case where an inquiry hearing was  
12 directed for March, April and June of 2013 and then  
13 that nothing had happened in the meantime, there were  
14 reasons giving rise to the lapse of time in the  
15 meantime and the reasons I think are as have been 10:52  
16 outlined.

17 **CHAIRMAN:** Thank you.

18

19 **MR. PADDY WALSH, HAVING BEEN SWORN, WAS EXAMINED BY**

20 **MR. Ó BRAONÁIN AS FOLLOWS** 10:53

21

22 **CHAIRMAN:** And your name for the purpose?

23 **THE WITNESS:** My name is Paddy Walsh.

24 **CHAIRMAN:** Thank you, Mr. Walsh.

25 **MR. Ó BRAONÁIN:** Mr. Walsh, good morning to you. 10:53

26 **THE WITNESS:** Good morning.

27 1 Q. Just for the benefit of everyone who is in attendance,  
28 could you say what you do?

29 A. I'm currently the Secretary of the Standards in Public

1 Office Commission, but at the time this complaint was  
2 received I was an investigator with the Office of the  
3 Ombudsman but seconded to the Standards in Public  
4 Office Commission at this particular time. I was  
5 appointed as Inquiry Officer to carry out the 10:53  
6 preliminary inquiry in relation to this particular  
7 complaint.

8 2 Q. Yes. I think in that context you then received,  
9 firstly, the letter of complaint that had been sent by  
10 the County Manager and the Mayor of Donegal County 10:54  
11 Council; is that right?

12 A. Yes. Once the Commission had made the decision to  
13 appoint me as Inquiry Officer I was handed the file  
14 that had been created in relation to the complaint that  
15 was received from the Council. 10:54

16 3 Q. Yes.

17 A. And I took on the task then of gathering the relevant  
18 information and documents to give to the Commission a  
19 report, to gather all the evidence for them so that  
20 they could, the Commission could then make a decision 10:54  
21 as to whether or not there was evidence to sustain an  
22 investigation of the complaint.

23 4 Q. All right. I think that there is a book of documents  
24 and that at Tab B of the book of documents is the  
25 letter of complaint at page 5 of the book of documents. 10:55  
26 Do you see that?

27 A. I'll go back. B?

28 5 Q. Page 5.

29 A. Of tab, which?

1 6 Q. It's Tab 5, at the very beginning, just after the  
2 statement of contravention.  
3 A. Yes, thanks.  
4 7 Q. Do you see that?  
5 A. Yeah. 10:55  
6 8 Q. In that context the County Manager and the Mayor set  
7 out the investigations that they had carried out under  
8 the relevant provisions of the Local Government Act of  
9 2001?  
10 A. That's correct, yeah. 10:56  
11 9 Q. And then they enclosed a report identifying what they  
12 believed to be specified acts --  
13 A. That's correct.  
14 10 Q. -- in respect of which they were making a complaint  
15 under section 4(1) of the Standards in Public Office 10:56  
16 Act?  
17 A. That's correct, yeah.  
18 11 Q. Okay. That report then set out its consideration of  
19 the issues arising, which is from page 17 to page 27,  
20 and that was forwarded to you? 10:56  
21 A. Yeah.  
22 12 Q. In the context of that report there was a series of  
23 appendices enclosed with it?  
24 A. There were, yeah.  
25 13 Q. Okay. And at Tab 1 of B, so it's the dark grey Tab 1? 10:57  
26 A. Yeah.  
27 14 Q. Page 28?  
28 A. Yeah.  
29 **CHAIRMAN:** Yes.



1                **MR. Ó BRAONÁIN:**                Just to clarify.  
2                **CHAIRMAN:**                                Page 28?  
3     15    Q.    **MR. Ó BRAONÁIN:**                Page 28, just to clarify I think  
4                what was being said by Mr. Ó Tuathail and what gave  
5                rise to Senator Ó Domhnaill's concern in relation to                10:57  
6                what was being investigated, there was a letter of 9th  
7                August of 2011 --  
8                A.    That's correct.  
9     16    Q.    -- received by Donegal County Council from a concerned  
10              citizen?    10:57  
11             A.    That's correct, yeah.  
12     17    Q.    And then what it did was it enclosed materials relating  
13              to conferences and claims and matters of that kind,  
14              yes?  
15             A.    That's correct, yeah.    10:58  
16     18    Q.    There was then correspondence arising from an analysis  
17              of those materials with Senator Ó Domhnaill, but before  
18              I go to the correspondence, if I could get you to turn  
19              to these two booklets, Mr. Walsh. The County Council  
20              documentation booklet is divided into three sections,                10:58  
21              A, B and C, relating to the three conferences at issue;  
22              isn't that right?  
23             A.    That's correct, yeah.  
24     19    Q.    Okay. So if we could go to A for the time being and  
25              what I want to do is to go in the first instance to A4                10:59  
26              which is page 9?  
27             A.    Yeah.  
28     20    Q.    Because this is the claim that I think was made by  
29              Senator Ó Domhnaill, then Councillor Ó Domhnaill, in

1 relation to this; isn't that right?

2 A. That's correct, yeah.

3 21 Q. It's headed: *"Donegal County Council. I declare that*  
4 *I have necessarily incurred expenditure on travel and*  
5 *subsistence in respect of my authorised attendance at* 10:59  
6 *Association of County and City Councils Conference 2006*  
7 *as authorised by Donegal County Council at a meeting*  
8 *on"*, and there is a blank space there, but I think your  
9 inquiry have satisfied you that there was an  
10 authorisation by Dublin County Council? 10:59

11 A. Sorry, Donegal County Council.

12 22 Q. Donegal County Council, in relation to that?

13 A. Yeah.

14 23 Q. *"(b), I have made the payments, if any, shown on the*  
15 *attached claim form, but (c) the claim is made strictly* 11:00  
16 *in accordance with the Local Government (Expenses of*  
17 *Local Authority Members) Regulations 1993 and*  
18 *directions thereunder"*. So there is a declaration --

19 A. Yes.

20 24 Q. -- of strict compliance with those regulations and 11:00  
21 directions: *"The statements and particulars furnished*  
22 *therein are complete and accurate in all respects"*?

23 A. That's correct.

24 25 Q. *"(b) no other payment has been made to me or is payable*  
25 *to me in respect of the times, journeys or other* 11:00  
26 *matters set out herein"*?

27 A. That's correct, yeah.

28 26 Q. And then: *"I have not made and will not make any other*  
29 *claims for payment in respect of the times, journeys or*

1            *other matters set out herein"?*

2            A.    That's correct.

3    27    Q.    Then it sets out distance in miles from official  
4            residence to place of meeting, 179?

5            A.    That's correct. 11:01

6    28    Q.    That's 179 miles being claimed; time and date of  
7            departure from official residence, 1 p.m. on 9th March  
8            at 2006; time and date of return to official residence,  
9            4:30 on 11th March 2006?

10           A.    That's correct. 11:01

11    29    Q.    And then he has information about the car, it is signed  
12           and it is then dated 20th March of 2006.

13           A.    That's correct.

14    30    Q.    So about nine days after the conclusion of the  
15           conference? 11:01

16           A.    That's correct.

17    31    Q.    Okay. what is the significance of the entries  
18           regarding time and date of departure from official  
19           residence and then return to official residence, can  
20           you just explain? 11:01

21           A.    It determines the amount of subsistence that the  
22           claimant is entitled to. If there is an overnight  
23           payment, if there is a -- he is entitled to claim for  
24           an overnight payment.

25    32    Q.    Yes. 11:02

26           A.    And the return time then determines whether, in  
27           addition to an overnight payment, there is a  
28           subsistence payment as well, whether it's a three hour  
29           or five hour or whatever.

1 33 Q. Yes. But the claim works on the assumption that one is  
2 departing from one's official residence?  
3 A. Yes, that's correct.

4 34 Q. And that one is returning to one's official residence?  
5 A. That's correct. 11:02

6 35 Q. Just over two days later?  
7 A. Yeah. As I understand it the council officials then  
8 would calculate the amount due and they would base the  
9 amount due on the time that's declared, this person  
10 declares to be away from their official residence. 11:02

11 36 Q. Yes. And the mileage that was paid for then, is that  
12 set out there?  
13 A. The mileage claimed is 179 miles which would be  
14 payable, a journey outwards and a journey back to home.  
15 But the Council pay 136 miles each way. As 11:03  
16 I understand it that calculation is made by the Council  
17 of the amount due. Travelling expenses is 136 miles by  
18 two which is home to the venue and back to the  
19 residence and then the subsistence is calculated at two  
20 overnight stays and in addition there is a subsistence 11:03  
21 payment of 16.32.

22 37 Q. Yes. That was the claim made and then it sets out the  
23 payment made on foot of the claim; isn't that right?  
24 A. That's correct, yeah.

25 38 Q. Indeed if one goes over the page to Tab 5, I think 11:04  
26 there is then a purchase order --  
27 A. Yeah.

28 39 Q. -- in relation to it showing payment of the total  
29 amount there?

1 A. That's right. The Donegal transactions are set out  
2 there.

3 40 Q. That's on the Agresso system?

4 A. Yes.

5 41 Q. Okay. In relation to the conference at Tab 1, that's 11:04  
6 at page 1, do you have that?

7 A. Yes.

8 42 Q. Okay. It's an annual conference of the Association of  
9 County and City Councils?

10 A. That's correct. 11:04

11 43 Q. 9, 10, 11 March, Thursday evening to Saturday morning  
12 at the Fairways Hotel in Dundalk in Co. Louth?

13 A. Yes, that's correct.

14 44 Q. Then it says that it is going to feature:  
15 *"Presentations from experienced practitioners in the 11:05*  
16 *local government sector as well as inspirational input*  
17 *from distinguished speakers from the wider spectrum of*  
18 *Irish public life, that there will be ample opportunity*  
19 *for debate, discussion and social networking with*  
20 *elected colleagues from all parts of Ireland."* 11:05

21 A. That's correct.

22 45 Q. And then over the page at page 2 it sets out the agenda  
23 or the conference content. Thursday evening, 9th  
24 March, dinner with an opening presentation by  
25 Councillor Michael O'Brien and then on the Friday there 11:05  
26 is a morning session, then lunch and then an afternoon  
27 session. The morning session, for instance, is about  
28 councillors in the local government media, councillors  
29 and the planning process, impact of the new development

1 management guidelines, the European Union dimension,  
2 Irish local government and current EU developments and  
3 then in the afternoon building communities in city,  
4 suburb and county and then rolling out the roads  
5 agenda? 11:06

6 A. That's correct.

7 46 Q. Then on the Saturday morning there was a conference  
8 conclusions at 10 a.m., summary of conference  
9 proceedings and final feedback, yes?

10 A. That's correct. 11:06

11 47 Q. At Tab 2 there is an excerpt from a council meeting of  
12 Donegal County Council at which it was determined that  
13 any members who wished could attend that conference?

14 A. Yeah.

15 48 Q. And then over the tab again is Tab 3. There is a list 11:06  
16 of attendances, some are typed in, who I presume were  
17 the earlier subscribers, and then some are handwritten  
18 in --

19 A. That's right.

20 49 Q. -- and sign up and then I think on page 8 there was 11:07  
21 confirmation that Councillor Ó Domhnaill, as he was  
22 then, was there; is that right?

23 A. That's correct, yeah. His signature is apparently  
24 there.

25 50 Q. Yes. So those are the Donegal County Council materials 11:07  
26 in relation to the 9th, 10th and 11th March of 2006?

27 A. Yeah, that's correct.

28 51 Q. The attendance sheet, Councillor Ó Domhnaill, as he  
29 was, was the last entrant on that sheet?

1 A. Yeah.

2 52 Q. If I could ask you then to turn to the údarás,  
3 documentation, again similarly it's broken into three  
4 sections, A, B and C?

5 A. Yeah. 11:08

6 53 Q. A1 is a costs claim sheet?

7 A. That's correct.

8 54 Q. It's dated 24th October of 2006?

9 A. That's correct.

10 55 Q. So just over seven months after the conference in 11:08  
11 March?

12 A. That's correct.

13 56 Q. And it sets out, it's *as Gaeilge*, and if interpretation  
14 is required that can be done, but it says at the top:  
15 "*Údarás na Gaeltachta costaisí taisteal*" which is 11:09  
16 travel expenses or travel costs. Then there is an  
17 account number and the name of the individual member,  
18 which is Mr. Ó Domhnaill, and then it relates to the  
19 month, *Marta*, March of 2006?

20 A. That's correct. 11:09

21 57 Q. There are three entries. On 10th March of 2006 one  
22 sees there is an entry "ó 03:30 in", which is  
23 "*iarnóin*"?

24 A. Iarnóin.

25 58 Q. Which is p.m., so 3:30 p.m.: "*Ag freastal or ócáid de 11:09  
26 chuid Pairtiocht Spoirt Dhún na nGall.*" So attendance  
27 at a meeting of the Donegal Sports Partnership?

28 A. That's correct.

29 59 Q. IT Leitir Ceanainn, that's Letterkenny Institute of

1 Technology?

2 A. That's correct.

3 60 Q. And then "*na bhaile, naoi iarnóin*" or home at 9 p.m.?

4 A. That's correct.

5 61 Q. Now, on its face when one looked at that and looked at 11:10  
6 the Donegal County Council claim for expenses -- sorry,  
7 at the bottom one sees it is signed again Brian Ó  
8 Domhnaill?

9 A. That's correct.

10 62 Q. And dated and then it's authorised on 11th December of 11:10  
11 2006?

12 A. That's correct.

13 63 Q. Okay. And I'll come back to some other detail in the  
14 document in a moment. But on its face that showed a  
15 meeting at a time that Mr. Ó Domhnaill had otherwise 11:11  
16 claimed he was at a conference in Dundalk?

17 A. That's correct, yes.

18 64 Q. Okay. And that was one of the matters that had  
19 prompted the investigation at Donegal County Council?

20 A. Yeah. Seemingly it prompted the complainant to make 11:11  
21 the complaint and then again to the Commission.

22 65 Q. Okay. Now, can I ask you then to go back to, because  
23 I just want to go through the fundamental documents  
24 first --

25 A. Okay. 11:11

26 66 Q. -- to see what was being investigated and then we'll go  
27 through the steps taken in the investigation. So the  
28 Donegal County Council documentation at B?

29 A. Yeah.



1 67 Q. Tab 13, which is page 21?  
2 A. That's correct, yeah.

3 68 Q. That is a claim form --  
4 A. Yeah.

5 69 Q. -- for Donegal County Council. The declaration on this 11:12  
6 occasion relates to an attendance at an IPA training  
7 seminar in Carrickmacross as authorised by Donegal  
8 County Council meeting on 27th April of 2006?  
9 A. That's correct.

10 70 Q. Okay. It makes the same declarations in relation to 11:12  
11 strict adherence to the Local Government Regulations  
12 and the directions made. It makes the same  
13 declarations in there being no payment being payable in  
14 respect of the times, journeys or other matters set out  
15 in it? 11:13  
16 A. That's correct.

17 71 Q. Okay. And the same declaration that the claimant will  
18 not make any other claims for payment in respect of the  
19 times, journeys or other matters set out in it?  
20 A. That's correct, yeah. 11:13

21 72 Q. And it gives the distance in miles from official  
22 residence to place of meeting at 163 miles?  
23 A. That's correct.

24 73 Q. Just to be clear about that, is that meant to be the  
25 total of the return journey or is that a one-way 11:13  
26 number?  
27 A. Well, it states here on the form: "*Distance in miles*  
28 *from official residence to place of meeting.*"

29 74 Q. Okay. So it's one way?

1 A. One way. I assume it's one way, yes, that's what it  
2 says there.

3 75 Q. Okay. Because it's the same language as was in the  
4 previous one?

5 A. That's correct. 11:13

6 76 Q. Okay. Then it sets out "*time and date of departure*  
7 *from official residence*", 5 p.m. on 26th April of 2006?

8 A. That's correct.

9 77 Q. And "*time and date of return to official residence*",  
10 8 p.m. on 27th April of 2006? 11:14

11 A. That's correct.

12 78 Q. Okay. It's a day and three hours?

13 A. Yes, and that entitles one overnight payment and it's a  
14 three hour rate of 16.32.

15 79 Q. So there is an overnight subsistence payment and then 11:14  
16 there is, if I can put it, a daytime subsistence which  
17 is three hours or over?

18 A. It's three hours in relation to councillors. For other  
19 public servants it's a five hour period.

20 80 Q. Okay. And then it's signed by Mr. Ó Domhnaill? 11:14

21 A. That's correct, yeah.

22 81 Q. And dated on 13th June of 2006?

23 A. That's correct.

24 82 Q. So a little less than two months later?

25 A. Yeah. 11:14

26 83 Q. And what payment, what amount was allowed in relation  
27 to the travel and the subsistence?

28 A. The travel claim was for the distance of 163 miles one  
29 way, but the Council in their calculations determined

1 that the distance was 123 miles one way, so that they  
2 doubled it. Obviously it is one way there and one way  
3 back, so they were paid 123 by two, which is 246  
4 obviously, and then one overnight payment and one  
5 subsistence rate for the three hours. 11:15

6 84 Q. Okay. And again over the tab the Agresso transaction  
7 document?

8 A. Shows how the payment was made, yeah.

9 85 Q. It includes that. Then in relation to the conference  
10 itself, the invitation to the conference which is a 11:16  
11 training programme for elected members of strategic  
12 policy committees, I think that local authorities can  
13 have strategic policy committees --

14 A. Yeah.

15 86 Q. -- which specialise in an assessment of what policies 11:16  
16 should pertain to the different areas in which local  
17 authorities are engaged. So, for instance, there could  
18 be a social housing strategic policy committee?

19 A. That's correct.

20 87 Q. And this training is being offered so as to assist the 11:16  
21 members of such policies in how best to have input into  
22 such committees?

23 A. That's correct.

24 88 Q. And at Tab 7 of the booklet at page 15?

25 A. Hmm. 11:16

26 89 Q. One can see a letter from the Department of the  
27 Environment, Heritage and Local Government addressed to  
28 each City and County Manager and Town Clerk in relation  
29 to this training?

1 A. That's correct, yeah.

2 90 Q. And that goes out on 14th February of 2006. Then there  
3 was a memo from the IPA, the Institute of Public  
4 Administration, in relation to it on 13th March of  
5 2006? 11:17

6 A. Yeah. That's correct, yeah.

7 91 Q. And then a training programme set out and again I don't  
8 think that the Commission needs to concern itself too  
9 much with the content of the training on this occasion.  
10 Then you received confirmation that Mr. Ó Domhnaill had 11:17  
11 attended the conference, you received that from the  
12 IPA?

13 A. That's correct, yeah.

14 92 Q. Okay. So that, if you like, is the Donegal County  
15 Council material in relation to the 26th and into the 11:18  
16 27th April. If I could then ask you to turn to the  
17 Údarás booklet at Tab 3, which is page 3, do you have  
18 that?

19 A. Yes, I have it.

20 93 Q. If the Members of the Commission have that? This is a 11:18  
21 claim form again, it's filled out by Senator Ó  
22 Domhnaill on the 24th October of 2006, I think the same  
23 date as the previous claim form?

24 A. That's correct, yeah.

25 94 Q. It relates to *Aibreán* 2006 which is April? 11:19

26 A. Yes.

27 95 Q. Then it has a number of claims: "*Ag taistil go Port*  
28 *Lairge, ag freastal ar cruinniú fo-choiste Teanga sa*  
29 *Rinn*" and so on but of relevance here is on 24th April

1 of 2006?

2 A. Yeah. There is an error apparently in that date as  
3 I understand it from the County Council.

4 96 Q. Yes.

5 A. That date should have read the 27th April 2006. 11:19

6 97 Q. And I think that was subsequently clarified?

7 A. Yes.

8 98 Q. And I think that the correspondence to which I will  
9 come confirm that?

10 A. Yes, okay. 11:19

11 99 Q. Okay. So this is at five o'clock --

12 A. Mm hmm.

13 100 Q. -- on the 27th; is that right?

14 A. That's correct, yeah.

15 101 Q. Departing from home at five o'clock on the 27th? 11:19

16 A. That's correct.

17 102 Q. And then it says: "*Ag freastal ar cruinniú de*  
18 *Pairtíocht Spóirt Dhún na nGall*", so attending a  
19 meeting of the Donegal Sports Partnership, again at the  
20 Institute of Technology in Letterkenny and then home at 11:20  
21 9 p.m.?

22 A. That's correct, yeah.

23 103 Q. Okay. Then there is a claim for 62 miles in relation  
24 to that?

25 A. That's correct. 11:20

26 104 Q. That's from -- home I think is Falcarragh; is that  
27 right?

28 A. That's correct, yes, as I understand it.

29 105 Q. To Letterkenny?

1 A. Yeah.

2 106 Q. Okay. And then there seems to have been a claim for  
3 subsistence?

4 A. Mm hmm.

5 107 Q. 16.32? 11:20

6 A. That was subsequently deleted.

7 108 Q. That was deleted?

8 A. Yeah.

9 109 Q. And from five until nine would be less than the  
10 five hours which is the threshold for Údarás? 11:20

11 A. As I understand it, yeah.

12 110 Q. So that the threshold for the local authority is  
13 three hours, but the threshold for Údarás is five  
14 hours?

15 A. Is five as I understand it. 11:21

16 111 Q. Again it's signed by Mr. Ó Domhnaill and dated and then  
17 that was allowed on 11th December 2006?

18 A. Yeah.

19 112 Q. Along with the other claims that were being made. But  
20 when one held this, if you like, up and viewed it in 11:21  
21 light of what was in the Donegal material --

22 A. Yes.

23 113 Q. -- the Donegal claim had time and date of return to  
24 official residence, 8 p.m. on 27th April?

25 A. That's correct, yeah. 11:21

26 114 Q. And the Údarás material had a departure from home at  
27 5 p.m. on the 27th?

28 A. That's correct, yeah.

29 115 Q. Okay. At a time when otherwise the Donegal

1 documentation indicated a continued attendance at the  
2 Donegal event?

3 A. At the Carrickmacross event, yeah.

4 116 Q. Sorry, yes, the event in Carrickmacross, that is the  
5 IPA training event? 11:22

6 A. That's correct.

7 117 Q. If one on the claim in respect of the IPA training  
8 event had a time of 5 p.m. as the time for return to  
9 home, as opposed to 8 p.m. for the time to return to  
10 home, what impact would that have had on the 11:22  
11 subsistence allowance payment made?

12 A. The allowance of €16.32 paid by the County Council  
13 would not have been payable by the Council because he  
14 hadn't been away from home for the three hours in  
15 addition to the overnight, 24 hours plus three. That's 11:22  
16 what qualifies for the additional €16 there, 16.32, in  
17 the County Council claim.

18 118 Q. Okay. But again at first blush looking at the two  
19 claims, they conflicted with each other in terms of  
20 times of attendance? 11:23

21 A. Yes.

22 119 Q. Can I ask you then to go to Tab C of, sorry, the  
23 Donegal County Council documentation?

24 A. Yeah.

25 120 Q. Okay. And if I could ask you to go to page 37, that's 11:23  
26 Tab 19?

27 A. Yeah.

28 121 Q. This is a claim addressed to Donegal County Council in  
29 the same form as the previous two claims; isn't that

1 right?

2 A. That's correct.

3 122 Q. So the same declarations which I don't intend to  
4 re-emphasise. It relates to the marine tourism  
5 conference -- 11:24

6 A. Yeah.

7 123 Q. -- and I think you were satisfied that that was a  
8 conference in respect of which the County Council had  
9 determined that there should be an authority to go?

10 A. That's correct, yeah. 11:24

11 124 Q. Distance in miles from official residence to place of  
12 meeting, 176?

13 A. 176, yeah.

14 125 Q. Now, the marine tourism conference, that was in  
15 Carlingford; isn't that right? 11:24

16 A. That's correct, yeah.

17 126 Q. Time and date of departure from official residence,  
18 3 p.m. on 30th May of 2006?

19 A. That's correct.

20 127 Q. And time and date of return to official residence, 11:24  
21 2 p.m. on 2nd June of 2006?

22 A. That's correct.

23 128 Q. Now, again it's signed Brian Ó Domhnaill and dated the  
24 13th April of 2006?

25 A. That's correct. 11:25

26 129 Q. Now, given that the event hadn't occurred in April of  
27 2006, I think you believe that that was an error, the  
28 13th April, and was more likely meant to be 13th June  
29 of 2006?



1 A. That's correct.

2 130 Q. Okay. And in terms of the travelling expenses allowed,  
3 what mileage was allowed?

4 A. The claim was for 176 miles one way, the council  
5 allowed 142 miles each way. So that was a total of 11:25  
6 284 miles.

7 131 Q. Yes.

8 A. The claim is in respect of 30th May to the 2nd June  
9 which would at face value be three nights, but the  
10 council allowed just two nights and a €40 subsistence 11:26  
11 which is the excess of ten hours in addition to the  
12 overnights.

13 132 Q. Okay. The material in relation to that claim, again  
14 the transaction document under the Agresso system is in  
15 the next tab over? 11:26

16 A. Yeah.

17 133 Q. The material in relation to the conference itself is at  
18 Tab 16 page 28: "*Marine tourism conference - stoking*  
19 *the marine leisure engine*" at the Holy Trinity Heritage  
20 Centre in Carlingford, Co. Louth and then the 11:26  
21 conference programme is set out in some detail?

22 A. That's correct.

23 134 Q. Day one was wednesday, 31st May?

24 A. Yeah.

25 135 Q. And it goes through the first session, the second 11:27  
26 session, the third session, the third session being the  
27 afternoon session on the 31st?

28 A. That's correct.

29 136 Q. There was: "*Marine leisure NDP 2008, National*

1            *Development Plan 2008 and marine leisure, a national*  
2            *perspective; active branding of the region, the Mourne*  
3            *and Cooley mountains as a national park"?*

4            A.    Yeah.

5    137    Q.    "Actively targeting key cruising markets" and then a            11:27  
6            Q&A with the speaker's panel and then that was followed  
7            by a visit to the Carlingford Oyster Company with  
8            Guinness, oysters and mussels served on site?

9            A.    Yeah.

10    138    Q.    And then sailing and dinner on tall ship Artemis?            11:27

11            A.    Yeah.

12    139    Q.    Okay. Then Day 2 was Thursday, 1st June and it sets  
13            out the programme for that day?

14            A.    That's correct, yeah.

15    140    Q.    Yes. Then there is material over the tab -- sorry,            11:28  
16            page 30/31, encouraging the Dundalk Chamber,  
17            encouraging attendance at this?

18            A.    That's correct.

19    141    Q.    And giving the cost of the conference I think which was  
20            €150 for a one and a half day conference, yes?            11:28

21            A.    Yeah.

22    142    Q.    And then the next tab is the confirmation that you have  
23            already indicated in relation to the Council,  
24            authorising attendance by the Council's members?

25            A.    That's correct.            11:28

26    143    Q.    Then at Tab 18 on page 36 you can see three up from the  
27            bottom there?

28            A.    That's right.

29    144    Q.    This is the attendance list kept by Dundalk Chamber

1 confirming Mr. Ó Domhnaill's attendance and that's  
2 signed by him there?

3 A. That's correct.

4 145 Q. So, as far as the Donegal County Council documentation  
5 was concerned, that indicated attendance at a 11:29  
6 conference from 30th May 2006, it would appear from the  
7 claim, to 2nd June of 2006?

8 A. Yeah.

9 146 Q. So then if I could ask you to turn to the Údarás  
10 booklet, do you have that? 11:29

11 A. Yes, I have it here.

12 147 Q. And at page 6 of the Údarás booklet?

13 A. That's correct.

14 148 Q. There is again an Údarás travel expenses claim form.  
15 This one, again it's signed by Mr. Ó Domhnaill and 11:30  
16 dated 24th October of 2006?

17 A. That's correct.

18 149 Q. So at the same time as the previous two claim forms?

19 A. That's right, yeah.

20 150 Q. It relates to *Bealtaine* 2006, which is May? 11:30

21 A. Yeah.

22 151 Q. Just in relation to this, which shows on 30th May?

23 A. Yeah.

24 152 Q. Attendance by Mr. Ó Domhnaill at a meeting of CRAT?

25 A. That's correct, yes. 11:31

26 153 Q. Do you know what that stands for?

27 A. I don't, no. I can't recall.

28 154 Q. In any event attendance at a meeting of CRAT and Gleann  
29 Colm Cille?

1 A. Yeah.

2 155 Q. From eight o'clock in the morning and back at 3:30 in  
3 the afternoon?

4 A. That's right, yeah.

5 156 Q. And then -- that's on the 30th? 11:31

6 A. Yeah.

7 157 Q. Just when one looks at that in the context of the  
8 marine tourism conference claim form, that suggested a  
9 time of departure from official residence; in other  
10 words, the start point in relation to the marine 11:31  
11 tourism claim was 3 p.m. on the 30th?

12 A. That's right.

13 **MR. Ó TUATHAIL:** The word CRAT, that is a  
14 regional meeting, northern regional meeting.

15 **MR. Ó BRAONÁIN:** A meeting of the northern 11:32  
16 regional board committee.

17 **MR. MCCARTHY:** Page 11.

18 158 Q. **MR. Ó BRAONÁIN:** Yes, of the document is there.  
19 Thank you. Then on the 31st May of 2006 there is a  
20 claim to údarás in relation to: "*Ag freastal ar 11:32  
21 seoladh Pairtíocht Dhún na nGall An Clochan Liath*"?

22 A. That's correct.

23 159 Q. So that's attending at the launch of the Donegal Sports  
24 Partnership in Dungloe?

25 A. That's right. 11:33

26 160 Q. It doesn't give a time for that on the 31st?

27 A. It doesn't, no.

28 161 Q. Okay. There is a claim for mileage in relation to  
29 that?

1 A. That's correct.

2 162 Q. That's 54 miles?

3 A. 54, yeah.

4 163 Q. And I think there is a claim for subsistence --

5 A. Yeah. 11:33

6 164 Q. -- on the 31st?

7 A. That's correct.

8 165 Q. Okay. The 31st is the same day in respect of which

9 there had been a claim to Donegal County Council for

10 subsistence on that day by way of an overnight 11:33

11 subsistence; isn't that right?

12 A. Yeah.

13 166 Q. Okay. Now, there is an attendance sheet in relation to

14 the Donegal Sports Partnership event which is at page

15 7, do you see that? 11:34

16 A. Yeah.

17 167 Q. And one can see on it there, "*Councillor Brian Ó*

18 *Domhnaill Chairperson*" and it's signed by him?

19 A. That's correct, yeah.

20 168 Q. That was the state of the claims as they had been 11:34

21 notified then to the County Council in the first

22 instance?

23 A. That's correct.

24 169 Q. And as they came to you?

25 A. That's correct. 11:34

26 170 Q. Okay. You had the benefit of input from Senator Ó

27 Domhnaill in relation to these matters by way of his

28 communications to the County Council during their

29 investigation?

1 A. That's correct, yeah.  
2 **MR. Ó BRAONÁIN:** I wonder, I see it's two hours  
3 or just short of two hours since we started and I don't  
4 know --  
5 **CHAIRMAN:** I was going to give you the 11:35  
6 opportunity to break at this stage, you've been doing  
7 all the work up to date. So what time would you like  
8 to resume at?  
9 **MR. Ó BRAONÁIN:** I don't know, if you would  
10 say -- if you would say ten minutes or 15 minutes. 11:35  
11 **CHAIRMAN:** 15 minutes.  
12 **MR. Ó BRAONÁIN:** 15 minutes, very good.  
13 **CHAIRMAN:** Thank you.  
14 **MR. Ó BRAONÁIN:** Thank you.

15 11:35  
16 **SHORT ADJOURNMENT**

17  
18  
19  
20  
21  
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24  
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28  
29

1 THE HEARING RESUMED AFTER THE SHORT ADJOURNMENT AS  
2 FOLLOWS

3  
4 **MR. Ó BRAONÁIN:** We will just await the arrival  
5 of Mr. Ó Tuathail and his team. (Short pause) 11:53  
6 (Mr. Ó Tuathail and his team re-enter the hearing room)

7 **MR. Ó TUATHAIL:** Apologies for being late.

8 **CHAIRMAN:** Yes.

9 171 Q. **MR. Ó BRAONÁIN:** Thank you for that, Chairman,  
10 and Members of the Commission. One of the things that 11:56  
11 I was reminded of in that period was, one of the Údarás  
12 documents, it's at Tab B3 and relates, therefore, to  
13 the second of the three conferences, the time at which  
14 there was the IPA training in Carrickmacross. I had  
15 brought you through page 3 I think of the document and 11:56  
16 the 24th April, which of course is an error and ought  
17 to be, I think everyone agrees, 27th April of 2003 and  
18 the impact of that.

19  
20 But over the page, which I should have gone over, to 11:57  
21 page 4, one sees on the 27th April, which is the same  
22 date, 27th April, "*ag taistil go Co. Ciarraí*",  
23 travelling to Co. Kerry: "*Ag freastal or Cruinniú*  
24 *Bord.*" Then on 28th April, I think it says: "*Ag*  
25 *taistil go Gaillimh*", on 29th April: "*Ag taistil na* 11:57  
26 *bhaile*", going back home. Then there is a global  
27 amount of 677 miles for that; isn't that right,  
28 Mr. Walsh?

29 A. That's correct, yeah.

1 172 Q. Okay. And there are also subsistence payments made at  
2 that time, but the entry on the 27th April is an entry  
3 relating to travel to Kerry?

4 A. That's correct.

5 173 Q. Now, when you were furnished with the complaint 11:58  
6 materials and those documents setting out the contrast  
7 between the claims being made to Donegal County Council  
8 and the claims being made to Údarás na Gaeltachta,  
9 I think it's the position that you were also furnished  
10 with correspondence with Senator Ó Domhnaill? 11:58

11 A. That's correct, yeah.

12 174 Q. And if I could ask the Members of the Commission and  
13 yourself to go to the page 55 of the book of documents,  
14 it's Tab 8, there is a letter that was sent by Mr. Liam  
15 Ward, who was the Director of Housing and Corporate 11:59  
16 Services at the time?

17 A. That's correct.

18 175 Q. And the Acting Ethics Registrar in Donegal County  
19 Council?

20 A. That's correct, yeah. 11:59

21 176 Q. That goes from page 55 to 62. It referred to previous  
22 correspondence to Senator Ó Domhnaill --

23 A. That's correct.

24 177 Q. -- on 2nd September and 25th October. This set out in  
25 detail a summary of the matters that we find in the 11:59  
26 documentation that we've just been through?

27 A. That's correct, yeah.

28 178 Q. Okay. Then laid that out for Senator Ó Domhnaill and  
29 then asked for explanations and clarifications in



1 relation to certain dates and conflicts?

2 A. That's correct, yeah.

3 179 Q. And one can see a summary of the claims and dates that  
4 required clarification at page 61?

5 A. Mm hmm, yeah. 12:00

6 180 Q. And then on Tab 10 at page 66 --

7 A. That's correct.

8 181 Q. -- comes Mr. Ó Domhnaill's response?

9 A. That's correct.

10 182 Q. Just to go through his -- this is his first response in 12:00  
11 relation to these matters; isn't that correct?

12 A. That's correct.

13 183 Q. It's on 15th December of 2011, the letter is dated, and  
14 it's addressed to Mr. Ward. He says: "*Dear Liam,*  
15 *I refer to your letter of December 5th regarding my* 12:00  
16 *attendance at a number of events in 2006 and 2007.*  
17 *I am happy that the below account is factual and true*  
18 *and I hope that this matter can be dealt with as*  
19 *expediently as is possible so as my name can be fully*  
20 *cleared of any wrongful allegations in relation to* 12:01  
21 *double claiming of expenses.*"

22 A. That's correct.

23 184 Q. And he says: "*I respond as follows:*  
24 *1. I attended the conference in Dundalk on 9th, 10th*  
25 *and 11th March 2006. I left the conference at* 12:01  
26 *lunchtime Friday, March 10th to travel to Letterkenny*  
27 *as I had a meeting of the Donegal Sports Partnership of*  
28 *which I was and remain a board member*"?

29 A. Correct.

1 185 Q. *"This meeting finished at approximately 8 p.m. and at*  
2 *this point in the knowledge that the conference events*  
3 *would be finished on my return, I decided to travel to*  
4 *my home in Falcarragh and picked up my mail for*  
5 *Thursday and Friday. I consider this a normal* 12:01  
6 *practice. I subsequently left Falcarragh at*  
7 *approximately 10:30 p.m. and returned to the conference*  
8 *in Dundalk. Records will confirm that I claimed no*  
9 *expenses from my trip to Dundalk and Letterkenny and*  
10 *back but instead claimed my return trip from Dundalk to* 12:01  
11 *Letterkenny and back but instead claimed my"* -- I beg  
12 your pardon. It appears it seems to be twice: *"But*  
13 *instead claimed my return to and from home for the*  
14 *Sports Partnership meeting in Letterkenny"*, do you see  
15 that? 12:02

16 A. That's correct, yes, I can see that.

17 186 Q. Now, in relation to that indication, until that was  
18 said did you have any information that Councillor Ó  
19 Domhnaill had left the conference in Dundalk?

20 A. It wasn't obvious from the claim forms. 12:02

21 187 Q. Yes. So this was the first indication of that to  
22 Mr. Ward?

23 A. That's correct.

24 188 Q. He says: *"It is fair at this juncture to point out*  
25 *that I acted in the best interest of those I serve in* 12:02  
26 *attending the Sports Partnership meeting and returning*  
27 *to the conference. Records will show that even though*  
28 *I claimed for one trip to Dundalk and back, I actually*  
29 *made two return trips and only claimed for one. In*

1           *essence the claim of double expenses could not be*  
2           *further from the truth given that I actually made two*  
3           *return trips and only claimed for one as entitled."*  
4

5           Can you speak to that, did Senator Ó Domhnaill have an     12:03  
6           entitlement to two claims in respect of that travel?

7           A.    Not that I am aware of. The rules do not provide for  
8           two payments in such circumstances.

9   189   Q.    Yes. In relation to the travel from the Letterkenny  
10           meeting for which Senator Ó Domhnaill left the meeting     12:03  
11           in Dundalk, he seems to have gone then from the meeting  
12           in Letterkenny home and back again?

13          A.    Yes.

14   190   Q.    Is that a claimable journey?

15          A.    Not that I am aware of. He was travelling from Dundalk     12:03  
16           to Letterkenny for a meeting and it would appear to me  
17           that he was not entitled to claim additional payments  
18           in respect of going home and back to the meeting. He  
19           was coming from Dundalk, the nearest point was  
20           Letterkenny.   12:04

21   191   Q.    Yes, okay. He explains that the journey from  
22           Letterkenny to home and back again in respect of which  
23           he claimed expenses was to get his post; is that right?

24          A.    Yeah. He says he picked up his mail for Thursday and  
25           Friday as is normal practice. That was his statement     12:04  
26           to the Council.

27   192   Q.    Yes. And is that a valid expenses generating event,  
28           the collection of mail?

29          A.    Not that I am aware of, no.

1 193 Q. He goes on then at 2 to say: *"The Sports Partnership*  
2 *meeting took place on April 27th 2006. This clarifies*  
3 *that there is no conflict, rather a misunderstanding as*  
4 *the incorrect date"*?

5 A. Yes. 12:05

6 194 Q. And there was a clarification helpfully in relation to  
7 that?

8 A. That's correct.

9 195 Q. He then said: *"3. I had submitted the Sports Meeting*  
10 *as held on April 24th and not April 27th which was a* 12:05  
11 *genuine error. I accept that this mistake or error was*  
12 *made when submitting my expense claim on 24th October*  
13 *some six months later. The return home time from*  
14 *Carrickmacross on 27th April should be 3 p.m. and not*  
15 *8 p.m. and this was a genuine error."* Do you see that? 12:05

16 A. Yeah. I see that, yeah.

17 196 Q. *"Having collected mail that needed attention,*  
18 *I proceeded by leaving home at 4:30 p.m. to then travel*  
19 *to Letterkenny for the Sports Partnership meeting and*  
20 *returned home at 9 p.m. I then left home at 11 p.m.* 12:05  
21 *and drove to Galway and went on to Kerry in the morning*  
22 *to attend the Údarás board meeting"*?

23 A. Yes.

24 197 Q. How does that marry up with the claim documentation in  
25 relation to travel on 27th April? 12:06

26 A. The 27th April he had said that he attended the DSP  
27 meeting in Letterkenny at 5 p.m.

28 198 Q. Yes.

29 A. And arrived home from that at 9 p.m. and then left at

1 11 p.m. to travel to Galway.

2 199 Q. But on the claim form in relation to those dates,  
3 I think he indicated that on 27th April 2006 he said  
4 "*ag taistil go Co. Ciarraí*"?

5 A. That's right, yeah, his travel to Kerry on that 12:06  
6 particular date.

7 200 Q. He refers to the time lapse of six months as being a  
8 factor in relation to his memory when he identified the  
9 24th April as being the date rather than the 27th April  
10 as being the date; is that right? 12:07

11 A. That's correct, yeah.

12 201 Q. Notwithstanding that time lapse, he identifies the time  
13 that he home from Carrickmacross on the 27th as being  
14 3 p.m. and not 8 p.m.?

15 A. That's correct, yeah. 12:07

16 202 Q. Over the page on paragraph 4, he says that the claim  
17 for his attendance at the marine tourism conference in  
18 Carlingford of two overnights is correct, he says, for  
19 the 30th and 31st May?

20 A. Yes, that's correct. 12:07

21 203 Q. He says he returned home on the evening of June 1st,  
22 not June 2nd, which was the typo, yes?

23 A. That's what he says in the letter, yeah.

24 204 Q. He says: "*Note no overnight claim was claimed from*  
25 *Donegal County Council for June 1st*"? 12:08

26 A. Yeah.

27 205 Q. Is that correct?

28 A. Well, the claim indicated that there was a claim for  
29 the overnight of June 1st as he says that he returned

1 home on June 2nd. So at face value there was a claim  
2 for three nights, three overnights.

3 206 Q. which was allowed as two nights?

4 A. which was allowed as two nights. Obviously the County  
5 Council, when checking the duration of the conference, 12:08  
6 decided that it was not valid to pay a third night.

7 207 Q. Yes. In any event Senator Ó Domhnaill explained this  
8 by reference to it being a typographical error?

9 A. That's correct, yeah.

10 208 Q. And then he goes on to say: "*I attended the Sports 12:09  
11 Partnership launch event in Dungloe as I left the  
12 conference in Carlingford at 3:30 p.m.*"?

13 A. That's correct, yeah.

14 209 Q. "*On the 31st May and drove to Dungloe (via home) 153  
15 miles and returned to Carlingford (via home) 12:09  
16 afterwards*"?

17 A. That's correct.

18 210 Q. Okay. what impact does the driving via home have on  
19 the claim?

20 A. It's an additional distance. Taking the direct route 12:09  
21 from Carlingford to Dungloe would be a shorter distance  
22 than taking a route from Carlingford to Falcarragh and  
23 then Falcarragh to Dungloe.

24 211 Q. Okay. what I might do, Mr. Walsh, is finish going  
25 through this letter and then I think that you have 12:10  
26 maps --

27 A. That's correct.

28 212 Q. -- which we might have a look at. In any event you  
29 said, sorry this letter records Senator Ó Domhnaill

1 saying that he returned to Carlingford at 1 a.m. and  
2 attended the remainder of the conference on Thursday  
3 morning: *"Note I only ever claimed travel expenses*  
4 *from home to Dungloe and home again for the Sports*  
5 *Partnership event"?* 12:10

6 A. That's correct.

7 213 Q. *"I returned home from Carlingford at 8 p.m. on June 1st*  
8 *and, he says, collected mail. I left at 11:00 p.m. and*  
9 *drove to Oranmore where I arrived at 2:15 a.m.*  
10 *I proceeded to attend the Údarás Board meeting on June* 12:10  
11 *2nd and the subsequent Comórtas Peil na Gaeltachta*  
12 *events"?*

13 A. That's correct.

14 214 Q. *"It is normal practice for me to leave late in the*  
15 *evening for morning meetings and to this day I often* 12:11  
16 *leave after 11:00 p.m. when the Senate is sitting the*  
17 *next morning. As you can also appreciate the weather*  
18 *during the above months allows for this practice to be*  
19 *much more practical than during the winter months"?*

20 A. Yeah. 12:11

21 215 Q. Okay. And then there is reference to other matters  
22 with which the Commission doesn't need to concern  
23 itself, I think?

24 A. That's correct.

25 216 Q. Investigation in respect of a matter in which there is 12:11  
26 no contravention being alleged?

27 A. The Commission did not -- the complaint as presented  
28 included travel to Armagh, but the Commission did not  
29 consider that an investigation was warranted in that

1 case.

2 217 Q. Yes. And then Mr. Ó Domhnaill concluded:

3

4 *"The above explanations show explicitly that I acted*  
5 *correctly as per the Local Government code of ethics* 12:11  
6 *for Elected Members. Many of the claims to Donegal*  
7 *County Council and to Údarás na Gaeltachta were made a*  
8 *number of months after the events and so minor*  
9 *discrepancies have occurred. Whilst this is no excuse,*  
10 *it did add to the confusion. My explanations are* 12:12  
11 *comprehensive, but should you have any further*  
12 *questions please don't hesitate to contact me."*

13 A. That's correct.

14 218 Q. So that was the Senator's response to Mr. Ward. That  
15 was then acknowledged, it was considered by the County 12:12  
16 Manager, it having been referred to him and the Mayor.

17 A. Mm hmm.

18 219 Q. And they conducted their inquiry into the matter, the  
19 Mayor and the County Manager under the terms of the  
20 Local Government Act? 12:12

21 A. That's correct.

22 220 Q. They then wrote, this is at page 78, Tab 15, they wrote  
23 in February of 2012 to Senator Ó Domhnaill?

24 A. That's correct.

25 221 Q. He replied at the end of February 2012 indicating that 12:12  
26 he would require some time to consider the matter and  
27 to see what information and records might be available?

28 A. That's correct.

29 222 Q. And there was no difficulty about that?



1 A. That's correct.

2 223 Q. And then there is a response of 21st March of 2012,  
3 which is a relatively lengthy response --

4 A. Yeah.

5 224 Q. -- from Senator Ó Domhnaill in relation to these 12:13  
6 matters?

7 A. That's right, yeah.

8 225 Q. The Commission have that, I don't propose to read out  
9 all of the letter, but, insofar as it touches on the  
10 relevant facts and assertions, do you have that in 12:13  
11 front of you, Mr. Walsh?

12 A. Yes, I do.

13 226 Q. I just want to direct you to the relevant parts.

14 A. Yeah.

15 227 Q. In relation to the ACCC annual conference in the 12:13  
16 Fairways Hotel in Dundalk, Senator Ó Domhnaill  
17 amplifies that he absented himself from the conference  
18 for the lunch period of 10th March 2006 which was  
19 scheduled for between 1 p.m. and 2:30 p.m.?

20 A. That's right. 12:14

21 228 Q. And for the two hours of the afternoon session of the  
22 same day?

23 A. That's correct.

24 229 Q. He said the afternoon session was an optional portion  
25 of the conference and a portion which was fundamentally 12:14  
26 a recreational session?

27 A. That's correct.

28 230 Q. In that regard one of the options available during that  
29 session was for conference participants to play golf,

1           yes?  
2           A.    That's correct, yes.  
3 231 Q.    I think that subsequently Senator Ó Domhnaill clarified  
4           the matter having been, I think, shown the conference  
5           programme? 12:14  
6           A.    That's correct.  
7 232 Q.    And it having been explained to him what the position  
8           was and acknowledged that he, I think, was in error in  
9           relation to that paragraph?  
10          A.    That's correct. 12:14  
11 233 Q.    But he went on and he said: *"These periods were the*  
12           *only periods during which I absented myself from the*  
13           *conference. The reason I did so was to attend a*  
14           *meeting of the Donegal Sports Partnership of which*  
15           *I was chairman and remain a board member, that this was* 12:15  
16           *in the very best interests of the people that he serves*  
17           *and was discharging his various duties in the best and*  
18           *most effective way possible."*  
19  
20           And indeed he says: *"As the circumstances of the* 12:15  
21           *matter clearly demonstrate, my representation of*  
22           *Donegal County Council at the conference was in no way*  
23           *adversely affected by my attendance at the said*  
24           *meeting."*  
25          A.    That's correct, that's what he says, yeah. 12:15  
26 234 Q.    Okay. Is that to say that his absence during that time  
27           doesn't adversely affect his attendance?  
28          A.    He says that correctly. Yeah, that's what he says.  
29 235 Q.    It then goes on: *"The Sports Partnership meeting*

1           *concluded on 10th March at approximately 8 p.m. The*  
2           *conference events in Dundalk being at that point*  
3           *finished for the day, I used the opportunity to travel*  
4           *from the meeting in Letterkenny to my constituency*  
5           *offices in Gortahork and my home in Falcarragh in order* 12:16  
6           *to attend to urgent and ongoing constituency work,*  
7           *including attending to mail and other documentation*  
8           *received there"?*

9           A.    Yes. That's correct, he says that, yes.

10   236   Q.    I think that the purpose of the departure from the           12:16  
11           conference in Dundalk was to go to the meeting in  
12           Letterkenny but at that stage --

13           A.    That's correct, yes.

14   237   Q.    -- Senator Ó Domhnaill decides to go from Letterkenny  
15           to Falcarragh and to Gortahork?   12:16

16           A.    That's correct, that's what he says.

17   238   Q.    Again in relation to those being expense events, is he  
18           entitled to claim expenses for going from a meeting in  
19           Letterkenny for which he has left the previous  
20           conference in order to collect mail and attend to these   12:16  
21           matters?

22           A.    That would not be an expense item as far as I am aware.

23   239   Q.    Okay. And then he describes leaving Gortahork at  
24           approximately 10:30 p.m. and returning to Dundalk in  
25           what would have been the early hours of the morning of   12:17  
26           11th March?

27           A.    That's right, yeah.

28   240   Q.    And then there was, he says: "*with regard to the*  
29           *expenses claims in respect of the conference, I claimed*

1           *for two overnights in Dundalk in respect of the two*  
2           *nights during which I stayed in Dundalk and I claimed*  
3           *for one return trip to Dundalk. You will note that*  
4           *I in fact made two returns trips to Dundalk during the*  
5           *currency of the conference, same being necessitated by* 12:17  
6           *my attendance at the Sports Partnership meeting when in*  
7           *fact only claiming expenses for one of those return*  
8           *trips."*

9           A.    That's correct.

10   241   Q.    Would he have been entitled to make two claims?           12:17

11           A.    No, no, that would not be an expense item that he would  
12           be entitled to claim.

13   242   Q.    Then: "*With regard to the Sports Partnership meeting*  
14           *itself, I claimed expenses for one return trip from the*  
15           *meeting in Letterkenny to my offices in Falcarragh*           12:17  
16           *which was entirely appropriate in the circumstances",*  
17           he says?

18           A.    That's correct.

19   243   Q.    Then at 1.(ii) he refers to the code of conduct and  
20           asks for a copy of the rules governing the making of           12:18  
21           claims for expenses pertaining at the relevant time.  
22           That I think is the directions from the Minister?

23           A.    Yes.

24   244   Q.    Did you furnish that to senator Ó Domhnaill?

25           A.    This letter was directed --           12:18

26   245   Q.    Sorry, I beg your pardon, in fact that was from  
27           Mr. Ward?

28           A.    Yeah, and Mr. Neely. It was directed to Mr. Neely and  
29           Mr. O'Brien.

1 246 Q. And the response is over the page?  
2 A. Yeah.

3 247 Q. Forgive me. He then raises a point in relation to the  
4 language that's used at paragraph 8.2 of the code of  
5 conduct and reference to the "*proper attendance for the* 12:18  
6 *duration*"?  
7 A. That's correct.

8 248 Q. He says in his letter: "*The clear meaning and import*  
9 *of the phrase 'proper attendance for the duration' as*  
10 *contained in the paragraph is that the attendance of a* 12:18  
11 *Councillor at a conference should be proper for the*  
12 *currency and duration of the conference. Further,*  
13 *'proper' in the context of the paragraph means, inter*  
14 *alia, that the attendance should result in the optimum*  
15 *benefit obtainable by that attendance both for the* 12:19  
16 *authority concerned and the local community which it*  
17 *serves. It is abundantly clear therefore in the*  
18 *circumstances as outlined herein that my attendance at*  
19 *the Association of County and City Councils Annual*  
20 *Conference in March of 2006 was entirely proper in* 12:19  
21 *light of both the Local Government Act and the Code of*  
22 *Conduct for Councillors*"?  
23 A. That's what he says here, yeah.

24 249 Q. Then he goes over to say, at the top of page 86, that  
25 he has endeavoured to locate the vouching documentation 12:19  
26 but he has been unfortunately unable to do that?  
27 A. Yeah.

28 250 Q. And explains that by reference to it being nearly  
29 six years, over six years since the events?

1 A. That's correct.

2 251 Q. In relation to the Carrickmacross IPA training seminar,  
3 that's at paragraph 3 on page 86, he says:  
4  
5 *"I left Carrickmacross at approximately 12:40 p.m. on 12:20*  
6 *27th April 2006. The seminar was a morning seminar*  
7 *which began at 9 a.m. and concluded at lunchtime.*  
8 *I chose not to stay for a lunch which was available and*  
9 *instead proceeded back to Donegal in order to attend to*  
10 *ongoing constituency matters."* 12:20

11 A. That's correct.

12 252 Q. And then he refers to the marine tourism conference?

13 A. Yeah.

14 253 Q. And he describes leaving home for Carlingford on 30th  
15 May, overnighting in Carlingford to attend the 12:20  
16 conference the following morning. He says he attended  
17 all the conference events up until 3:30 p.m. He said  
18 there was approximately one hour of conference time  
19 remaining for the day which was to be followed by a  
20 dinner. He says there was a Sports Partnership meeting 12:21  
21 scheduled for later and he was at that time the  
22 chairman of the Donegal Sports Partnership?

23 A. That's correct.

24 254 Q. So: *"Having satisfied myself that I had obtained the 12:21*  
25 *optimum benefit from that day's conference events both*  
26 *for the local authority and my constituents, I left*  
27 *Carlingford for Donegal to attend the Partnership*  
28 *meeting"?*

29 A. That's correct.

1 255 Q. He says: "*Having attended the meeting in Dungloe he*  
2 *returned to Carlingford arriving there at approximately*  
3 *1 p.m.*" I think that's meant to be 1 a.m. on the  
4 morning of 1st June?

5 A. I presume so, yeah. 12:21

6 256 Q. And then he attended the remainder of the conference on  
7 1st June?

8 A. Yeah.

9 257 Q. So he says he spent two nights in Carlingford in order  
10 to attend the conference. His return trip was made, he 12:21  
11 says, to *Dungloe* was made via my home in Falcarragh and  
12 where my constituency offices are located as I made use  
13 of the trip in order to attend to pressing constituency  
14 matters which had arisen as well as attending the  
15 meeting in Dungloe, yes? 12:22

16 A. That's correct.

17 258 Q. And again he makes this point about returning,  
18 completing two return trips but only submitting an  
19 expenses claim for one?

20 A. That's correct. 12:22

21 259 Q. In relation to the error on the claim form, as he  
22 describes it, he says: "*For me to attempt to explain*  
23 *at this point in time how or why the error occurred*  
24 *would be for me to engage in mere speculation and I do*  
25 *not propose to do so*"? 12:22

26 A. Yes.

27 260 Q. He says: "*what I can say with absolute certainty is*  
28 *that an error was made by me and that the fact of the*  
29 *matter is that I returned home from Carlingford at*

1           *approximately 8 p.m. on 1st June 2006"?*

2           A.    That's correct.

3   261   Q.    Okay.  And then again he goes at paragraph 4.(iii), he  
4           refers again to his inability to locate any relevant  
5           documentation? 12:23

6           A.    That's correct.

7   262   Q.    And he deals with the other matter in respect of which  
8           the Commission doesn't need to concern itself?

9           A.    Yeah.

10   263   Q.    There are general comments made at page 88, 89 and 90? 12:23

11           A.    Yeah.

12   264   Q.    In relation to the process that was being engaged in by  
13           the local authority, at least by the Mayor and the  
14           County Manager in terms of its investigation?

15           A.    That's correct. 12:23

16   265   Q.    And there is an analysis of how the relevant provisions  
17           of the Local Government Act interact and the gravity  
18           and the seriousness of what is being enquired into?

19           A.    Correct.

20   266   Q.    And the impact that that might be found to have on 12:23  
21           himself.  He takes issue with the fact that this is an  
22           anonymous complaint, this is in the middle of page 89?

23           A.    Yeah.

24   267   Q.    And he raises issues around fair procedures and natural  
25           justice? 12:24

26           A.    That's correct.

27   268   Q.    So as of March of 2012 the issue about an anonymous  
28           complaint was being raised by Senator Ó Domhnaill?

29           A.    That's correct.



1 269 Q. That letter was acknowledged and some further materials  
2 were sent to Senator Ó Domhnaill?  
3 A. Yeah, that's correct.

4 270 Q. He was furnished with a draft of the report that was  
5 ultimately sent by the Mayor and the County Manager? 12:24  
6 A. That's correct.

7 271 Q. To the --  
8 A. -- the Commission.

9 272 Q. To the Commission?  
10 A. That's correct. 12:25

11 273 Q. That was sent to him on -- I think in May. And he  
12 responded on 23rd May of 2012, this is at page 98,  
13 Members of the Commission?  
14 A. Yeah, that's true.

15 274 Q. On 23rd May he wrote saying: "*I refer to the above 12:25  
16 matter and to your most recent correspondence  
17 concerning same of 4 May last enclosing your relevant  
18 report and associated documentation.*

19  
20 *I appreciate that the conclusions as contained in that 12:25  
21 report are provisional in nature and that you do not  
22 wish to make a final decision without considering any  
23 further submission I might wish to make. In the  
24 circumstances of those present conclusions as set out  
25 in your report however, I feel it would be in the best 12:25  
26 interests of myself and indeed of all parties concerned  
27 at this stage that the matter be referred to the  
28 Standards in Public Office Commission for its  
29 consideration."*

1 A. That's correct, yeah.

2 275 Q. And then he explains the upset which the matter  
3 continues to cause him as being one of the reasons why  
4 he wishes for that to happen and goes through the  
5 constituency that he serves and the work that he has 12:26  
6 done in the various capacities in which he works?

7 A. That's correct.

8 276 Q. And at the end urges again that for those reasons he  
9 feels he is not only entitled but duty bound to have  
10 the matter investigated? 12:26

11 A. That's correct.

12 277 Q. The matter then comes to the Commission, you are  
13 appointed and you then take up the investigation?

14 A. That's correct, yeah.

15 278 Q. As you did that, one of the things that you did was to 12:26  
16 analyse the claims made?

17 A. That's correct.

18 279 Q. Another of the things that you did was to consider the  
19 responses from Senator Ó Domhnaill in relation to the  
20 to the queries raised at the County Council level? 12:27

21 A. That's correct, yeah.

22 280 Q. And I think you then raised your own queries with  
23 Senator Ó Domhnaill?

24 A. I raised further queries with him.

25 281 Q. How was that done? 12:27

26 A. That was by letter. I had sought a meeting with  
27 Senator Ó Domhnaill.

28 282 Q. Yes.

29 A. But was not able to arrange the meeting so I then

1 decided to write to Senator Ó Domhnaill with the  
2 documentation that I had, with the questions that I had  
3 and he replied by letter as well.

4 283 Q. Okay. Did you also communicate with Donegal County  
5 Council and with Údarás na Gaeltachta in relation to 12:27  
6 the matter?

7 A. Yeah. As part of the process of gathering the relevant  
8 documentation for the Commission, I would have  
9 contacted both Donegal County Council to get all of  
10 their documentation and to speak with anybody who may 12:28  
11 have had any information that might have been of use to  
12 my inquiry. I also spoke to staff in Údarás na  
13 Gaeltachta with a similar view, to get documentation  
14 and also to get any further information that may have  
15 been available from the Údarás that might be helpful in 12:28  
16 presenting the full story to the Commission.

17 284 Q. Yes. At page 215 of the booklet of documents there is  
18 a letter addressed to Mr. Ó Domhnaill, it's dated 7th  
19 April of 2005, it is in Irish?

20 A. That's correct. 12:28

21 285 Q. It congratulations Senator Ó Domhnaill on his  
22 re-election to Údarás na Gaeltachta?

23 A. That's right, yeah.

24 286 Q. And then, amongst other things, encloses documentation  
25 in relation to costs, he says: "*Taistiil or gnó*", that 12:29  
26 is travel on the Údarás business?

27 A. That's correct.

28 287 Q. And then it encloses a sheet which is at page 217?

29 A. That's correct.

1 288 Q. It is headed: "*Taistil or gnó*", so that is on travel  
2 on údarás business and claims for travel expenses?  
3 A. That's right, yeah.

4 289 Q. And there are general matters dealt with, guidelines at  
5 paragraph 1. So claims for payment should be submitted 12:29  
6 at the end of every month (lights go out in hearing  
7 room)?  
8 A. It is probably on a timer.

9 290 Q. I don't know if it's a motion sensor.  
10 A. I think if you press the button again. (Lights back) 12:30

11 291 Q. Feed the meter! Okay. So claims for payment should be  
12 submitted at the end of the month in respect of travel  
13 in that month. There are forms submitted towards that  
14 and perhaps more importantly at paragraph 3, "*an*  
15 *bhaile*"? 12:31  
16 A. That's correct.

17 292 Q. So the time at which you leave home and at which you  
18 return home should be detailed always?  
19 A. That's right, yeah.

20 293 Q. So if your other obligations or duties, apart from 12:31  
21 those as a member of údarás, delay you on your journey,  
22 and it says "*mar shampla*", for example a meeting with  
23 another organisation or body, "*ni féidir*", that time  
24 cannot be claimed as a part of the údarás business?  
25 A. That's correct, yeah. 12:31

26 294 Q. "*As bhaile ar gnó*", that is to say that the costs and  
27 expenses are based on time away from home on údarás  
28 business?  
29 A. That's correct.

1 295 Q. You were explaining that you sought a meeting with  
2 Senator Ó Domhnaill?

3 A. That's correct.

4 296 Q. That didn't transpire to be possible and so what you  
5 did was you then sent him a letter, which is at Tab H 12:32  
6 page 224?

7 A. That's correct.

8 297 Q. Enclosing documentation?

9 A. That's right, yeah, the documentation I had gathered  
10 from my meetings with the County Council and with the 12:32  
11 Údarás na Gaeltachta.

12 298 Q. Yes. So the complaint documentation and the appendices  
13 that the --

14 A. That's right.

15 299 Q. -- County Council had compiled and then further 12:33  
16 documents, as you say?

17 A. Yes.

18 300 Q. They are all sent through and then you request from him  
19 a statement by way of answers to questions that you had  
20 formulated and set out in an appendix? 12:33

21 A. That's correct.

22 301 Q. And that's at page 226 on of the booklet of documents?

23 A. That's correct.

24 302 Q. And you received a response to that?

25 A. I did indeed, yes. 12:33

26 303 Q. And the responses, insofar as they relate to the  
27 matters at issue, I think are set out. While we have,  
28 therefore, your appendix with the questions and we have  
29 Senator Ó Domhnaill's response with the answers, one

1 can find both together in order in your report?

2 A. That's correct, yeah.

3 **MR. Ó BRAONÁIN:** For that reason I would think,  
4 Members of the Commission, that the report is probably  
5 the easiest place to see the questions and the answers 12:34  
6 that were given by Senator Ó Domhnaill.

7 **MR. MCCARTHY:** Not in the documents?

8 **MR. Ó BRAONÁIN:** It is in the booklet of  
9 documents.

10 **MR. MCCARTHY:** It's easier to look at it in the 12:34  
11 report?

12 304 Q. **MR. Ó BRAONÁIN:** I think so because the report  
13 collates the questions and the answers so that one can  
14 read them together. And if I could just bring you to  
15 page 114 of the booklet of documents. Mr. Walsh, 12:34  
16 that's your report, isn't it?

17 A. That's correct, yeah, that's my report.

18 305 Q. Page 114 and paragraph 9.1.20 sets out the questions  
19 put to Senator Ó Domhnaill and his answers in relation  
20 to this conference: "Q. *Did you wait for the lunch on 12:35*  
21 *Friday? A. No, I did not wait for lunch.*

22

23 *2. What time did you arrive back from Dundalk on*  
24 *Friday? A. From recollection at approximately 1:30*  
25 *a.m.* 12:35  
26

27 *3. Did you have to make special arrangements for the*  
28 *hotel in Dundalk to gain access in the early hours of*  
29 *the morning when you got back?*

1 A. No, I didn't. I had my room key and was able to  
2 access the hotel without any special arrangements.

3  
4 4. What time did the conference finish on Saturday?

5 A. From recollection between 11 and 12. 12:35

6  
7 5. What time did you leave Dundalk on Saturday?

8 A. I left the hotel at approximately 12:30 p.m. on the  
9 Saturday.

10  
11 6. In your claim to Údarás na Gaeltachta dated  
12 24 October 2006, in respect of attending at the Údarás  
13 meeting on 10th March of 2006, you state that you left  
14 home at 3:30 p.m. to attend the meeting. In paragraph

15 1 of your letter of 15th December 2011 to Mr. Liam 12:36  
16 Ward, Donegal County Council, you say you left Dundalk  
17 to go to the meeting in Letterkenny. You then went  
18 home presumably after the meeting to collect mail etc.,  
19 this means that you did not leave your home at  
20 3:30 p.m. to attend the Letterkenny meeting, please 12:36  
21 explain the discrepancy?

22  
23 A. The meeting I attended on 10 March 2006 was a  
24 meeting of the Donegal Sports Partnership. I am a  
25 founding member of this organisation and was chairman 12:36  
26 of the organisation in 2006. My mileage claim in  
27 respect of the Sports Partnership meeting itself shows  
28 that I claimed expenses for one return trip from the  
29 meeting to my home office in Falcarragh, Gortahork.

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*You will also note that I made two return trips to Dundalk during the currency of the conference, same being necessitated by my attendance at the Sports Partnership meeting while in fact only claiming expenses for one of the return trips."*

12:37

That's the answer given?

A. That's correct, yeah.

306 Q. The claim that was submitted to Údarás expressed itself in terms of travel from 3:30 p.m. from home?

12:37

A. That's correct.

307 Q. Going back home, returning home at 9 p.m.?

A. Nine o'clock, yeah.

308 Q. But I think Senator Ó Domhnaill seems to accept in his correspondence with Mr. Ward in December 2011 that in fact he travelled to the meeting in Letterkenny from Dundalk?

12:37

A. From Dundalk, yeah.

309 Q. And then went home afterwards?

12:37

A. That's correct.

310 Q. Okay. At paragraph 7, the question is asked in the same paragraph of the same letter to Mr. Ward: *"You said that you decided to go home to Falcarragh, a distance of 62 miles round trip, you say that this would be normal practice. In paragraph 1.1 of your letter of 21 March 2012 to the County Manager and Mayor you say that the trip back to your constituency office and home was to attend to urgent and ongoing*

12:38



1           *constituency work, including attending to mail, can you*  
2           *explain the type of urgent work that needed attending*  
3           *to that could not wait until you returned home less*  
4           *than 24 hours later."*

12:38

5  
6           And the answer is given: "*As a public representative*  
7           *I take my role very seriously and deal with all matters*  
8           *professionally. The matters which I would have had to*  
9           *deal with would involve telephone messages received in*  
10          *my office together with mail etc. In addition some of*  
11          *the queries were medically related and therefore*  
12          *required quite urgent attention."*

12:38

13          A.   That's correct.

14   311   Q.   Okay. Was there any elaboration on that in terms of  
15           detail?

12:39

16          A.   No, that was.

17   312   Q.   Sorry?

18          A.   That was the reply.

19   313   Q.   So I don't get it wrong. At paragraph 8 the question  
20           is asked: "*what would have happened to this*  
21           *constituency work and mail if the Letterkenny meeting*  
22           *was not on and you had not returned to deal with these*  
23           *matters, i.e. would there have been a crisis when you*  
24           *returned on the Saturday?*

12:39

25  
26          A.   A family member notified me of a large number of  
27           letters and telephone messages on the office phone and  
28           I felt obliged when in Letterkenny to attend to these  
29           matters. It is my view that my public service

12:39

1 obligations would not have been met to the best of my  
2 ability in the circumstances had I not returned to my  
3 office/home to collect the mail and obtain the  
4 telephone messages on my answering machine"?

5 A. That's correct. 12:40

6 314 Q. "9. If there was such urgent work to be done why did  
7 you volunteer to attend the conference in Dundalk in  
8 the first place?

9 A. I volunteered to attend the conference as I was  
10 interested in the conference topic. Urgent 12:40  
11 constituency work is an ongoing and unavoidable  
12 consequence of being a public representative and one  
13 which I thoroughly enjoy. I feel obliged and  
14 continually endeavour to serve my constituents to the  
15 very best of my ability. Very often this means 12:40  
16 excessively long working hours as was demonstrated  
17 during the course of the conference."  
18

19 Paragraph 10: "Q. You say in paragraph 1.1 of the  
20 letter of 21st March of 2012 that attendance at the 12:40  
21 afternoon session of the conference in Dundalk on 10th  
22 March was an optional portion of the conference and  
23 fundamentally a recreational session. Please explain  
24 how you formed this view?

25 A. I simply made a mistake in my recollection and 12:41  
26 fully accept your clarification. You will no doubt  
27 have noted in this regard that the letter referred to  
28 was written over six years following the conference."  
29

1 Paragraph 11: "Q. According to the programme for this  
2 conference the afternoon session" -- that goes through,  
3 sorry, it's probably quicker to just read it out:  
4

5 "The afternoon session of 10 March was addressed by 12:41  
6 Mr. Nickey Brennan, the President of the GAA, on the  
7 topic of building communities - and so on - and by  
8 Mr. Barry, CEO of the National Roads Authority on  
9 rolling out the roads agenda. It is not apparent why  
10 you would have chosen to miss these contributions on 12:41  
11 Friday, 10th March even if they were optional and yet  
12 make a return trip to Dundalk of 179 miles, total 358  
13 miles, to attend the conference conclusions. You will  
14 note that Mr. Liam Kenny, Director of Association of  
15 County and City Councillors says in document G in 12:41  
16 answer that the conference finished at about 11 a.m.  
17 and according to the conference programme the Saturday  
18 session started at about 10 a.m., please explain."  
19

20 So this was directed, I think, at why come back for an 12:42  
21 hour the following morning?

22 A. That's correct, yeah.

23 315 Q. If you are going to miss the afternoon. But the answer  
24 given is: "I made the round trip to the conference out  
25 of commitment to the public interest and my 12:42  
26 constituents and to ensure I was present for the  
27 conclusions thereof. I would point out that I would  
28 have received a full briefing regarding all aspects of  
29 the conference and the sessions in question during the

1           *Saturday morning portion. As you note I in fact made*  
2           *two return trips to Dundalk during the currency of the*  
3           *conference, this being necessitated by my attendance at*  
4           *the Sports Partnership meeting and only claimed*  
5           *expenses for one of those return trips. I feel that my* 12:42  
6           *actions were entirely appropriate in the*  
7           *circumstances."*

8  
9           A. Correct, yeah.

10   316   Q. At 12 he says: "*In your claim you stated the distance* 12:42  
11           *in miles from your home to Dundalk to be 179 miles each*  
12           *a way. The Council paid you in respect of a distance*  
13           *of 136 miles each way, can you comment on this*  
14           *discrepancy?*

15           A. *The claim of 179 miles was a genuine error. I am* 12:43  
16           *satisfied that the correct payment of 136 miles was*  
17           *paid.*

18  
19           13. Q. *You submitted your claim to the Council on*  
20           *20th March 2006, did it occur to you to inform the* 12:43  
21           *Council that you did not attend the full conference so*  
22           *that they could make an appropriate adjustment to your*  
23           *claim?*

24           A. *It is my position that the claim submitted was*  
25           *appropriate in the circumstances.* 12:42

26  
27           14. *Your claim for the Údarás expenses in respect of*  
28           *10 March 2006 was submitted on 24 October 2006, can you*  
29           *explain why you delayed for over six months in making*

1           *this claim? The County Council claim was submitted on*  
2           *20th March.*

3           *A. Traditionally I always claimed Údarás expenses due*  
4           *to me on a three, six or twelve monthly basis.*

12:42

5  
6           *15. You claimed subsistence for 10 March from Údarás*  
7           *and also from Donegal County Council, you did not deal*  
8           *with this in your statement to the Council, see page 4,*  
9           *fourth bullet point of the Council report dated 28th*  
10           *May which is attached to their letter of complaint of*  
11           *the same date to the Commission. See also page 7,*  
12           *second paragraph. Please provide your comments on*  
13           *this.*

12:43

14           *A. As I outlined in my letter to Donegal County*  
15           *Council of 21st March 2006, the reason that I absented*  
16           *myself from the conference was to attend a meeting of*  
17           *the Donegal Sports Partnership, of which I was chairman*  
18           *at the time. In doing so I was acting in the very best*  
19           *interests of the people I serve and was discharging my*  
20           *various duties in the best and most effective way*  
21           *possible given the circumstances. By representing*  
22           *Donegal County Council at the conference was in no way*  
23           *adversely affected by my attendance at the said*  
24           *meeting. I was present at the conclusion of conference*  
25           *events on the Saturday morning which involved an*  
26           *overview of the conference discussion topics.*

12:43

12:43

12:43

27           *I claimed and received expenses in respect of 334 miles*  
28           *but actually travelled a total of 606 miles in order to*  
29           *full my obligations as a public representative over the*

1           *relevant days and I feel that my actions were entirely*  
2           *appropriate in the circumstances."*

3  
4           Does the answer say anything about the subsistence  
5           claim --

12:44

6           A.    No.

7   317   Q.    -- for 10th March?

8           A.    No, it doesn't. It doesn't answer the question that  
9           was asked.

10   318   Q.    At paragraph 16 the question asked is: "*Was the Sports*  
11           *Partnership meeting on 10th March a scheduled meeting?*

12:44

12           A.    *I cannot recall if the meeting was a scheduled*  
13           *meeting.*

14  
15           17. *If not, when was the date of the meeting decided?*

12:44

16           A.    *The exact dates of meetings were generally arranged*  
17           *at the previous meeting which in this case would have*  
18           *been the February meeting.*

19  
20           18. *If it was decided after 30th January 2006, the*  
21           *date that you were approved by the Council to attend*  
22           *the Dundalk conference, why did you not withdraw from*  
23           *the Dundalk conference or attempt to have the meeting*  
24           *set for another date?*

12:44

25           A.    *It would have been inappropriate and indeed unfair*  
26           *in my view upon the other members and directors of the*  
27           *Sports Partnership to seek to have the meeting*  
28           *rescheduled. I made the decision on the Friday morning*  
29           *10th March to attend."*

12:44

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It appears then there was a decision made, if you like, mid conference?

A. Yes, it sounds like it.

319 Q. *"This was a decision which I made in the best interests of all I serve. As already detailed, the decision to attend the DSP meeting meant that I incurred additional travel costs for which I was not recompensed. I made the decision, however, for what I perceived to be the best interests of all those I served."* 12:45

And then you set out, you go on then to the IPA training seminar, yes?

A. That's correct, yes.

320 Q. In relation to the Dundalk conference and the meeting in Letterkenny, have you prepared maps that assist in relation to that? 12:45

A. Yeah. I prepared maps there recently and I think they are available for circulation.

321 Q. Just distribute the maps (SAME HANDED). Copies have already been made available, I think, to Senator Ó Domhnaill and his representatives. Now, could you explain please, Mr. Walsh, the exercise that you carried out and the assistance you believe it can give the Commission? 12:46

A. Yeah. The AA route planner shows the most direct route from one point to another and it also provides the distance and the time that it may take to travel that particular route. 12:47

1 322 Q. Yes.

2 A. I hadn't included, I had included a map in my original  
3 report but it was in colour when I presented it to the  
4 Commission members, but in all the copying it's not  
5 very clear. So I prepared this new map last week just 12:47  
6 to help the Commission.

7 323 Q. Okay.

8 A. Series of maps, rather.

9 324 Q. The first is Falcarragh to Dundalk and obviously,  
10 therefore, then Dundalk to Falcarragh? 12:47

11 A. Yeah.

12 325 Q. In relation to the first conference, if one is  
13 travelling from Dundalk to a meeting in Letterkenny one  
14 can see that, obviously that is a shorter journey --

15 A. That's correct, yeah. 12:48

16 326 Q. -- than the journey as far as Falcarragh; is that  
17 right?

18 A. That's correct, yeah.

19 327 Q. And is that what you are looking to depict there?

20 A. Yeah, that it would make sense to stop off in 12:48  
21 Letterkenny for a meeting if you are going from Dundalk  
22 to Letterkenny for the meeting rather than going on to  
23 Falcarragh and coming back for that meeting.

24 328 Q. Okay.

25 **MR. MCCARTHY:** Can I just ask a question? 12:48

26 **MR. Ó BRAONÁIN:** Please.

27 **MR. MCCARTHY:** Are the distances in miles or  
28 kilometres?

29 A. You're looking at, it's printed in kilometres and then



1 I -- you can ask for it in miles but it doesn't give  
2 you the two together. So I hand wrote in miles. Is  
3 that the same copy that you have?

4 **MR. MCCARTHY:** It is, yes, I think.

5 329 Q. **MR. Ó BRAONÁIN:** I think where, just to clarify, 12:49  
6 Mr. Walsh, on the document (indicating) underneath the  
7 map section, it has from Falcarragh, Co. Donegal to  
8 Dundalk, distance 198.71, show distances in miles. Is  
9 that a link that you would click if you want to change  
10 it from kilometres to miles? 12:49

11 A. If you wanted it in miles rather than kilometres you  
12 would click on that to show distance in miles and it  
13 will show you in miles only.

14 330 Q. Okay.

15 A. But I decided to leave the kilometres in there as well 12:49  
16 as writing in handwriting the miles.

17 331 Q. Okay. And that I think is the, that first map is the  
18 one particularly relevant in relation to the Dundalk  
19 conference, the ACCC meeting in Dundalk?

20 A. That's correct. There is also a map separately showing 12:50  
21 Falcarragh to Letterkenny, I think it's the sixth map  
22 in which will give you more detail of the road,  
23 I suppose.

24 **MR. Ó BRAONÁIN:** Yes. We seem to be in the dark  
25 again! Might I suggest, I see it's ten to one, I know 12:50  
26 it's not as long after the last break as one might  
27 wish, but I'm told that for technical reasons it may be  
28 necessary to have access to the room so as to try and  
29 remedy the problem with the lighting.

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**CHAIRMAN:** Yes. will we try and be back here for two o'clock?

**MR. Ó BRAONÁIN:** I was going to suggest this might be a good time for lunch and we'll put that time to use in fixing the lights.

12:51

**CHAIRMAN:** we'll hold you to that.

**MR. Ó BRAONÁIN:** Thank you, Chairman.

**LUNCHEON ADJOURNMENT**

12:51

1 THE HEARING RESUMED AFTER THE LUNCHEON ADJOURNMENT AS  
2 FOLLOWS

3  
4 **CHAIRMAN:** Now, we are all indebted to the  
5 people who worked over lunch in trying to secure the 14:08  
6 lights so hopeful power won't be interfered with.

7 **MR. Ó BRAONÁIN:** Yes.

8 **CHAIRMAN:** And we'll proceed now.

9 **MR. Ó BRAONÁIN:** Thank you, Chairman. Just in  
10 relation to the lights, there is a back-up by way of 14:08  
11 lamps so that if we have that event again and people  
12 agree, and particularly if the Commission agrees, we  
13 can proceed, but hopefully that won't arise.

14  
15 CONTINUATION OF EXAMINATION OF MR. WALSH BY MR. Ó  
16 BRAONÁIN

17  
18 332 Q. Now, Mr. Walsh, good afternoon.

19 A. Good afternoon.

20 333 Q. You had been outlining your communications with Senator 14:08  
21 Ó Domhnaill in relation to the first conference?

22 A. That's correct, yeah.

23 334 Q. And I think that you had a similar exchange of  
24 questions and answers in relation to the second  
25 conference; is that right? 14:09

26 A. That's correct, yeah.

27 335 Q. If I could ask Members of the Commission, if you could  
28 turn to page 119 of the booklet of documents -- sorry,  
29 117. 9.2?

1 A. 19.

2 336 Q. 19 is where the exchange is, but just to show its  
3 context. This is in paragraph 9.2 of your report,  
4 you're dealing with IPA training seminar in  
5 Carrickmacross? 14:09

6 A. That's correct.

7 337 Q. You go through the times in question, the sums paid for  
8 travel and subsistence and you then had an exchange  
9 with Senator Ó Domhnaill in relation to it?

10 A. That's correct, yeah. 14:10

11 338 Q. You identified the issue, I think, at paragraph 9.2.5,  
12 which is on page 118?

13 A. That's correct.

14 339 Q. This is the issue to which you were directing your  
15 mind: *"That Senator Ó Domhnaill had originally 14:10*  
16 *claimed, in his claim form at Appendix A1 page 13, that*  
17 *he had arrived home from Carrickmacross at 8 p.m. on*  
18 *Thursday, 27th April 2006. As that indicated that he*  
19 *was absent from home for one full day plus three hours*  
20 *he was entitled to be paid an overnight plus an 14:10*  
21 *three hour allowance of 16.32"?*

22 A. That's correct, yeah.

23 340 Q. *"In his Údarás claim he said he was absent from home*  
24 *from 5 p.m. to 9 p.m. to attend the DSP meeting"?*

25 A. That's correct. 14:10

26 341 Q. *"And when asked by the Council to explain the*  
27 *discrepancy, Senator Ó Domhnaill had said that he had*  
28 *made a mistake in completing the Council claim form and*  
29 *that in fact he had arrived home from Carrickmacross at*

1           3 p.m.", not at 8 p.m.?

2           A.    That's correct, yeah.

3   342   Q.    And you identified the issue then as a lack of  
4           entitlement to the three hour allowance --

5           A.    That's right. 14:11

6   343   Q.    -- from the Council?

7           A.    That's correct, yeah.

8   344   Q.    Then you summarise the revised account of movements  
9           which the Commission will already have seen from the  
10          documents and also the content of the letter? 14:11

11          A.    Mm hmm, yeah.

12   345   Q.    And then over the page at 9.29.10 you set out the  
13          exchange: "*Hereunder are the questions I put to*  
14          *Senator Ó Domhnaill, you say, and his answers.*" So  
15          question 19: 14:11

16

17          "*You say in your letter of 21st March of 2012*", which  
18          I think was the second of the letters to the Council?

19          A.    Yeah.

20   346   Q.    "*That you left Carrickmacross at 12:40 p.m. to go back* 14:12  
21          *to Donegal to attend to ongoing constituency matters.*  
22          *In your letter of 15 December 2011 you say that you*  
23          *arrived home at 3 p.m. and having collected mail that*  
24          *needed attention you proceeded by leaving home at*  
25          *4:30 p.m. to travel to the meeting in Letterkenny,* 14:12  
26          *which I understand started at 5 p.m., i.e. you left*  
27          *just 30 minutes to travel the 31 miles to Letterkenny.*  
28          *You returned home at 9 p.m. and left home again at*  
29          *11 p.m. Can you explain why it was necessary to pass*

1 *through Letterkenny to travel home to collect mail*  
2 *(having been away for less than 24 hours) when you were*  
3 *going to travel home after the meeting? Also, how you*  
4 *managed to get to Letterkenny from home in 30 minutes."*

14:12

5  
6 A. That's correct.

7 347 Q. So those were the queries that you had. The answer  
8 given by Senator Ó Domhnaill was:

9  
10 *"The reason I travelled home before the meeting in*  
11 *Letterkenny was to sign constituency mail that I wanted*  
12 *to get in the post before the postal service van left*  
13 *Gortahork at 3:40 p.m. that evening. I was employing*  
14 *at my own cost a constituency secretary at the time and*  
15 *I was anxious to deal with constituency mail. The*  
16 *times were approximate times. It may have been a*  
17 *few minutes before 4:30 p.m. when I left or a*  
18 *few minutes after 5 p.m. when I arrived."*

14:12

14:13

19 A. That's correct.

20 348 Q. And then at 19a, you asked: *"In your claim you stated*  
21 *the distance in miles from your home to Carrickmacross*  
22 *to be 163 miles each way. The Council paid you in*  
23 *respect of a distance of 123 miles each way. Can you*  
24 *comment on the discrepancy in the distances?"*

14:13

14:13

25  
26 And Senator Ó Domhnaill accepted that the 123 miles  
27 each way was correct, the original 163 figure was  
28 presented in error. And: *"You will note that I was*  
29 *paid in respect of 123 miles each way."*

1 A. That's correct.

2 349 Q. Okay. And then you have, in relation to that journey,  
3 maps within your list of maps?

4 A. That's correct.

5 350 Q. And again if you could just bring the Commission to the 14:14  
6 relevant maps which --

7 A. That was Carrickmacross, it's the third map.

8 351 Q. The third map?

9 A. The third map in.

10 352 Q. Falcarragh to Carrickmacross? 14:14

11 A. Yeah. It shows the direct line, it's the shortest  
12 route again by AA route planner.

13 353 Q. Yes, through Letterkenny?

14 A. Through Letterkenny, yes.

15 354 Q. Where the meeting was? 14:14

16 A. That's correct, yeah.

17 355 Q. Okay. And it seems then that, what happened was that  
18 there was travel from Carrickmacross to Letterkenny, on  
19 to Falcarragh and then returning for the DSP meeting --

20 A. That's correct. 14:15

21 356 Q. -- in Letterkenny and then back to Falcarragh again  
22 before going on to, it would seem --

23 A. To Galway.

24 357 Q. -- Galway, according to the correspondence, or on to  
25 Kerry according to the claim form? 14:15

26 A. That's correct.

27 358 Q. But A represents Falcarragh; is that right?

28 A. That's correct, yeah.

29 359 Q. Now, the next item is at 9.3, it's on page 119 where we

1 just left off?

2 A. That's correct.

3 360 Q. This relates to the marine tourism conference which is  
4 the last of the three conferences. On 30th May to  
5 1st June was when the conference was and Senator Ó 14:16  
6 Domhnaill is absenting himself from the conference on  
7 31st May; is that correct?

8 A. That's correct, yeah.

9 361 Q. You set out in your report times that you have gleaned  
10 from the documentation for departures and arrivals? 14:16

11 A. That's correct.

12 362 Q. Then you asked him a series of questions?

13 A. That's correct.

14 363 Q. And if we turn over to page 122, those questions and  
15 the answers are set out there? 14:16

16 A. That's correct.

17 364 Q. At paragraph 9.3.14. So question 20: *"It seems that  
18 you attended a meeting in Gleann Cholm Cille before  
19 leaving for Carlingford. What time did the Gleann  
20 Cholm Cille meeting start and finish on 30th May 2006?"* 14:17

21 A. *I left home at 8 a.m. The meeting started at 10:00  
22 a.m. and finished up at approximately 1:00 p.m.  
23 I arrived home from Gleann Cholm Cille before 3 p.m. in  
24 order to pick up mail which I would deal with over the  
25 subsequent days."* 14:17

26

27 At question 21, the question: *"According to your  
28 Council claim form dated 13 April 2006 -- which you  
29 note seems to be dated incorrectly, it should probably*



1 have been 13 June 2006, according to the Council -- you  
2 departed your home on 30th May 2006 at 3 p.m. to go to  
3 the conference in Carlingford. According to your  
4 Údarás claim form you arrived home from a meeting in  
5 Gleann Cholm Cille at 3:30 p.m. Can you explain the 14:17  
6 apparent discrepancy?

7 A. My departure time for the Carlingford conference  
8 may have been approximately 3:15 to 3:45 p.m. This  
9 would have had no effect on claimed expenses."

10 A. That's correct. 14:18

11 365 Q. Next question: "As it seems that you are running tight  
12 time wise, why would you have travelled home from South  
13 Donegal to North Donegal, on minor roads, and then  
14 immediately left home again to travel to Carlingford  
15 instead of going directly from Gleann Cholm Cille to 14:18  
16 Carlingford?

17 A. I fail to see how it can be concluded that I was  
18 'running tight time wise' but in any case there is  
19 nothing new in travelling across minor roads in order  
20 to fulfil constituency obligations. The reason was the 14:18  
21 pick up constituency mail and messages."

22  
23 Question 23: "You say in your letter of 15 December  
24 2011 that you left Carlingford at 3:30 p.m. on 31 May  
25 to travel to Dungloe. You say you travelled via your 14:18  
26 home and that you returned to Carlingford via your  
27 home. why did you do this when it seems that it would  
28 have been shorter to go directly?

29 A. I made the trip to Dungloe via home (my office) to

1 attend to constituency correspondence and mail. This  
2 represents nothing new in the manner in which  
3 I undertake my work. I am at all times determined to  
4 do my absolute utmost to deal with constituency queries  
5 and concerns. 14:19

6  
7 24. What was the Dungloe event about?

8 A. The Dungloe event was an event to launch a  
9 strategic Donegal Sports Partnership sports policy  
10 document. 14:19

11  
12 25. What time did the Dungloe launch event start and  
13 what time did it finish?

14 A. Started at 8 p.m. and finished at 9:30 p.m. 14:19

15  
16 26. You say at page 3 of your reply to the Council  
17 dated 21 March '12 that you had gotten optimum benefit  
18 from that day's conference. On what basis did you  
19 arrive at that decision?

20 A. The conference activities commenced at 9:05 a.m. on 14:19  
21 31 May 2006. I attended all of the day's conference  
22 events but chose not to attend the visit to the Oyster  
23 Company with Guinness, oysters and mussels or indeed  
24 attend the dinner on a tall ship. I genuinely felt it  
25 more appropriate to the Local Authority, the public and 14:20  
26 my constituents to attend the Donegal Sports  
27 Partnership event.

28  
29 27. You said at paragraph 4(i) of the letter of

1           21 March 2012, that you had to attend a pressing  
2           constituency matter which had arisen. Can you say what  
3           these were?

4           A. In this instance these are confidential matters  
5           between a public representative and a constituent. 14:20  
6           I believe that it would be inappropriate to elaborate  
7           further in the circumstances.

8  
9           28. You say in your letter of 15 December 2011,  
10          paragraph 4, that you travelled from Carlingford on 14:20  
11          1st June to collect mail at home, arriving home at  
12          8 p.m. and then left your home at 11 p.m. to travel to  
13          Kerry via Galway. Can you explain what was so  
14          important about this mail that you travelled back home  
15          from Carlingford (in the region of 150 miles) and then 14:21  
16          travelled to Kerry via Galway on relatively bad roads  
17          when it would have been more straightforward to have  
18          travelled directly from Carlingford to Kerry.

19          A. It may have indeed been more straightforward to  
20          travel from Carlingford to Galway (not Kerry as 14:21  
21          outlined in your correspondence, Point 28). However,  
22          I had to meet a number of constituents prior to my  
23          attending the Údarás meeting in Galway. I met a number  
24          of constituents on my way home after leaving the  
25          conference on June 1st. I felt it important to do this 14:21  
26          as I would be attending the Údarás Board meeting,  
27          Comórtas Peil na Gaeltachta and other events after the  
28          coming days.

1           29. *If the conference in Carlingford finished at*  
2           *2:15 p.m. how did it take you nearly six hours to get*  
3           *home, i.e. arriving home at 8 p.m.?*  
4           A. *See Point 28 above. I used the time to meet with a*  
5           *number of constituents on my way home from the* 14:22  
6           *conference."*  
7           A. That's correct, yeah.  
8   366   Q. There are other general questions that you asked in  
9           relation to claims at paragraph 9.5 on page 126.  
10          I don't propose to go through the general questions, 14:22  
11          unless something arises that either my Friend or the  
12          Commission wish to ask about. But they are questions  
13          about delay in general and awareness when signing forms  
14          as to whether or not, particularly given the delay,  
15          I think, in doing the Údarás forms, whether there was 14:23  
16          an awareness in relation to what had happened in  
17          respect of the Council business and conferences, to  
18          which the answers in each case were, no, that there was  
19          not such an awareness?  
20          A. That's correct, yeah. 14:23  
21   367   Q. Now, in relation to the maps in respect of the last  
22          event, which is the Carlingford and Údarás event in  
23          Dungloe?  
24          A. Yes.  
25   368   Q. I think you prepared maps in relation to those as well 14:23  
26          just to illustrate the point I think that you were  
27          making; is that right?  
28          A. That's correct, yeah. The fifth map in is Falcarragh  
29          to Gleann Cholm Cille.

1 369 Q. Yes.

2 A. Which was the first meeting before he left for  
3 Carlingford.

4 370 Q. Yes.

5 A. And then -- 14:24

6 371 Q. I mean that's a journey up the west coast?

7 A. Up the west coast of Donegal, yes. The eighth map in  
8 shows Dungloe to Carlingford, direct line rather than  
9 going through Letterkenny.

10 372 Q. Yes. 14:24

11 A. And map 10, the last one, I think shows the direct line  
12 from Gleann Cholm Cille to Carlingford, again without  
13 going through Falcarragh. Then map 9 shows direct  
14 route from Carlingford to Galway rather than going  
15 through Falcarragh again. 14:24

16 373 Q. Okay. So in the first instance travelling from Gleann  
17 Cholm Cille to Carlingford is the first issue?

18 A. Yeah.

19 374 Q. Because there's an event in Gleann Cholm Cille in the  
20 morning, isn't that the case? 14:25

21 A. Yeah.

22 375 Q. Okay. And what you are showing is that the Gleann  
23 Cholm Cille to Carlingford route avoids, in a  
24 substantial way, having to go up the west coast to  
25 Falcarragh; is that correct? 14:25

26 A. That's correct, yeah.

27 376 Q. And then to show the route back?

28 A. To Dungloe.

29 377 Q. Carlingford to Galway?

1 A. Yes.

2 378 Q. As opposed to Carlingford to Falcarragh?

3 A. Yeah.

4 379 Q. And then from there down to Galway. Again you're  
5 cutting out all of the journey to Donegal and back down 14:25  
6 again?

7 A. Yeah. And then the journey from Carlingford back to  
8 Dungloe for the event in Dungloe, you don't need to go  
9 through Letterkenny, there is a more direct route.

10 **MR. Ó BRAONÁIN:** Yes. Mr. Walsh, would you 14:26  
11 answer any questions please that Mr. Ó Tuathail or the  
12 Members of the Commission have.

13

14 **END OF DIRECT EXAMINATION OF MR. WALSH BY MR. Ó**  
15 **BRAONÁIN** 14:26

16

17 **CROSS-EXAMINATION OF MR. WALSH BY MR. MACCARTHAIGH**

18

19 **MR. MACCÁRTHAIGH:** I'll be cross-examining  
20 Mr. Walsh. My name is Dáithí MacCárthaigh. Good 14:26  
21 afternoon, Mr. Walsh.

22 A. Good afternoon.

23 380 Q. I'll be speaking in English.

24 A. Okay.

25 381 Q. Do you think it's fair to describe this case as a case 14:26  
26 of ever reducing complaints? I'll explain that to you.  
27 When the document which is the genesis, if you like,  
28 for being here today --

29 A. Mm hmm.

1 382 Q. -- was first sent from an anonymous source to Donegal  
2 County Council, there were complaints in relation to  
3 five events?  
4 A. Yeah.

5 383 Q. There was the event in Dundalk, the event in 14:27  
6 Carrickmacross, the event in Carlingford, an event in  
7 Downings, Na Dúnaibh, in North Donegal and also an  
8 event in Co. Armagh, Armagh City and in relation to the  
9 event in Downings, that was found to be without any  
10 foundation; isn't that right? 14:27  
11 A. Yeah.

12 384 Q. Okay. There is another event, the one which involved  
13 the John Hewitt school in Co. Armagh which you dealt  
14 with in your investigation for the Commission?  
15 A. That's correct. 14:27

16 385 Q. In relation to the John Hewitt Summer School, it ran  
17 for the best part of a week; is that right?  
18 A. That's correct.

19 386 Q. And Senator Ó Domhnaill absented himself for part of  
20 the Friday -- 14:28  
21 A. That's correct.

22 387 Q. -- in order to attend at a Údarás na Gaeltachta  
23 meeting?  
24 A. Yeah.

25 388 Q. You took the view in your report, and it's laid out at, 14:28  
26 I'll just find the place in your report, in the book in  
27 front of you I think you'll find it at page 128 in your  
28 report, that you took the view there was a case to  
29 answer and that it would be open to the Commission to

1 seek the reimbursement of all the expenses which  
2 Senator Ó Domhnaill had secured from Donegal County  
3 Council because of his failure to attend the conference  
4 in its entirety, page 10.4:

5  
6 *"If the Commission takes the view that payment of*  
7 *travel and subsistence"* -- 128, it's in the booklet of  
8 documents in your own report.

9 A. Yeah.

10 389 Q. So that was the view which you took which wasn't  
11 followed by the Commission?

12 A. That's correct, yeah.

13 390 Q. And on that occasion Senator Ó Domhnaill did not claim  
14 any expenses for the meeting which he attended in  
15 Gortahork?

16 A. That's correct, yeah.

17 391 Q. And he absented himself from Armagh, drove to Gortahork  
18 and drove back again, that's what happened?

19 A. Yeah. And?

20 392 Q. He looked for no expenses on that occasion?

21 A. But this particular one is not part of the matters that  
22 are being investigated by the Commission.

23 393 Q. Well, it's in your report and I think it's quite  
24 important, I'll come to that, not now.

25 A. Okay.

26 394 Q. Because the reason for that, I'm not finding fault with  
27 your report, it's a very comprehensive report, is that  
28 events, I think, overtook us and events at this  
29 Commission overtook your own report. Are you familiar



1 with the case, a decision of which was given in  
2 December by this Commission, December 2014, in the case  
3 of former councillor Dessie Larkin. As secretary to  
4 the commission you are familiar with that?

5 A. Yes. 14:30

6 395 Q. I can get my solicitor to give copies to the -- I'm  
7 sure that the Commission would have copies but just in  
8 easier of the hearing I can get them distributed now.  
9 Now, the facts were quite different in Mr. Larkin's  
10 case but there was one similarity in that one of the 14:30  
11 heads of complaint was that Mr. Larkin had a partial  
12 non-attendance at several conferences?

13 A. Yeah.

14 396 Q. There was a certain set of circumstances at Donegal  
15 County Council at the time and when the -- can you give 14:31  
16 mister (SAME HANDED TO THE WITNESS)

17 A. Thank you.

18 397 Q. If you just go to, I'll bring everyone to point 5.3 of  
19 the report, it's page 20. And while the initial part  
20 of it, I'll read from it in full. The initial part 14:31  
21 relates to the particular complaint, but the principle,  
22 if you like, does shed light on why Senator Ó Domhnaill  
23 absenting himself from the John Hewitt school is not  
24 being pursued here today as an abuse, if you like.

25 14:31

26 5.3: *"In relation to the alleged contraventions 4 to*  
27 *6, whilst the Code of Conduct of Councillors and*  
28 *section 1425(f) of the Local Government Act require a*  
29 *councillor attending a conference to submit a report to*

1           *the local authority, Donegal County Council in a letter*  
2           *dated 9th August 2013 informed the Inquiry Officer that*  
3           *it was not 'a compulsory practice' of the Council at*  
4           *the time to enforce the requirements and Councillor*  
5           *Larkin had did not submitted reports in respect of the* 14:32  
6           *conferences. This stated that revised arrangements*  
7           *were introduced in March 2010 following the raising of*  
8           *the matter by the Local Government Auditor during the*  
9           *2008 audit" and this is what is pertinent, I think, to*  
10          *the case before us today.* 14:32

11  
12          *"The Commission concludes that, in any given case, it*  
13          *is a matter in the first instance for the Council to*  
14          *assess whether there was proper attendance for the*  
15          *duration of a conference by a councillor is required by* 14:32  
16          *paragraph 8.2 of the Code and enforce compliance with*  
17          *the obligation to report back to the Council in*  
18          *accordance with the Act. Against this background, the*  
19          *Commission is of the opinion that it would be*  
20          *inequitable to adjudicate on Councillor Larkin in* 14:32  
21          *relation to his partial attendance at a conference when*  
22          *the regime for assessing a councillor's attendance and*  
23          *reporting thereon was not operated by the Council until*  
24          *2010. In these circumstances, the alleged*  
25          *contraventions are not established."* 14:32

26  
27          So this would, to my mind, this says to my mind that  
28          Donegal County Councillors before March 2010 had the  
29          freedom to exercise their discretion, that if they

1 thought that they could better serve the constituents  
2 by attending at other matters, that they could absent  
3 themselves from conferences which they were attending  
4 on behalf of Donegal County Council?

5 A. Yeah. 14:33

6 398 Q. That's what it says, doesn't it?

7 A. Yeah.

8 399 Q. So that would seem to explain why two years beforehand,  
9 just over two years beforehand you had recommended that  
10 partial non-attendance would be a grounds for seeking 14:33  
11 reimbursement from the Senator, that that wasn't  
12 followed through?

13 A. It wasn't a recommendation. I was pointing out to the  
14 Commission an option they had.

15 400 Q. Right. But it seems to be no longer an option or it 14:33  
16 doesn't seem to be an option?

17 A. No, the Commission makes a decision, I was only  
18 presenting the facts to the commission.

19 401 Q. Oh, I appreciate that.

20 A. They make the decision and they decided that it wasn't 14:34  
21 appropriate as is outlined there in the Dessie Larkin  
22 case.

23 402 Q. What I am saying is, and you are familiar with the  
24 material as secretary to the Commission, that this  
25 would, if you like, the Commission's decision not to 14:34  
26 pursue any complaints or not to, not to pursue as  
27 alleged offences the Senator's non-attendance at  
28 Armagh?

29 A. That was the decision the Commission took, yeah.

1 403 Q. Taking that to be the case, then if we work our way  
2 backwards, Carlingford is the next conference before  
3 that. That would appear to give the freedom to Senator  
4 Ó Domhnaill to absent himself from parts of the  
5 conference in Carlingford which he adjudged not to be 14:34  
6 as important as a meeting in Donegal for the Sports  
7 Partnership, that would seem to be the logic?  
8 A. That's Mr. Ó Domhnaill's decision. He wouldn't have  
9 been aware of the Commission's views back then.

10 404 Q. Well, I'm not saying that. What I am saying is that, 14:35  
11 from the decision in the Larkin case, that applying the  
12 jurisprudence of the Commission as it is now?  
13 A. Yeah.

14 405 Q. That it gave Senator Ó Domhnaill at the time the  
15 freedom to absent himself from, and we'll just look at 14:35  
16 what he absented himself from?  
17 A. But he wouldn't have been aware in 2006 of the  
18 Commission's decision in 2013.

19 406 Q. Well, that's fine, that's fine. But if it was  
20 inequitable to pursue Councillor Larkin in relation to 14:35  
21 partial attendance at a conference, it's also  
22 inequitable now to pursue Senator Ó Domhnaill in  
23 relation to partial attendance at a conference in  
24 Carlingford?  
25 A. But the Commission is not pursuing those particular 14:35  
26 matters in this particular case.

27 407 Q. Well, if you just move on from what --  
28 A. Yeah.

29 408 Q. Now, if we look at what parts of the event he missed.

1 If you go to, it's the County Council booklet, page 37.  
2 Sorry, it's the County Council -- it's Tab 16 of the  
3 County Council booklet?  
4 A. Sorry, which?  
5 409 Q. Tab 16 of the County Council booklet. It's the -- 14:36  
6 A. The marine tourism conference?  
7 410 Q. The marine tourism conference, yeah. This looked at in  
8 conjunction with, if you go to your report, page 21  
9 internal, page 120 of the book of documents?  
10 A. Yeah. 14:37  
11 411 Q. And we see at the top there that Senator Ó Domhnaill  
12 left the conference at in Carlingford and went to  
13 Dungloe via his home in Falcarragh to attend the  
14 Donegal Sports Partnership event?  
15 A. Yeah. 14:37  
16 412 Q. If we look at the corresponding timeline in the  
17 conference, on the second column we see what he missed.  
18 He missed the speaker's panel Q&A?  
19 A. You're going back to this, oh okay.  
20 413 Q. It's Tab 16 of the -- 14:37  
21 A. Yeah.  
22 414 Q. So he missed the speakers panel Q&A?  
23 A. Yeah.  
24 415 Q. And then he missed a visit to the Carlingford Oyster  
25 company with Guinness oysters and mussels served on 14:37  
26 site?  
27 A. Correct, yeah.  
28 416 Q. And then he also missed the sailing and dinner on tall  
29 ship Artemis?

1 A. Yeah.

2 417 Q. Would you have any sympathy for the point of view that  
3 a County Councillor, as he then was, might better serve  
4 his constituency by attending sitting by attending a  
5 sports event than feasting on free Guinness, oysters, 14:38  
6 mussels and followed by a sailing and a dinner on a  
7 tall ship?

8 A. Well, it's not my function to have a view on the  
9 rightness, the correctness or otherwise of what Mr. Ó  
10 Domhnaill did. My function was to report to the 14:38  
11 Commission what happened. End of story.

12 418 Q. So you have no opinion?

13 A. As Inquiry Officer I have no requirement to have an  
14 opinion on that. My role was simply to report to the  
15 Commission and that's what I have done and that's what 14:38  
16 my report indicates.

17 419 Q. Okay, just to move on. Do you have any sympathy with  
18 the opinion that a Sports Partnership might be  
19 important work for a County Councillor to be involved  
20 in? 14:39

21 A. I have no opinion on it, no. I don't know what was  
22 going on in the Sports Partnership.

23 420 Q. You don't know what was going on?

24 A. I don't, no.

25 421 Q. Did you not enquire? 14:39

26 A. No. As I say my role was to report what happened.

27 422 Q. I just think it's extraordinary that you have before  
28 the Commission today three complaints which essentially  
29 arise out of Senator Ó Domhnaill absenting himself,

1 well we'll get to the Carrickmacross question when we  
2 get to it, there seems to be no overlap of time in  
3 relation to that. But, as the case was put this  
4 morning initially, at first flush [sic], you have three  
5 instances where Senator Ó Domhnaill is accused of 14:39  
6 absenting himself from conferences to attend at the  
7 Donegal Sports Partnership and I think it's  
8 extraordinary that you didn't, even from the point of  
9 view pure curiosity, do some work to find out what the  
10 Donegal Sports Partnership was about? 14:40

11 A. You may find it curious, but my role, as I said, was to  
12 report the facts to the Commission.

13 423 Q. Okay. So if we go to the times that were involved and  
14 if we look at the wording in relation to -- we'll talk  
15 about the mileage first of all, the mileage that 14:40  
16 Senator Ó Domhnaill incurred and for which he claimed.  
17 You say you find it extraordinary that he would have  
18 travelled, when he travelled from Carlingford to  
19 Dungloe or Clochá n Liath, that he travelled by way of  
20 Falcarragh as opposed to driving over the mountain? If 14:40  
21 we look at your map, I think.

22 A. Yeah.

23 424 Q. If I can find your map. They aren't numbered so it's  
24 the one that shows, it goes from -- it goes to Newry,  
25 Armagh, Omagh and Strabane and then goes across what 14:41  
26 seems to me to be the Blackstairs Mountain, not the  
27 Blackstairs, I am betraying my own --

28 A. This is the one from Carlingford, is it?

29 425 Q. This is the one from Carlingford?

1 A. To Dungloe?

2 426 Q. The Bluestack Mountains. From Strabane to Dungloe you  
3 show a straight line?

4 A. Yes.

5 427 Q. Are you aware of what's on that straight line? 14:41

6 A. This is the AA that produces this map, not me.

7 428 Q. Well, it's a map which you introduced in evidence, it's  
8 a map which you are using -- sorry, it's a map which  
9 you are using to throw doubt on Senator Ó Domhnaill's  
10 assertion that the road to Dungloe is a better road 14:41  
11 through Falcarragh than it is over the Bluestack  
12 Mountains. So I'm asking you if you know what lies  
13 between Dungloe and Strabane?

14 A. No, I don't.

15 429 Q. You don't? 14:42

16 A. No.

17 430 Q. You are an educated man, you must have done Irish  
18 geography at some stage in your life

19 A. Thank you for the compliment, I take the first part as  
20 a compliment. But I don't. I produce a map which says 14:42  
21 quite clearly at the top, this is an AA route planner  
22 and it shows the direct, the most direct line between  
23 Dungloe and Carlingford.

24 431 Q. Have you heard of the Bluestack Mountains?

25 A. I have indeed. 14:42

26 432 Q. Do you know where they are?

27 A. I have no idea. I presume, if you are telling me that  
28 they are in Donegal, they must be in Donegal.

29 433 Q. They are in Donegal?



1 A. Yeah.

2 434 Q. You have the alternative route, I think, on the -- or  
3 do you have the alternative route, the route that goes  
4 through Letterkenny and goes through Falcarragh before  
5 it goes to Dungloe? You don't seem to have that, 14:42  
6 second map?

7 **MR. Ó BRAONÁIN:** Falcarragh to Carlingford.

8 **MR. MACCÁRTHAIGH:** Oh, right. Second map,  
9 Falcarragh to Carlingford. And if that were to be  
10 extended down, you see there is a line, you can just 14:43  
11 about make it out in your photocopy, a line down to  
12 Dungloe, do you know what line, that very faint line on  
13 the photocopy you have put before the Commission?

14 A. I presume it's a road.

15 435 Q. Do you know which road it is? 14:43

16 A. Well, Dungloe to Falcarragh road.

17 436 Q. It's the N56, it's a national road?

18 A. Yeah.

19 437 Q. Can you see the attraction for driving on a national  
20 road as opposed to driving over a mountain to get from 14:43  
21 A to B?

22 A. Which one are you talking about?

23 438 Q. I'm talking about, instead of driving from Strabane  
24 over the Bluestack Mountains to Dungloe?

25 A. Yeah. 14:44

26 439 Q. Can you see the attraction of driving through  
27 Letterkenny along the N56 and on to Dungloe, can you  
28 see the attraction of driving on a national road as  
29 opposed to driving over the mountains?

1 A. Are you suggesting he would drive from Letterkenny to  
2 Falcarragh and then down to Dungloe?

3 440 Q. Yes, I am. It's a national road.

4 A. Is the road better from Letterkenny across to Dungloe?  
5 I don't know. I am saying that I produced those maps. 14:44  
6 The route planner, the AA.

7 441 Q. Mr. Walsh, I'm not here to give evidence, okay. You  
8 are here to give evidence?

9 A. You are asking me questions and I'm trying to answer.

10 442 Q. Well, if you can't answer them then there is no 14:44  
11 problem, if you don't know you don't know.

12 A. I said that.

13 443 Q. I can't answer questions, I can only put them.

14 A. Okay.

15 444 Q. There is also a map which you produced, I think it is 14:44  
16 more or less, we find ourselves strangely in agreement.  
17 If you look at the map that you produced later in the  
18 bunch from Carlingford to Galway?

19 A. Yeah.

20 445 Q. And if anyone can find it for me I would be extremely 14:45  
21 grateful.

22 A. It's the second last one.

23 446 Q. Now, Carlingford to Galway, it's the third. I find it  
24 to be the fourth page from the back. So that's what AA  
25 route planner recommended from Carlingford to Galway? 14:45

26 A. That's correct, yeah.

27 447 Q. Now, that's not a straight line, is it?

28 A. No.

29 448 Q. You are familiar with the main roads in the country?

1 A. Most of them, yeah.

2 449 Q. And can you tell me why it doesn't go from Dundalk,  
3 Ardee, Mullingar, Athlone, why do you think --

4 A. It presume it's because it's a motorway, the road they  
5 show is a motorway. 14:46

6 450 Q. Yes. There is an old saying in Irish "*más cam nó*  
7 *díreach an ród is é an bóthar mór an t-aicearra*",  
8 whether the road be straight or windy, that the main  
9 road is always the shortcut. So that bears out what  
10 I'm saying in relation to driving from Carlingford to 14:46  
11 Galway, doesn't it? That the main road --

12 A. Carlingford to Galway is a motorway, yes.

13 451 Q. The motorway is the shortcut, if you like. It mightn't  
14 be physically as the crow flies the shortest distance,  
15 but it is most definitely the most efficient way of 14:46  
16 getting there?

17 A. Yes.

18 452 Q. So what I'm putting to you now, and there will be  
19 evidence given on this by people who live in Donegal,  
20 that when one is going from Strabane, because I think 14:46  
21 the same road as far as Strabane or just south of  
22 Strabane you have it, of you have it, that it's more  
23 efficient to go from Strabane, Letterkenny, Falcarragh  
24 and then to Dungloe?

25 A. Okay. Is that a question or a statement? 14:47

26 453 Q. I'm putting it to you, you can react or you can leave  
27 it.

28 A. Well, is it appropriate for me to say this? There is  
29 one thing about travelling on the best road, there is

1 another thing about claiming. You are meant to -- the  
2 claims, as I understand it, you claim the shortest  
3 route. You may decide to go via Belfast or Derry, but  
4 the claim needs to be the shortest route.

5 454 Q. Okay. Well, on this particular occasion he went from 14:47  
6 Carlingford to, he left the conference to miss the  
7 Guinness, the oysters, the speakers panel the dinner on  
8 the tall ship?

9 A. Yes.

10 455 Q. And he drove from Carlingford to Falcarragh? 14:48

11 A. Yeah.

12 456 Q. And there was no claim made there because it was --  
13 like that was his own time?

14 A. Yeah.

15 457 Q. So that doesn't, as Mr. Ó Braonáin said, that doesn't 14:48  
16 generate a claim for expenses?

17 A. That's correct, yeah.

18 458 Q. So when he then drove from his main residence to  
19 Dungloe and back again, that that does generate or  
20 attract a claim for expenses, doesn't it? If you 14:48  
21 accept the truth of it, if you accept the truth of the  
22 evidence?

23 A. If he was going from Carlingford to an event in  
24 Dungloe.

25 459 Q. Mm hmm. 14:48

26 A. The requirement is to take the shortest route from one  
27 point to the other.

28 460 Q. The requirement is if he is going to claim expenses  
29 from going --

1 A. To claim expenses, that's right.

2 461 Q. But he didn't claim expenses from going Carlingford to  
3 Dungloe, he claimed expenses when going from Údarás na  
4 Gaeltachta, who don't seem to have any particular  
5 difficulty with this, but we'll see when they give 14:49  
6 evidence.

7 A. Mm-hmm.

8 462 Q. He claimed from going from his house and office in  
9 Gortahork, Falcarragh, to Dungloe and back again, and  
10 he took the most direct route there? 14:49

11 A. But he was --

12 463 Q. But he didn't claim, he didn't claim for travelling  
13 from Carlingford to Dungloe, he only claimed from  
14 travelling from his house to Dungloe. And the reason  
15 that he will say that he travelled via Letterkenny and 14:49  
16 via his home is because it's a bigger and better and  
17 safer road and surely that's a matter for himself if he  
18 is not claiming expenses, isn't it?

19 A. If he is not claiming expenses, yeah.

20 464 Q. And he didn't claim expenses? 14:49

21 A. On the Carlingford to Dungloe?

22 465 Q. Yes, he didn't.

23 A. Carlingford to Falcarragh.

24 466 Q. Carlingford to Falcarragh. So that was a matter for  
25 himself? 14:49

26 A. But he claimed to drive from Carlingford to Dungloe.

27 467 Q. He did, via --

28 A. So he didn't then drive from Falcarragh to Dungloe.

29 468 Q. If we look at the basic source, the source material

1 we're dealing with here. The source material we're  
2 dealing with here are the claims for expenses; isn't  
3 that right?

4 A. Yes.

5 469 Q. So I'll just bring you to those, I didn't want to 14:50  
6 labour this too much. Donegal County Council  
7 booklet -- actually, no, it's the Údarás booklet, I'm  
8 sorry, the Údarás booklet. The Údarás booklet on page  
9 6 and I think some light is shown upon it by questions  
10 and answers that you put to the Senator? 14:50

11 A. Is it A6 or B6?

12 470 Q. I think it's page 6.

13 A. Page 6.

14 471 Q. Page 6 simpliciter.

15 A. 6, yeah. 14:50

16 472 Q. Údarás, yes. Sorry, I'm working with my own papers  
17 here. It's C5, yes, C5. I think you will have to  
18 refer back to your own report on page 21, that's page  
19 120 of the book of documents.

20 A. Mm hmm. 14:51

21 473 Q. You garnish there the information that Senator Ó  
22 Domhnaill left the conference and went to Dungloe via  
23 his home in Falcarragh to attend the launch event?

24 A. Yeah.

25 474 Q. So that's the evidence given by or that will be given 14:51  
26 by, that's the version of events given to you by  
27 Senator Ó Domhnaill?

28 A. Yeah.

29 475 Q. And that will be his evidence here today?

1 A. Yeah.

2 476 Q. So the fact that he went to Dungloe via his home in  
3 Falcarragh for, to use that new turn of phrase, health  
4 and safety reasons, the fact that he did that meant it  
5 did attract an expenses claim, for mileage in any 14:52  
6 event?

7 A. I would have thought, he's coming from Dungloe, or  
8 coming from Carlingford, and the shortest way to  
9 Dungloe to go to the conference or event in Dungloe was  
10 to take the view as set out by the AA route planner. 14:52  
11 If he decided to go to Falcarragh, then that's his  
12 decision.

13 477 Q. It's his decision to travel from Carlingford to  
14 Falcarragh any way he wishes because he didn't, that  
15 doesn't attract a claim for expenses. He is obliged 14:52  
16 when travelling from Falcarragh to Dungloe to take the  
17 shortest route possible, which he did?

18 A. Well, any journey that he has taken, if he can take a  
19 shorter route, as I understand it, the regulations  
20 require that he takes the shortest route. And the 14:53  
21 shortest route would have been, on his way home from  
22 Carlingford, that he would go directly to Dungloe from  
23 Carlingford and not have to go to Falcarragh, to  
24 generate a claim from Falcarragh to Dungloe.

25 478 Q. I'm not saying he went from Carlingford to Falcarragh 14:53  
26 to generate a claim, I'm saying he went there because  
27 it is the safest and it's a national road as opposed to  
28 driving over the Bluestack Mountains. We're not going  
29 to agree so there's no point us going back and forth

1 for the rest of the evening?

2 A. Okay.

3 479 Q. Because time is grinding on. But you would accept that  
4 when that claim was generated for the mileage in any  
5 event, that it wasn't at the same time as his claimable 14:54  
6 journey from home to Carlingford and back again, it was  
7 at a different time and a different journey and it was  
8 even a different piece of road?

9 A. It was a journey that was generated at a time when he  
10 was being paid to be at another function, another 14:54  
11 event, and he had been paid to go there and to come  
12 home from there and to be -- he incurred subsistence  
13 rates.

14 480 Q. Well, I'm going to bring your attention again to a  
15 decision of this Commission in relation to former 14:54  
16 Councillor Larkin, 5.3, and it says that at that stage  
17 in any event that county councillors who attended  
18 conferences weren't in the nature of indentured  
19 servants and that they weren't obliged to swill  
20 Guinness and oysters and to go to dinners on tall ships 14:55  
21 if they thought their time could be better employed  
22 during constituency work?

23 A. Yeah.

24 481 Q. Isn't that what that decision means?

25 A. Well, it doesn't say anything about indentured servants 14:55  
26 and all that. That means that they weren't, that there  
27 is no penalty for not attending all of the conference.

28 482 Q. All right, okay.

29 A. And why the Commission made that decision, they are in



1 front of you there, you may wish to ask them, it's the  
2 Commission that made that decision. But Mr. Ó  
3 Domhnaill generated a claim to travel from Falcarragh  
4 to Dungloe at a time when he was being paid to be in  
5 Carlingford. So I don't know how he can square that 14:55  
6 circle.

7 483 Q. Okay. He was being paid to be in Carlingford, okay.  
8 How much was he paid by the Údarás for his, if we leave  
9 the mileage aside because I think you really can't  
10 argue with the mileage. If he was free to go, if he 14:56  
11 was free to leave, if he was free to travel to Donegal  
12 and he was free to travel from his home to Dungloe, to  
13 the Donegal Sports Partnership meeting, then he was  
14 free to generate mileage, if you like, I think the sum  
15 was €67; is that right? According to your report 14:56  
16 I think I have at the end of your --

17 A. Oh, yeah, 54 miles.

18 484 Q. €67, isn't it?

19 A. That's the mileage he was paid, yeah.

20 485 Q. That's the mileage he was paid. You're taking issue, 14:56  
21 and I can see why you're taking issue, you are saying  
22 he was getting subsistence from Donegal County Council  
23 and why should he also claim subsistence from the  
24 Údarás?

25 A. Yeah. 14:57

26 486 Q. And the sum there I think is 16.32?

27 A. Yeah.

28 487 Q. So we're talking about 16 -- how much petrol did he  
29 burn do you think and how much did it cost him to get

1 from --

2 A. No idea.

3 488 Q. Well, I have some, I don't know if I can, I did my own,  
4 I did a calculation on the AA, I entered the same  
5 information as you did and if I can find it now I'll be 14:57  
6 doing well. Here. It says from Carlingford,  
7 Co. Louth via -- sorry, Carlingford to Dungloe via  
8 Falcarragh, three hours 34 minutes, I suppose if you  
9 don't know the road, and fuel costs are €35, that's one  
10 way? 14:57

11 A. Mm hmm.

12 489 Q. So he burned €70 in order to gain, if his aim was to  
13 act dishonourably, if his aim was to, as we say in  
14 Wexford, to hoofle [?] the rate payer. It seems a bit  
15 incredible that he would burn €70 worth of petrol, that 14:58  
16 he would miss out on free Guinness, free oysters and a  
17 free dinner in order to gain 16.32?

18 A. Mine is not to reason why.

19 490 Q. Pardon?

20 A. I'm not to reason why he would have done that. 14:58

21 491 Q. That's very fair of you, Mr. Walsh, that's very fair of  
22 you. Now, if we move on to the -- and that's money  
23 that was paid by an tÚdarás, isn't it, 16.32?

24 A. Correct.

25 492 Q. And have an tÚdarás expressed a view about recouping 14:58  
26 that?

27 A. They did, I believe, yeah.

28 493 Q. Well, you are the man with the report, you can tell me?

29 A. Pardon?

1 494 Q. You're the man with the report and the paperwork, you  
2 can tell me?

3 A. I do recall that they did not seek the return.  
4 I cannot put my hands on it at this minute, but if you  
5 have it you can remind me. 14:59

6 495 Q. Well, I know that an túdarás, and if I just go to the  
7 údarás folder, there is a letter there, unfortunately  
8 it's in translation, the original is available in the  
9 book of documents at a place which I have misplaced but  
10 we can look at the English translation. It's at page 9 14:59  
11 of the údarás folder?

12 A. Yeah, I have it here. I remember that now, yeah.

13 496 Q. It is a translation, it's Tab 8 page 9?

14 A. Yeah.

15 497 Q. And perhaps when the person from the údarás gives their 15:00  
16 evidence in chief they can refer to the original as  
17 opposed to the translation, I think it might be more  
18 helpful. But I'll just look at the translation here.  
19 In the second paragraph:

20 15:00

21 *"Even though no serious discrepancy is evident to me in*  
22 *the expenses you claim from an túdarás, there was a*  
23 *slight oversight concerning the date in the case of one*  
24 *claim. But the relevant meeting did occur on another*  
25 *date and we have reached satisfactory confirmation that 15:00*  
26 *you were present on the correct day."*

27

28 I think refers to a meeting on the 27th?

29 A. Probably, yeah, around the 24th.

1 498 Q. which was down as the 24th and which you have very  
2 helpfully corrected?

3 A. Yes.

4 499 Q. So it seems to me, and the údarás can give their own  
5 evidence, that they are not raising any issues. And if 15:00  
6 anyone were to raise an issue in relation to  
7 Carrickmacross -- sorry, in relation to the Carlingford  
8 conference and Senator Ó Domhnaill absenting himself  
9 from, and I hate to labour it, but the free Guinness,  
10 free oysters, free dinner and free boat ride, if anyone 15:01  
11 were to take issue with that it would be an túdarás,  
12 wouldn't it?

13 A. It was their claim, yeah.

14 500 Q. Yes, okay.

15 A. If they didn't claim it back that's for them to 15:01  
16 explain.

17 501 Q. They have a right, I think, as well, don't they?

18 A. I don't know.

19 502 Q. Well, they have a right under local government -- we  
20 can refer to this later. 15:01  
21 A. Okay.

22 503 Q. But it's page 18 of the local government, the circular  
23 upon which this investigation is based?

24 A. Okay.

25 504 Q. That there is the right of a local authority and 15:01  
26 I assume the údarás as well to recoup the money. If we  
27 move now to the Carrickmacross event. You very  
28 helpfully set out the times on page 109 and 110 of your  
29 report, that's how they appear in the booklet of

1 documents, the internal pagination is 10 and 11. 109,  
2 it's in the --

3 A. That's the Dundalk one now you're talking about?

4 505 Q. Oh, I am very sorry.

5 A. 117 you're talking about is Carrickmacross. 15:02

6 506 Q. Sorry, 117, I must be anxious to finish, okay. We can  
7 look -- because this is where there was a mistake made.  
8 I just want to look at the -- sorry, if I bring you  
9 back, I don't want to finish too soon, the marine  
10 conference. If you look at the County Council book, 15:02  
11 page 37. I am sorry, Commissioners, I just want to  
12 finish off on the marine tourism conference because  
13 there was a mistake made there in relation to the  
14 claim.

15 **MR. MCCARTHY:** The Údarás book, is it? 15:03

16 **MR. MacCÁRTHAIGH:** No, sorry, it's the County  
17 Council booklet, page 37.

18 **MR. MCCARTHY:** 37.

19 A. Tab 19.

20 507 Q. **MR. MacCÁRTHAIGH:** Tab 19. And we have there that 15:03  
21 there was a mistake, there is two mistakes made in  
22 filling in this form and they seem to be fairly  
23 innocent mistakes. Well, they are innocent mistakes.  
24 If you look at the time and date returned to official  
25 residence, it was put down as the 2/6/2006. This was 15:03  
26 clarified in a letter to the Council when these issues  
27 were first raised, it's a letter to the Council by  
28 Senator Ó Domhnaill on 15/12, which is available at  
29 page 67 of the booklet of documents. Page 67 of the

1 booklet of documents contains the booklet of documents,  
2 the large folder which is marked booklet of documents,  
3 the large blue folder, it's at Tab 10 page 67.

4 A. Yeah.

5 508 Q. Senator Ó Domhnaill there when writing, I think this is 15:04  
6 his first letter, isn't it? If it's not please tell  
7 me. I think it's his first letter to the County  
8 Council, responding to the County Council, to Liam  
9 Ward, I think he was the standing in as ethics officer?

10 A. Mm hmm. 15:04

11 509 Q. And he says that he returned home on the evening  
12 of June 1st, not June 2nd, which was a typo error. So  
13 there is a mistake there, he put down the 2/6/2006 as  
14 opposed to 1/6/2006 but it made no difference as to  
15 payment as you explained to the Commission there a few 15:05  
16 moments ago or under direct examination?

17 A. Yeah.

18 510 Q. There is also a second, it must have been a bad day,  
19 there is also a second mistake in relation to the date  
20 on that claim form, the marine tourism conference, in 15:05  
21 that it is dated 13/4/2006?

22 A. Yeah.

23 511 Q. Where it should have been the 13/6?

24 A. Yeah.

25 512 Q. Yes. Just to notice at the bottom, it says "*attendance* 15:05  
26 *confirmed*" is written in handwriting at the bottom of  
27 the page?

28 A. Correct, yeah.

29 513 Q. Okay. If I could just now move on to the

1 Carrickmacross conference?

2 A. Okay.

3 514 Q. Now, page 21 of the County Council booklet contains the  
4 claim form?

5 A. Yeah. 15:06

6 515 Q. And this claim form, as you outline and gave in your  
7 evidence under direct examination, that there is a  
8 mistake also in this form in relation to the date and  
9 time of return to official residence, that it is down  
10 as 8:00 p.m. on 27/4/2006 where it should read three 15:06  
11 o'clock as opposed to eight o'clock on 27/4/2006?

12 A. Yeah.

13 516 Q. Okay. And that that is also, if you go back to the big  
14 booklet of documents, the big blue booklet, we were at  
15 Tab 10 but if you go to the previous page at point 3, 15:07  
16 that when this was brought to Senator Ó Domhnaill's  
17 attention by the County Council, by the ethics officer,  
18 Liam Ward, Senator Ó Domhnaill says in the second --  
19 sorry, in the third paragraph, the last paragraph in  
20 the page: 15:07  
21

22 *"I submitted to the sports meeting as held on 24th*  
23 *April and 27th April which was a genuine error.*  
24 *I accept this mistake or error was made when submitting*  
25 *my expenses claim on 24th October 2006 some six months 15:07*  
26 *later. The return home time from Carrickmacross on*  
27 *27th April should be 3 p.m. and not 8 p.m. and this was*  
28 *a genuine error."*

29 Do you accept that, I might as well ask you that, do

1           you accept it, that it was a genuine error?

2           A.    I have no view on that. He says it was a genuine  
3           error.

4 517 Q.    Okay. And we say also on the bottom of the form we see  
5           that attendance was confirmed, at the bottom of that,   15:08  
6           that's handwritten there?

7           A.    Yeah.

8 518 Q.    Okay. So if we return to your report where you very  
9           helpfully lay out the times, the timeline, it's on page  
10          117 and we're still in the booklet of documents?       15:08

11          A.    Yeah.

12 519 Q.    So what we have here is that Senator Ó Domhnaill, the  
13          night before the conference, which began at 9:30 --  
14          sorry. For some reason we don't have, in the County  
15          Council booklet, we don't have the programme and it   15:08  
16          wasn't opened by my Friend and I think I will have to  
17          refer you to again the same book of documents. So  
18          people can perhaps remove it so they can look at the  
19          programme for the conference and also Mr. Walsh's  
20          timeline at the same time. It's not in the County   15:09  
21          Council booklet for whatever reason, inadvertence, but  
22          sure these things happen.

23

24          If you go to Tab B2 inadvertence, Tab B2 in this  
25          booklet of documents, I think it's upside down, or   15:09  
26          Tab B1, I'm sorry, Tab B1. Yes, it's marked page 41  
27          and it's upside down in this booklet of documents.

28          **MR. MCCARTHY:**            Sorry, I don't have that.

29          **MR. MacCÁRTHAIGH:**        Oh?





1 putting down 8 p.m. as his time that he arrived home as  
2 opposed to 3 p.m., that the County Council paid out  
3 16.32 which it shouldn't have?

4 A. Yeah, that was his claim and that's what they paid.

5 525 Q. So that's where we find ourselves today, that there was 15:12  
6 an overpayment of €16.32?

7 A. Mm hmm.

8 526 Q. Okay. And again, as I asked you before, did the  
9 council take any steps pursuant to LG 49/2, at the back  
10 thereof, it seems to be Regulation 6, 6(1) and (2) 15:12  
11 which empowers a local authority to request  
12 reimbursement where there has been an error such as  
13 this?

14 A. I'm not aware that they have.

15 527 Q. Okay. Donegal County Council can give their own 15:13  
16 evidence?

17 A. Yes.

18 528 Q. We'll be asking them, but you don't see it?

19 A. I don't, no.

20 529 Q. You accept, therefore, if Mr. Ó Domhnaill arrived back 15:13  
21 at three o'clock to his house, that that was one  
22 self-contained event, and then if the meeting of the  
23 Sports Partnership in Letterkenny later that evening,  
24 he left home at 5 p.m. according to the claim form for  
25 the Údarás and arrived home at 9 p.m., that that is 15:13  
26 also a self-contained claim?

27 A. No, again he was travelling from Carrickmacross to  
28 Letterkenny to a meeting of the DSP partnership in  
29 Letterkenny.

1 530 Q. Right.

2 A. The expectation I think would be that he would have  
3 attended the meeting and gone home afterwards rather  
4 than go home and come back.

5 531 Q. Okay. Well, that's your expectation, but, I mean, it's 15:14  
6 strange. Sometimes when I ask you for your opinion you  
7 say it's not for you to reason why and then when it  
8 comes to what route an elected representative should  
9 take when carrying out his business you are full of  
10 opinions? 15:14

11 A. Well, you asked me a question there so I --

12 532 Q. No, I'm not, I'm glad to get an answer, but I'm just  
13 noticing that sometimes you have no opinion and  
14 sometimes you have very strong opinions. Do you know  
15 how long it takes to drive from Falcarragh to 15:14  
16 Letterkenny?

17 A. The route planner tells us it's thirty  
18 something minutes.

19 533 Q. Thirty something minutes. Would you be surprised if a  
20 Donegal native could make it in less than 30 or 15:15  
21 25 minutes?

22 A. I wouldn't be surprised, no.

23 534 Q. So you can see that given the city dwellers and country  
24 dwellers have a different mentality because in the city  
25 we are so used to clogged and congestion, that if it is 15:15  
26 25 minutes from our house to Letterkenny you can see  
27 how people would take the view that it's just down the  
28 road?

29 A. Perhaps, yeah.

- 1 535 Q. And if somebody were, if there were a representative,  
2 for example, if there was a member of Dáil Éireann who  
3 lived in Phibsborough or lived half an hour, Ranelagh,  
4 who lived half an hour from the place of work, from  
5 Leinster House, would you find it extraordinary that a 15:15  
6 person, if they were going to go down the country,  
7 would swing by their house on the way?
- 8 A. Well --
- 9 536 Q. It being just down the road, in a Dublin mentality?  
10 A. Again we're back to the person making a claim for 15:16  
11 expenses can go whatever way he likes or she likes from  
12 A to B. But the claim is as required by the  
13 regulations the shortest route.
- 14 537 Q. But aren't we talking about two separate and distinct  
15 and self-contained events and two separate and distinct 15:16  
16 and self-contained claims, the attendance at  
17 Carrickmacross, which started wednesday, 26th April at  
18 5 p.m. and ended at 3 p.m. the following day when he  
19 returned to his house and that was one matter where he  
20 inadvertently claimed 16.32 that he perhaps shouldn't 15:16  
21 have claimed?
- 22 A. Mm hmm.
- 23 538 Q. And the event where he went from his home later that  
24 evening at 5 p.m. to Letterkenny IT and back again for  
25 which he claimed only mileage and claimed no 15:16  
26 subsistence; isn't that right? There is no subsistence  
27 claimed for that?
- 28 A. There is none on that one, I believe, no.
- 29 539 Q. It's on page 18 of your report, 117 in the --

1 A. Yeah.

2 540 Q. *"Not entitled to, and did not claim, subsistence, less*  
3 *than five hour absence"*?

4 A. I think did he claim actually in the form.

5 541 Q. I think it's written down then stroked through? 15:17

6 A. Yeah, which would suggest that he claimed it but the  
7 Údarás discounted it.

8 542 Q. I'm only going by your own report, Mr. Walsh. You are  
9 saying not entitled to and did not claim so I'll take  
10 that? 15:17

11 A. Mm-hmm, okay.

12 543 Q. Okay. So if we take it that that is the situation,  
13 it's not exactly the profile of somebody who wants to  
14 rifle the public funds, that he would travel such a  
15 distance and burn so much petrol for 16.32? 15:18

16 A. Well, again I don't know the man, if that's what he  
17 decided to do.

18 544 Q. It seems to be a lot more credible that it was, as he  
19 says himself, inadvertence and an inadvertent misentry  
20 in a claim form? 15:18

21 A. Well, it's a matter for the Commission to make that --

22 545 Q. It is a matter for the Commission?

23 A. Those decisions, that's fine.

24 546 Q. I've to put these matters to you.

25 A. Yeah, fine. 15:18

26 547 Q. And there's been no claim, there's been no steps taken  
27 by the -- if we go now to the first event in time,  
28 that's Dundalk, the Council of County and City  
29 Councils, 9th to 11th March. If I just go through your

1 very helpful timeline -- oh, right, yes. That's at  
2 page 10 internally of your report and page 109 of the  
3 book of documents?

4 A. That's correct, yeah.

5 548 Q. Okay. And the claim forms are found in this instance, 15:19  
6 Commission Members, at page 9 of the County Council  
7 booklet and page 1 of the Údarás na Gaeltachta booklet.  
8 So the Údarás na Gaeltachta booklet at page 1 and the  
9 County Council booklet at page 2 -- sorry?

10 A. Page 9. 15:19

11 549 Q. Sorry, working our way back, page 9. There is other  
12 materials relating to that conference at page 2, but  
13 page 9, okay. And we have, if you like, a claim for  
14 mileage and a claim for subsistence, sorry, I forgot  
15 the English for it, *cothabhair*, subsistence to Donegal 15:20  
16 County Council?

17 A. That's correct, yes.

18 550 Q. And that was paid?

19 A. Yes.

20 551 Q. And nothing more arises there. What arises is the 15:20  
21 Senator's movements. Because if you look at what the  
22 Senator says, he says he left home at 1 p.m., if you  
23 just look at your timeline as well?

24 A. Yeah.

25 552 Q. And you are in accord here, in agreement, that 15:21  
26 Thursday, 9th March 1 p.m. departed home at Falcarragh  
27 to go to Dundalk; 7 p.m. arrived at Dundalk; conference  
28 commences, I think it commenced at 7:30 according to  
29 the County Council, the clár, the agenda set out in the

1 County Council booklet page 2. So 7/7:30. Then the  
2 following morning there was a session beginning at  
3 10:00 a.m.

4  
5 At 1 p.m. the Senator left the conference to -- he left 15:21  
6 the conference, we'll stop there for a second, he left  
7 the conference. So if we look at page 2 of the booklet  
8 we'll see what he missed out on. So he missed lunch at  
9 12:30 and I think you confirm with questions afterwards  
10 that he did miss lunch; isn't that right? It will save 15:22  
11 us clicking back, do you remember or will I find it?  
12 12:30, lunch, do you see it there on page 2?

13 A. Yeah.

14 553 Q. The County Council booklet page 2?

15 A. Yeah. 15:22

16 554 Q. So the Senator missed lunch, so 12:30. He says he left  
17 at one but it could have been 12:30 because he did miss  
18 lunch and that was borne out at page 15 of your report.  
19 Yes, sorry, page 15 of your report, page 114 of the  
20 booklet of documents: "Q. *Did you wait for lunch on* 15:22  
21 *Friday? A. No, I did not wait for lunch.*" Do you see  
22 that?

23 A. Yeah.

24 555 Q. Okay. So that would imply that he could have, he says  
25 it was one o'clock he left, but it could have been 15:22  
26 12:30/one o'clock, that would be the general, as our  
27 American friends say, the ballpark?

28 A. Okay.

29 556 Q. So he missed Nickey Brennan, President elect of the

1 GAA, and he missed Fred Barry, CEO, National Roads  
2 Authority?

3 A. Yeah.

4 557 Q. Okay. If I'm right on my reading, I'll put it no  
5 further than that, if I'm right on my reading of this 15:23  
6 Commission's decision in the Dessie Larkin case, he was  
7 free to so do, he was free to absent himself to attend  
8 something he thought was more important, okay? If we  
9 just look at the conclusions, the event that he did --  
10 oh, sorry, he also missed the conference dinner and 15:23  
11 entertainment, do you see that there?

12 A. Yeah.

13 558 Q. Then he returned in the early hours, that's common  
14 case, I think. At ten o'clock the next morning there  
15 was a summary of conference proceedings and final 15:23  
16 feedback?

17 A. Yeah.

18 559 Q. So you can see that would be helpful for someone who  
19 missed out on the other two sessions because he had,  
20 what he termed to be and what he judged to be, more 15:23  
21 important business to attend to?

22 A. Okay, yeah.

23 560 Q. So if we look at the claim to an túdarás, he says that,  
24 and this is on page 1, údarás na Gaeltachta, that he  
25 left home in Falcarragh, "*ag freastaí ar cruinniú de 15:24*  
26 *chuig Pairtíocht Spóirt Dhún na nGall*", so left home at  
27 3:30 to attend at a meeting of the Sports Partnership,  
28 the Donegal Sports Partnership?

29 A. Yeah.



1 561 Q. IT Leitir Ceanainn, the Institute of Technology  
2 Letterkenny. And he was at home "*na bhaile*", good  
3 Donegal dialect, at 9 p.m. in the evening?  
4 A. Yeah.

5 562 Q. Okay. So if you take those claims at their face value, 15:24  
6 if you work from the primary source, if you like,  
7 without trying to impose what you will see as being an  
8 external logic or what you would have done upon them,  
9 and if you take into account the mentality that  
10 I discussed with you a few moments ago, that, from the 15:25  
11 point of view of a rural Donegal person, Falcarragh and  
12 Letterkenny are just down the road from each other;  
13 that what we have or the timeline that I would suggest  
14 that would make sense is that he left the conference at  
15 12:30 because he missed lunch, one o'clock, left the 15:25  
16 conference and then returned to Falcarragh?  
17 A. Mm hmm.

18 563 Q. And then from Falcarragh he left home to attend the DSP  
19 meeting in Letterkenny. So we have him, and this is  
20 something which you seem to have taken a view on, that 15:25  
21 he goes from Dundalk, he goes to Letterkenny, he  
22 bypasses -- you are familiar with Letterkenny, that  
23 it's a mass of roundabouts and bypasses?  
24 A. I am.

25 564 Q. It wouldn't be an exemplar now for planning. But you 15:26  
26 bypass Letterkenny and you go off to Falcarragh, and  
27 then from Falcarragh he makes his journey to  
28 Letterkenny to attend a meeting at the Institute of  
29 Technology, goes back home and then later that night he

1 drives on to Dundalk?

2 A. (WITNESS NODS)

3 565 Q. Now, there is a number of letters which, there was two  
4 letters I think which were opened by my Friend which  
5 you interpret in a different way. You interpret the 15:26  
6 correspondence you got from Senator Ó Domhnaill or that  
7 Donegal County Council got from Senator Ó Domhnaill as  
8 travelling from Dundalk to Letterkenny and then from  
9 there onwards and backwards which, as Mr. Ó Braonáin  
10 said, doesn't generate a claim for expenses, okay? 15:27  
11

12 But what I'm putting to you is that, and Senator Ó  
13 Domhnaill is well able to give evidence on his own  
14 behalf and I'm not going to attempt to do it, but if  
15 you look at the claim forms and you look at them at 15:27  
16 face value?

17 A. Mm hmm.

18 566 Q. What they say is that there was a departure at  
19 12:30/one o'clock, to Falcarragh from Dundalk. I'm  
20 just going to be very cheeky and use your maps again to 15:27  
21 see how long that would take. So we have Dundalk to  
22 Falcarragh, the first one. Okay, two hours 56 minutes.  
23 So that's three hours?

24 **MR. Ó BRAONÁIN:** I am sorry to interrupt. It was  
25 just suggested that there was a claim form indicating a 15:27  
26 departure for Falcarragh at about 12:30.

27 **MR. MACCÁRTHAIGH:** No, I didn't say that.

28 **MR. Ó BRAONÁIN:** I am sorry, I thought I heard  
29 that being said.

1 MR. MacCÁRTHAIGH: No.

2 MR. Ó BRAONÁIN: If I am wrong about that.

3 MR. MacCÁRTHAIGH: No, no. There was a question  
4 asked, this is at page 15, internal page 15, 114 of the  
5 book of documents where Mr. Walsh asked Senator Ó 15:28  
6 Domhnaill: "Q. *Did you wait for lunch on Friday?*  
7 A. *No, I did not wait for lunch.*" And then we have it  
8 on the, if you look at the programme of events, lunch  
9 starts at 12:30?

10 A. Mm hmm. 15:28

11 567 Q. So if you didn't get lunch, I think a country man now  
12 can devour lunch in half an hour, so if he were to have  
13 left at one o'clock he would have had lunch. It does  
14 point to one o'clock being an estimate and 12:30 being  
15 a more likely departure time, I am just simply putting 15:28  
16 that to you?

17 A. Did he not say it himself?

18 568 Q. Well, he can say it himself, yes.

19 A. Sorry, did he not say that he left at one o'clock?

20 569 Q. He said -- well, if you can point me to that I would be 15:29  
21 very grateful because we seem to be very -- "*left the*  
22 *DSP meeting*", Appendix A first bullet point on page 7  
23 you have in your book so if you point me to that  
24 I would be very grateful. Oh, I don't dispute that you  
25 have a good source for the 1 p.m.? 15:29

26 A. That was from the report from the Council from --

27 570 Q. Is it a letter perhaps?

28 A. No, it's a report. It's a report prepared by, I think,  
29 Mr. McBride and Mr. Neely. It was page 7 of their

1 report of 28th May 2012.

2 571 Q. And did they give a source for that, did they say where  
3 they heard that?

4 A. He absented himself at 1 p.m. on 10th March.

5 572 Q. Is there any letter from Senator Ó Domhnaíll saying 15:30  
6 that?

7 A. Let me go back and see.

8 573 Q. I want to -- it was very remiss of myself. I have a  
9 note here of 1 p.m. but I don't know if I got it from  
10 your report or whether I found it somewhere else. 15:30  
11 I have no other note besides that. Sure we can leave  
12 it in any event, we can take it that the number was --

13 A. Okay.

14 574 Q. The time was given in good faith and then we can take 15:31  
15 it that the answer was given in good faith, that lunch  
16 was missed and we can take it that sometime between  
17 12:30 and 1 p.m. that he left to go to Donegal, or we  
18 could be here all day?

19 A. Okay.

20 **MR. MCCARTHY:** Actually, maybe I can help you, 15:31  
21 if you look at page 84.

22 **MR. MacCÁRTHAIGH:** Oh, yes, all right.

23 **MR. MCCARTHY:** Paragraph 1.1: "*I absented*  
24 *himself from the conference for the lunch period which*  
25 *was scheduled for between 1 p.m. and 2:30 p.m.*" which 15:31  
26 might explain the Inquiry Officer picking up a one  
27 o'clock departure.

28 575 Q. **MR. MacCÁRTHAIGH:** 1 p.m., yes. I'm very grateful,  
29 but we see that that is a slight error in that the

1 lunch period was 12:30 per schedule, so I think that it  
2 is as likely that he would have left at 12:30 and the  
3 AA route planner as from your own route planner,  
4 Mr. Walsh?

5 A. Yeah. 15:31

6 576 Q. It says the guts of three hours, we'll call it  
7 three hours, which meant he could have reached  
8 Falcarragh or he would have reached Falcarragh at 3:30.  
9 Again if you know the road I'm sure you can do it in  
10 less, that it wouldn't strain the reigns of credulity 15:32  
11 to say that he could have made it there for three-ish?

12 A. Mm hmm.

13 577 Q. Giving him time to carry out I think he said  
14 constituency work was how he put it in the questions  
15 and answers? 15:32

16 A. Yeah.

17 578 Q. That he departed home at 3:30 and attended a meeting of  
18 Donegal Sports Partnership in the IT from five until  
19 eight, going home for nine and then leaving again to go  
20 to Dundalk and arriving in Dundalk in the early hours 15:32  
21 of the morning?

22 A. Yeah, that's what he says.

23 579 Q. Okay, that's what he says. There is two letters, which  
24 were opened which I think have given rise to some  
25 confusion. The first letter is dated, I'm trying to 15:32  
26 get them in chronological order, it appears in the book  
27 of documents at page 66 and was opened by my Friend and  
28 I think it was put to you or you may have -- yes, page  
29 66. Yes. I respond as follows, page 66.

1 A. Mm hmm.

2 580 Q. Dated 15th December 2011. This is Senator Ó  
3 Domhnaill's first response to queries put to him by  
4 Liam Ward who was the ethics officer of Donegal County  
5 Council, this is the first -- 15:33

6 A. Correct.

7 581 Q. -- time he's dealing with this. I think, just a minor  
8 bit of housekeeping and it was pointed out by Mr. Ó  
9 Braonáin, there seems to be a typographical error,  
10 there is a bit of text repeated, if you look at 15:33  
11 paragraph 1, eighth line down the word "but" can be  
12 struck out and the next line, starting with the  
13 word "instead" can be struck through all the way to  
14 "back", including back, not including "but". Was that  
15 what we -- I think that's what we agreed before? 15:34

16 A. Yeah.

17 582 Q. Right. So: *"I attended the conference in Dundalk on  
18 the 9th, 10th and 11th March. I left the conference at  
19 lunchtime on March 10th to travel to Letterkenny as  
20 I had a meeting of the Donegal Sports Partnership which 15:34  
21 I was and remain a Board member."*

22

23 Now, when he says he left to travel to Letterkenny,  
24 that doesn't rule out the possibility that he left to  
25 travel to Letterkenny via Falcarragh, does it? 15:34

26 A. Probably not.

27 583 Q. Okay: *"The meeting finished at approximately 8:00 a.m.  
28 [sic]. At this point in the knowledge that the  
29 conference events would be finished on my return*

1            *I decided to travel to my home in Falcarragh -- so this*  
2            *would be his second journey -- and picked up my mail*  
3            *for Thursday and Friday."*

4  
5            And again Senator Ó Domhnaill is well able to give you 15:35  
6            evidence on his own behalf and the barristers obviously  
7            are well able to cross-examine, but I say that that  
8            will get you over the difficulty perhaps that you had  
9            with that letter.

10          A.    Mm hmm. 15:35

11 584 Q.    That you saw it as a journey straight, that this seemed  
12            to contradict the primary source of the claim form  
13            which would have been written a lot closer to the  
14            event. The claim form is the 24th, the Údarás na  
15            Gaeltachta Book 1, the claim form is 24/10/06? 15:35

16          A.    That's right.

17 585 Q.    And this is 15th December 2011. There is also a second  
18            letter which was put to you, I'm sure I have it  
19            somewhere, 15/11, sorry, yes, page 84 I think it is in  
20            the book of documents. This is the second response 15:36  
21            I think; is that right?

22          A.    That's his response to Mr. Neely and McBride, yes.

23 586 Q.    Further and better particulars, if you like?

24          A.    Yeah.

25 587 Q.    And the bottom of the page, the last paragraph in this 15:36  
26            page which goes over to the next page I think is what  
27            was put to you:

28  
29            *"The Sports Partnership meeting concluded on 10 March*

1 at approximately 8 p.m. The conference events in  
2 Dundalk at that point finished for the day. I used the  
3 opportunity the travel from the meeting in Letterkenny  
4 to my constituency office in Gortahork and my home in  
5 Falcarragh in order to attend urgent ongoing 15:36  
6 constituency work, including attending to mail and  
7 other documentation received there."

8 A. Yeah.

9 588 Q. So again that doesn't, it's silent, as far as I see,  
10 that's silent in relation to the route he took to get 15:37  
11 to Letterkenny, that it's leaves open the possibility  
12 that he went to Letterkenny via his home in Falcarragh?

13 A. Yes.

14 589 Q. For whatever reasons that he will -- well, he can give  
15 them himself. 15:37

16 A. Yeah.

17 590 Q. There was a question, I think, your written questions  
18 and there were written answers and it was along the  
19 same lines. Because you say that, there is a number of  
20 questions which you weren't satisfied with the answers 15:37  
21 to. 6 is in my mind for some reason, if I can find my  
22 own bundle of papers now?

23 A. Yes.

24 591 Q. Page 114?

25 A. Yes. 15:37

26 592 Q. "*In your claim to Údarás na Gaeltachta dated 24/10/06*  
27 *in respect of attending the Údarás meeting on 10th*  
28 *March 2006*", so this is 114, page 15 internal -- six,  
29 paragraph 9.1.20. This was discussed in your



1 examination in chief here, in your evidence in chief?

2 A. Yes.

3 593 Q. You say: "6. *In your claim to Údarás na Gaeltachta*  
4 *dated 24/10/06 in respect of attending the Údarás*  
5 *meeting on 10th March 2006, you state that you left* 15:38  
6 *home at 3:30 to attend the meeting. In paragraph 1 of*  
7 *your letter of 15th December 2011 to Mr. Liam Ward of*  
8 *Donegal County Council, you say he left Dundalk to go*  
9 *to the meeting in Letterkenny; you then went home*  
10 *(presumably after the meeting) to collect mail etc.* 15:38  
11 *This means that you did not leave your home at 3:30 to*  
12 *attend the Letterkenny meeting. Please explain the*  
13 *discrepancy."*

14

15 So the discrepancy again can be explained by the 15:38  
16 timeline I've put to you?

17 A. Okay.

18 594 Q. It's answered in a way which I think places more  
19 emphasis on the importance of Donegal Sports  
20 Partnership than -- the point seems to have been missed 15:39  
21 from my reading of it. It's a very doughty defence of  
22 Donegal Sports Partnership and why someone should -- of  
23 which he was chairman and why someone should be  
24 involved therein, okay.

25

26 There is another one, again you might have to help me,  
27 I think it's No. 16, I think it's a similar question?

28 A. There is 15, I think, maybe.

29 595 Q. 15, sorry.

1 A. Page 116.

2 596 Q. *"You claimed subsistence for 10 March from Údarás and*  
3 *also from Donegal County Council; you did not deal with*  
4 *this in your statement to the Council, Council report*  
5 *dated 28th May which is attached to their letter of* 15:40  
6 *complaint, please comment on this". 21st March, this*  
7 *is the date of the -- oh, sorry:*

8  
9 *"A. I outlined in my letter to Donegal County Council*  
10 *of 21 March 2012 the reason that I absented myself from* 15:40  
11 *the conference was to attend a meeting of Donegal*  
12 *Sports Partnership of which I was Chairman at the time.*  
13 *In doing so I was acting in the very best interests of*  
14 *the people I serve and was discharging my various*  
15 *duties in the best and most effective way possible* 15:40  
16 *given the circumstances. My representing Donegal*  
17 *County Council at the conference was in no way*  
18 *adversely affected by my attendance at the said*  
19 *meeting. I was present at the conclusion of conference*  
20 *events on the Saturday morning which involved an* 15:40  
21 *overview of the conference discussion topics.*  
22 *I claimed and received expenses in respect of 334*  
23 *miles." I think we'll leave it there.*

24 A. Hmm.

25 597 Q. But again it's a reply which again doughtily defends 15:41  
26 the value of the Donegal Sports Partnership as opposed  
27 to -- the point seems to be somewhat missed. But the  
28 primary source, if you like, in this and the source  
29 which is closest to the event in time is the Údarás

1 claim form, is it not?

2 A. I think the point that was being made there, the Údarás  
3 claim form or, sorry, in his claim to the Council he  
4 claimed for subsistence and he also claimed from Údarás  
5 and he wouldn't have been entitled to both and I was 15:41  
6 asking him to clarify and the Council had asked a  
7 similar question.

8 598 Q. So what were the -- again if I go to the end of your  
9 report on page 128?

10 A. Mm hmm. 15:41

11 599 Q. You say in relation to the Dundalk event, that's  
12 10 March, isn't it, you say that -- I think the  
13 breakdown is mileage of 76.95, it's not on that page,  
14 sorry, that the Údarás claim, yes, sorry, page 110,  
15 it's the same document, dealing with this event, on 15:42  
16 page 11, 110, that the claim made to the Údarás over  
17 six months later, as you say?

18 A. Yeah.

19 600 Q. Was for the mileage of 76.95?

20 A. Yeah. 15:42

21 601 Q. And subsistence of 16.32?

22 A. Yeah.

23 602 Q. If you go back to the principles laid down by the  
24 Commission in the Dessie Larkin case, since Senator Ó  
25 Domhnaill was free to absent himself temporarily, part 15:43  
26 absent himself for the conference in order to attend a  
27 meeting which he found to be more valuable in relation  
28 to his work, it would seem to follow that he was  
29 entitled to that mileage. The problem which we have in

1 a form that was put in six months later is that perhaps  
2 he shouldn't have claimed for the 16.32 from an tÚdarás  
3 because he had already been paid for subsistence by  
4 Donegal County Council the same weekend?

5 A. Yeah. 15:43

6 603 Q. And again to get that 16.32 he would have had to burn,  
7 I think we agreed before, about €70 worth of petrol to  
8 go from Dundalk to Falcarragh and back again in order  
9 to generate an expense from Údarás na Gaeltachta by his  
10 attending the -- 15:44

11 A. Yeah, that's a matter for himself, I suppose, yes.

12 604 Q. That's a matter for himself, okay. It doesn't seem to  
13 be the profile of somebody who is out there to rifle  
14 the public coffers, 16.32 gain from X number of hours  
15 from €70 worth of petrol burnt? 15:44

16 A. Yeah, if that's what he decided to do.

17 **CHAIRMAN:** well, Ladies and Gentlemen,  
18 where are we now?

19 **MR. MacCÁRTHAIGH:** I am almost finished, Judge.

20 **CHAIRMAN:** Almost finished. 15:44

21 **MR. MacCÁRTHAIGH:** I've got to ask my learned  
22 leader should I say anything else.

23 **CHAIRMAN:** Have you any other witnesses?

24 **MR. MacCÁRTHAIGH:** well, we have the Senator and we  
25 have -- our solicitor is the coroner in Donegal, he 15:44  
26 travels a lot around the country so he could give  
27 evidence in relation to driving over the, driving along  
28 the national road as opposed to, the advantage of  
29 driving on the national road as opposed to driving over

1 the Bluestack Mountains and various matters in relation  
2 to how distances are perceived in Donegal.

3 **CHAIRMAN:** Yes.

4 **MR. MacCÁRTHAIGH:** But that will be a very short  
5 matter. 15:45

6 **CHAIRMAN:** Yes.

7 **MR. MacCÁRTHAIGH:** I don't know how long the  
8 Senator will take.

9 **MR. Ó CANAINN:** [In Irish] Three quarters of an  
10 hour, half an hour. 15:45

11 **CHAIRMAN:** Three quarters of an hour, there  
12 may be re-examination.

13 **MR. Ó BRAONÁIN:** Might I, just simply for the  
14 Commission's part. There are witnesses from Donegal  
15 County Council and from Údarás na Gaeltachta who are in 15:45  
16 attendance. I understand that my Friends may wish me  
17 to tender them, I don't propose to lead any evidence  
18 from them because I don't think that there is a  
19 necessity to do so. But if they have questions for  
20 them they can be tendered. 15:46

21  
22 The most, I'm sure there are a number of pressing  
23 logistical issues, but one of the pressing logistical  
24 issues is that we have a translation service until six  
25 o'clock. 15:46

26 **CHAIRMAN:** Yes.

27 **MR. Ó BRAONÁIN:** So I anticipate that that will  
28 be required for the evidence of the Senator, perhaps  
29 also his solicitor, I don't know, and also for the

1 witness from Údarás na Gaeltachta.

2 **CHAIRMAN:** Yes.

3 **MR. Ó BRAONÁIN:** And there may also be then an  
4 issue about whether submissions are to be translated.

5 **MR. Ó TUATHAIL:** Sorry, is there a translation 15:46  
6 service being recorded, a translation to English.  
7 There is a question about whether there is a recording  
8 of what is being said in Irish by the Senator in  
9 particular when giving evidence.

10 **MR. Ó BRAONÁIN:** An issue was raised at lunchtime 15:47  
11 by Mr. Ó Tuathail with me and Mr. MacCárthaigh with me  
12 in relation to the recording of the evidence. The  
13 stenograph is in English and is recording evidence and  
14 submissions and anything that is spoken in English and  
15 that is the limit on the stenograph. 15:47

16  
17 There is an audio recording being made of all of the  
18 proceedings so that, if it becomes necessary or  
19 appropriate to do so, the evidence given in Irish can  
20 be transcribed from the Irish recording, if that 15:47  
21 becomes a necessity. But there is a recording being  
22 made of the entire proceedings, an audio recording.

23 **MR. Ó TUATHAIL:** I'm happy, Mr. Chairperson, if  
24 the Irish is available as evidence, I wouldn't like to  
25 be dependent upon translation. I have great experience 15:48  
26 in the area of translation and I wouldn't like to be  
27 doing the same here, I'd be happy, if there is an audio  
28 recording being made, that can be transcribed.

29 **CHAIRMAN:** Are you looking for a transcript

1 in Irish?

2 **MR. Ó TUATHAIL:** I'm asking that there would be a  
3 transcript available to the Commission in Irish. Irish  
4 is the main national official language.

5 **MR. Ó BRAONÁIN:** The issue of whether or not the 15:49  
6 Commission hears and determines this matter through  
7 interpreters or without interpreters has been litigated  
8 and has been decided and the conclusion is that it is  
9 absolutely open to the Commission to determine the  
10 matter on the basis of a translation of the evidence, 15:49  
11 that's the determination that was reached both in the  
12 High Court and in the Court of Appeal. And in those  
13 circumstances the Commission, it is open to the  
14 Commission to deal with the matter on the basis of the  
15 translation of evidence in Irish into English. 15:49

16  
17 I understand my Friend wants to have a transcript of  
18 the Irish evidence in Irish, which otherwise won't  
19 exist because the stenograph doesn't have one. It is  
20 possible to do that. I understand from what he is 15:49  
21 saying now is that he wishes the Commission to receive  
22 the transcript of the evidence in Irish which is simply  
23 going to require that to be translated, as well as  
24 having translated what was given viva voce.

25 **MR. Ó TUATHAIL:** No, that's not what I'm asking. 15:50  
26 I'm asking and I understood earlier that there was  
27 being a recording made on what is being said in Irish.  
28 This gentleman [stenographer] is not dealing with  
29 Irish, he's dealing with translation. I don't mind

1 about that. Unless the original is available in Irish,  
2 insofar as it would be available to the Commission, I'm  
3 not saying it would be, but so far as it might be  
4 needed by the Commission, there is a question of  
5 equality.

15:50

6  
7 Mr. Ó Domhnaill came here and we came here in the main  
8 official language and we're happy to listen to a  
9 witness who would give their evidence in English and be  
10 cross questioned in English. We needn't really need to  
11 give in to that but we did it on behalf of efficiency.

15:51

12  
13 I would like there to be a clarification, will there or  
14 will there be a recording, a record of this since the  
15 Senator was to give evidence to this Commission, that  
16 choice has been made prior to this.

15:51

17 **MR. Ó BRAONÁIN:** The technology certainly allows  
18 for that to be done.

19 **CHAIRMAN:** which to be done now?

20 **MR. Ó BRAONÁIN:** For a transcription to be made  
21 of the evidence in Irish so that the evidence in Irish  
22 forms, the original evidence in Irish forms a part of  
23 the transcript so that that is available to the  
24 Commission. And it is, I think, simply a question for  
25 the Commission to determine whether it wishes to do  
26 that and obviously, yes, it is open to do that.

15:51

15:52

27 **CHAIRMAN:** As I understand it there is  
28 going to be a recording of the evidence?

29 **MR. Ó BRAONÁIN:** It is being recorded.



1           **CHAIRMAN:**                   It is being recorded?  
2           **MR. Ó BRAONÁIN:**               Yes.  
3           **CHAIRMAN:**                   And if the translation of the  
4           Irish version is necessary, it can be done?  
5           **MR. Ó BRAONÁIN:**               Yes. 15:53  
6           **MR. TYNDALL:**               If we wish to receive the  
7           original evidence in Irish, that can be transcribed  
8           from the tape.  
9           **MR. Ó BRAONÁIN:**               It can.  
10          **MR. TYNDALL:**               It's accessible to us should we 15:53  
11          require it.  
12          **MR. Ó BRAONÁIN:**           Exactly. The transcript that is  
13          being generated at the moment is a transcript of the  
14          evidence in English, the submissions in English and the  
15          translation that the stenographer is hearing of Irish 15:53  
16          submissions and evidence into English.  
17  
18          But in addition there is a recording, an audio  
19          recording of the evidence. So it will be possible to  
20          do a transcription from the original Irish source 15:53  
21          rather than simply relying on the stenograph of the  
22          English language translation of it. So it is possible  
23          to create an Irish language transcription of the  
24          evidence.  
25          **CHAIRMAN:**                   So we'll proceed on that basis. 15:54  
26          **MR. Ó BRAONÁIN:**           Very good.  
27          **CHAIRMAN:**                   Now, where are we in relation to  
28          time and the rest? Will we keep going until -- it's  
29          five to four now. It is suggested that we continue

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with Mr. Walsh and we conclude with Mr. Walsh and we have a short break for --

**MR. MACCÁRTHAIGH:** I am finished.

**CHAIRMAN:** You are finished. Thank you very much.

15:54

**MR. Ó BRAONÁIN:** No.

**CHAIRMAN:** So if anybody wants to avail of a five minute break. It's now almost four o'clock, we'll say ten past four we'll resume.

15:55

**SHORT ADJOURNMENT**

1 THE HEARING RESUMED AS FOLLOWS AFTER THE SHORT  
2 ADJOURNMENT

3  
4 **MR. Ó BRAONÁIN:** Good afternoon. I propose now  
5 to call, very briefly, Séamus Neely from Donegal County 16:12  
6 Council.

7 **CHAIRMAN:** All right, thank you.

8 **MR. Ó BRAONÁIN:** Thank you.  
9

10 MR. SÉAMUS NEELY, HAVING BEEN SWORN, WAS EXAMINED BY 16:12  
11 MR. Ó BRAONÁIN AS FOLLOWS

12  
13 **CHAIRMAN:** And your name is, just for the  
14 purposes of the record?

15 **THE WITNESS:** Séamus Neely. 16:12

16 **CHAIRMAN:** Thank you.

17 605 Q. **MR. Ó BRAONÁIN:** Mr. Neely, I think that you are  
18 the Chief Executive Officer of Donegal County Council;  
19 is that right?

20 A. That's correct. 16:12

21 606 Q. Thank you for attending here today. I have very few  
22 questions to ask you because I think that we have all  
23 now been able to work from the documentation that's  
24 before the Commission and in those circumstances don't  
25 need to get into that. 16:12

26  
27 But one question about local knowledge, because you  
28 have an advantage over me certainly, in relation to the  
29 account of mountain movement and travel and so on and

1 so forth, did you hear the evidence in relation to  
2 that?

3 A. I did.

4 607 Q. Do you have any observation to make on it?

5 A. I suppose my only observation would be that the road 16:13  
6 from Lifford through Letterkenny through Falcarragh is  
7 indeed a national secondary road.

8 608 Q. Yes.

9 A. I'm based in Lifford myself and I travel regularly to  
10 Dungloe and I would normally travel from Lifford 16:13  
11 through Ballybofey, Stranorlar, on through Fintown,  
12 Doochary and into Dungloe. I would do that in  
13 preference to travelling the other way.

14 609 Q. The other way being up to Falcarragh?

15 A. I suppose there are three routes that I could select 16:13  
16 from leaving from Lifford which would be a through  
17 point on the journey that we have spoken about.

18 610 Q. Yes.

19 A. Either go Stranorlar, Ballybofey, Fintown, Doochary,  
20 Dungloe or indeed Lifford/Letterkenny, which would be 16:14  
21 on the national primary, it's a more substandard  
22 national primary than we would like, it needs  
23 significant upgrading, through Letterkenny, over  
24 Meenaroy out into Fintown and then on the same route to  
25 finish into Dungloe. 16:14

26 **MR. Ó BRAONÁIN:** Yes, thank you very much. For  
27 that. If you have any -- sorry, my Friend, I think,  
28 may have some questions for you. Thank you.  
29

1 MR. NEELY WAS CROSS-EXAMINED AS FOLLOWS BY

2 MR. MacCÁRTHAIGH

3

4 611 Q. MR. MacCÁRTHAIGH: Just a few short questions. You  
5 heard the evidence of Mr. Walsh before? 16:14

6 A. I did, today.

7 612 Q. And you heard me cross-examining him as well?

8 A. Yes.

9 613 Q. And there was a question that came up and it's only  
10 fair to put it to you: We have identified a possible 16:14  
11 overspend or overclaim in relation to the Senator where  
12 he originally put his time of arrival at home -- sorry,  
13 this is the Carrickmacross conference, the half day  
14 conference in Carrickmacross?

15 A. (WITNESS NODS) 16:15

16 614 Q. He left just before lunch, that that was the end of the  
17 conference. He had originally in his claim form put  
18 his time of arrival at his official residence at 8 p.m.  
19 and then as soon as he got the first letter from  
20 Liam -- you'll have to help me here? 16:15

21 A. Liam Ward.

22 615 Q. Liam Ward, that he clarified that it was a mistake, an  
23 honest mistake and he should have put down 3 p.m. and  
24 we calculated, or Mr. Walsh calculated, that there was  
25 a possible overpayment of €16.32 and have any steps 16:15  
26 been taken by Donegal County Council to recoup that?

27 A. No steps have been taken to recoup it and the reason  
28 for that is that, insofar as this examination is  
29 ongoing, the decision was taken at Council level not to

1 visit potential recoument until the process was  
2 exhausted, in fairness to Senator Ó Domhnaill.

3 616 Q. A letter wasn't sent to, wasn't sent to Donegal County  
4 Council, but I know a letter was sent by my solicitor  
5 to the Commission asking if the repayment would do it 16:16  
6 in relation to that aspect but that's not a matter for  
7 the County Council.

8

9 I just notice, I know it's not a matter for you, but  
10 I notice over the short break -- no, sure, we'll leave 16:16  
11 that for legal submissions. In relation to, you know  
12 that this whole thing began with an anonymous  
13 complaint?

14 A. Yes.

15 617 Q. Yes. And, just out of curiosity, were there anonymous 16:16  
16 complaints made about other Councillors?

17 A. As I recall there were.

18 618 Q. And what happened to those?

19 A. I think some ended up before the Commission, others  
20 didn't, primarily -- only because there was either no 16:17  
21 evidence with those anonymous complaints or no pointers  
22 to evidence such that would satisfy the person looking  
23 at it in the first instance that there was a potential  
24 breach.

25 619 Q. Was it the same writing, was it the same type of 16:17  
26 letter, do you know?

27 A. As I recall it was typed.

28 620 Q. Was "concerned citizen" the person who wrote it?

29 A. I can't truthfully say that I remember precisely what

1 was in each of them. But I do believe "concerned  
2 citizen" was typed at the bottom of at least some of  
3 them.

4 621 Q. At least some of them. So that would seem to be from  
5 the same source? 16:17

6 A. I suppose -- I would only be speculating to say that.

7 MR. MacCÁRTHAIGH: Thank you very much. Thank you.

8 MR. Ó BRAONÁIN: Thank you very much,  
9 If Mr. Neely could be released. Thank you.

10 16:18

11 WITNESS WITHDREW

12

13 CHAIRMAN: Thank you for your attendance.

14 MR. Ó BRAONÁIN: Gearóid Breathnach, le do thoil  
15 Just before Gearóid Breathnach, Liam Ward, who was also 16:18  
16 in attendance, I don't think is required, the CEO,  
17 having been called, so in those circumstances if  
18 Mr. ward could be released I'd be grateful.

19 CHAIRMAN: Yes. All right, thank you.

20 MR. Ó BRAONÁIN: Thank you. 16:18

21

22 MR. GEARÓID BREATHNACH, HAVING BEEN SWORN, WAS EXAMINED  
23 BY MR. Ó BRAONÁIN AS FOLLOWS

24

25 Just to confirm, would you like to continue be 16:19  
26 questioned in Irish or in English?

27 A. In Irish.

28 MR. Ó BRAONÁIN: I don't have questions to put to  
29 you, Mr. Breathnach, but I'm thankful that you are here

1 and if my Friends have any questions or the  
2 commissioner you could continue to answer them.

3  
4 MR. GEARÓID BREATHNACH WAS CROSS-EXAMINED BY MR. Ó  
5 TUATHAIL

16:19

6  
7 622 Q. **MR. Ó TUATHAIL:** You are here all day  
8 I understand and you heard much of the evidence in the  
9 other official language?

10 A. Yes, I did.

16:19

11 623 Q. I have one question to you: Did Údarás na Gaeltachta  
12 have any complaint about the issues that were being  
13 discussed here today?

14 A. No.

15 **MR. Ó TUATHAIL:** Thank you.

16:19

16 624 Q. **MR. Ó BRAONÁIN:** Just so that the Commission is  
17 aware, what role do you have in Údarás na Gaeltachta?

18 A. I am Director of Corporate Services.

19 **MR. Ó BRAONÁIN:** Thank you. Thank you very much.  
20 If in those circumstances Mr. Breathnach could also be  
21 released.

16:20

22 **CHAIRMAN:** Indeed, thank you.

23 **MR. Ó BRAONÁIN:** Thank you. I have no further  
24 witnesses.

25 **CHAIRMAN:** Thank you, Mr. Ó Braonáin.

16:20

26 **MR. Ó TUATHAIL:** I'll call the Senator then.

27  
28  
29



1 SENATOR Ó DOMHNAILL, HAVING BEEN SWORN IN IRISH, WAS  
2 EXAMINED BY MR. Ó TUATHAIL  
3

4 625 Q. MR. Ó TUATHAIL: Your name please?

5 A. Sorry, my name is Brian Ó Domhnaill. 16:21

6 626 Q. Brian, things are continuing on today and taking time  
7 so I would like to go around all the journeys and the  
8 first question I would have is: Do you accept that the  
9 conflict here that has happened since the morning in  
10 this hearing has to do with two different things, one 16:21  
11 the Donegal Sports Partnership on one side, meetings of  
12 the Sports Partnership and meetings that you were  
13 authorised to go to by the County Council?

14 A. I would accept that completely.

15 627 Q. Are there difficulties with demanding expenses when you 16:21  
16 are attending two different authorities?

17 A. Well, there were two different things. I was chairman  
18 of the Donegal Sports Partnership and I had to attend  
19 meetings of the partnership and as well as that I was  
20 fulfilling my obligations for Donegal County Council at 16:22  
21 the different conferences that I attended and I was  
22 doing that for the greater good of the community and  
23 the organisations that I was dealing with.

24 628 Q. At this time you were a County Councillor and you were  
25 a member of Údarás na Gaeltachta, another 16:22  
26 qualification?

27 A. I've been elected to the County Council from 2004 and  
28 I was on the Údarás since I was 21 years of age, in  
29 1999.

1 629 Q. What connection did you have with the Donegal County  
2 Council Sports Partnership?  
3 A. I was one of the founders of the Sports Partnership.  
4 I put a lot of voluntary work into founding the Sports  
5 Partnership since 1999/2000 until the partnership was 16:23  
6 founded in 2001. I'm very connected with sports  
7 matters because I am an international athlete. And  
8 I was always, I always wanted to promote sports in  
9 every level that I was involved in and that was the  
10 first time that I became involved in politics. 16:23  
11 630 Q. I'm speaking too fast, I'm sorry about that. There are  
12 gaps in the translation. So we'll have to go, sadly  
13 we'll have to go slower.  
14 A. The first time I got involved in politics, I was  
15 involved in sports, I was training for the Sydney 16:23  
16 Olympics in 2000. At that time I got an injury and  
17 I ran for the Údarás elections in '99 after I had left  
18 university.  
19 631 Q. Speak slowly please.  
20 A. That is the first maybe target I had as a politician 16:24  
21 was to promote sports and sports facilities. I saw  
22 that the Sports Partnership was interconnected in  
23 sports matters. I had a role that I could play in that  
24 and I'm really grateful to this day that I was involved  
25 in the Donegal Sports Partnership, an organisation that 16:24  
26 is doing great work for sporting matters, not only in  
27 Donegal, but there are partnerships now in nearly every  
28 county in the country.  
29 632 Q. Personally would it be true for me to say that you are

1 involved internationally in sports or that you were  
2 involved internationally in competitions in walking  
3 races?

4 A. Yes. I'd say, before I became involved in politics,  
5 I had a scholarship from Adidas. I had sponsorships 16:25  
6 from them, and Guinness was mentioned earlier today.  
7 I was receiving sponsorship to go to university and to  
8 train and that was up until 2000. I'd say I fell out  
9 of sport when I was elected for a couple of years,  
10 maybe from 2000 to 2003/4 until I was elected as a 16:25  
11 County Councillor. Because I had heavy  
12 responsibilities that a public representative would  
13 have, but the coach that I had at the time was a great  
14 man from Donegal, he put pressure on me to go back  
15 training and I started again intensive training about 16:25  
16 maybe the middle of 2005. We had a great target at the  
17 time, I don't have to go into that now, but we had a  
18 sporting target that had to do with 2012.

19 633 Q. Often during the matters that we're discussing today,  
20 you were often out training and you were exercising and 16:26  
21 keeping fit?

22 A. Well, I suppose at the start of that year, 2006, I was  
23 doing maybe between 60 and 90 miles a week training.

24 634 Q. I would like now to zero in on the questions that were  
25 given in evidence today and I would like to discuss, 16:26  
26 for the sake of the Commission I would like to discuss  
27 the complaints, No. 1, No. 4 and No. 7. That's the  
28 three that have to do with the Annual Conference of  
29 City and County Councils.

1 Now, the questions start on Thursday, 9th March. Can  
2 you say, and you can look at the papers that you have,  
3 can you say on the 9th March 2006 and the 10th and  
4 11th, you were dealing with an annual conference of the  
5 County and City Councils, on Thursday, 9th March and 16:27  
6 I'll mention these dates and times for clarification  
7 and to help everybody. On Thursday, 9th March what  
8 time did you leave? You were in Falcarragh, I take it.  
9 Now, Falcarragh, that is your home, where is your  
10 office? 16:27

11 A. My office is in Gortahork and since I was elected in  
12 '99 I had a full-time office which cost a lot of money  
13 and I had a secretary employed there. I was living in  
14 Killult, that's about a mile and a half outside of  
15 Falcarragh. 16:28

16 635 Q. And other times were you living in Gortahork?  
17 A. No. I was always living in Killult, it's in the parish  
18 of Gortahork, but it's under the Falcarragh postal  
19 address and my office was always in Gortahork, even  
20 until this day. 16:28

21 636 Q. So around one o'clock, if I am right, if I am not  
22 correct me, around one o'clock on that day you left  
23 Falcarragh to go to Dundalk?  
24 A. That's correct.

25 637 Q. And you were going to attend the annual conference 16:28  
26 there on behalf of the County Council. On 10th  
27 March -- yes, sorry, pardon me. You arrived in Dundalk  
28 on the 9th and was anything happening that afternoon or  
29 evening at the conference?

1 A. In my memory there was a dinner that evening and  
2 I think there were opening speeches of the conference.

3 638 Q. And you were present for those events. Then the next  
4 morning, on the 10th March 2006, when did the morning  
5 session start? 16:29

6 A. Around ten o'clock in the morning.

7 639 Q. Then what happened after that?

8 A. I'd say about half twelve or one o'clock, around half  
9 twelve I left the conference to attend the Donegal  
10 Sports Partnership meeting. But before that I had to 16:29  
11 go to my office and my home to do some work there.  
12 I had a secretary employed and there were documents  
13 that had to be collected by me and to be brought with  
14 me. Then I returned that afternoon to the office to  
15 get documents, some application forms and housing 16:29  
16 grants, forms that had to be sent out and the secretary  
17 had dispatched them the next day.

18 640 Q. So you are driving in a car?

19 A. Yes.

20 641 Q. So what did you lose that day, can you say, from the 16:30  
21 conference that was going on, that is on page --

22 A. I understand that the President elect of the GAA,  
23 somebody I respect greatly, and the chief executive of  
24 the NRA, Fred Barry, was there. Now, there is no  
25 motorway and very little money going to Donegal for the 16:30  
26 main roads. I thought, I had a decision to make and as  
27 the chairman of Donegal Sports Partnership, an  
28 organisation that is attending not only to the  
29 community in Donegal but to the younger generation,

1 I thought that the greatest benefit that I could give  
2 to the rate payers is to attend that meeting as  
3 chairman and that I would be better attending as a  
4 public representative and that's what I did.

5 642 Q. Mr. Barry had to do with the National Roads Authority. 16:31

6 A. Yes. As you said there is there is no motorway or any  
7 chance of a motorway to Donegal for a while. The  
8 understanding that I have from that day was that he was  
9 talking about national strategies that have to do with  
10 roads, especially, to say in English, interurban 16:31  
11 connections. There is no interurban between Donegal  
12 and Dublin and even til this day there isn't.

13 643 Q. And the third thing you missed there was the dinner and  
14 the entertainment, so that's the normal thing at 16:31  
15 conferences like that. But you sacrificed that much to  
16 attend the Institute of Technology in Letterkenny. You  
17 go to Letterkenny, how do you go to Letterkenny from  
18 Dundalk, what is the road, what is the direction?

19 A. The road goes through the North of Ireland. From  
20 Dundalk -- and the first stop I had, I stopped at home, 16:32  
21 I was in Letterkenny that afternoon. The meeting  
22 finished around eight o'clock that afternoon and I was  
23 talking to some of my colleagues on the DSP, the Sports  
24 Partnership, and after that I went home, about nine  
25 o'clock or so. 16:32

26 644 Q. I have a question there: Dundalk/Letterkenny, from  
27 Dundalk, via Falcarragh, how long does that journey  
28 take?

29 A. It depends on what time day. If you are in a hurry you

1 can do it within 30 minutes.

2 645 Q. Wait a minute. No, I'm talking about, you're going to  
3 Letterkenny from via Falcarragh from Dundalk, how long  
4 would that take, a journey of that length? Say Dundalk  
5 to Falcarragh? 16:33

6 A. Around two and three quarters hours, two and a half  
7 hours.

8 646 Q. Then on to Letterkenny, how long would that take?  
9 A. Between 30 and 45 minutes, around that.

10 647 Q. So it's about three and a half hours? 16:33  
11 A. Yes.

12 648 Q. These things happened ten years ago, isn't that true,  
13 so it's difficult?  
14 A. Yes.

15 649 Q. But some of the documentation gives certain more 16:33  
16 accurate information. At the IT in Letterkenny, the  
17 meeting was being held of the Sports Partnership, when  
18 did that meeting start on the 10th?  
19 A. That meeting started around five o'clock in the  
20 afternoon, maybe quarter past five, but around five 16:34  
21 o'clock, yes.

22 650 Q. And were you chair of that meeting?  
23 A. Yes, I was.

24 651 Q. And when did that meeting finish?  
25 A. Around 7:30 or eight o'clock, closer to eight. 16:34

26 652 Q. And what happened after that, you went home?  
27 A. Well, I was talking to -- the normal practice at  
28 meetings like that is that you talk to people after the  
29 meetings, I was doing that that afternoon. Some of the

1 time when you are a chair of the meeting like that, if  
2 somebody has a problem you have to discuss that problem  
3 with them and maybe documents have to be signed, as  
4 chair on behalf of the organisation. So I would say  
5 I left around maybe quarter past eight or something 16:34  
6 like that heading to my home in Falcarragh.

7 653 Q. And you were home maybe around nine o'clock?

8 A. Around nine o'clock.

9 654 Q. The next day, the last day of this three day period  
10 (pause) -- why did you go home to Falcarragh at that 16:35  
11 point instead of going straight back to Dundalk?

12 A. Well, as I said earlier, there were different documents  
13 and letters that I had with me. The secretary will  
14 prepare the letters, anybody who deals with politics,  
15 you have to deal with the reps. I always had a system, 16:35  
16 I had a dictaphone always and I had a system where if a  
17 call came into the office or if somebody contacted me,  
18 I wanted to get the response out as soon as possible.

19  
20 Now, I'm very competitive even til this day in 16:35  
21 political matters but I am competitive in athletics as  
22 well and I carry that through and that's why. As well  
23 as that afternoon, and a lot of other afternoons, I was  
24 getting treatment or physio treatment from a man who is  
25 based in Falcarragh and he gave me a session that 16:36  
26 evening and that session lasted about 45 minutes. The  
27 competition, the national competitions were coming up  
28 maybe a month after that day so the training was  
29 getting stronger all the time, so harder.



1 655 Q. Then on 11th March you went back to Dundalk, when did  
2 you start the journey on that day to Dundalk? Were you  
3 there at half one?  
4 A. I left around half ten and I was there around one  
5 o'clock, half one, maybe a bit before that, I'm not 16:36  
6 sure. Between one, around that time.

7 656 Q. It was often said this morning that you made one  
8 journey, you claimed for one but you made two, you  
9 wouldn't have been entitled to the second, the expenses  
10 anyway? 16:37

11 A. No, I didn't even seek it.

12 657 Q. But you understood the rules?  
13 A. I did, to a point.

14 658 Q. Then the claims that you made to clean that up, if we  
15 can, you stayed for a term with the údarás, there was a 16:37  
16 delay of six months for the údarás and with the County  
17 Council nine days. But you understand now if things  
18 are six months apart, that things will become confused,  
19 memory and such like. So when you are filling in these  
20 forms, you're dealing with two authorities, two 16:38  
21 different authorities?

22 A. That claim was six months after the meeting occurred  
23 and that's the practice I had at the time. I would put  
24 the claims in every three months, six months or before  
25 the end of the year and I suppose that's what happens 16:38  
26 in that time as well.

27 659 Q. My Friend reminds me it is seven months. There is a  
28 letter of 15th December 2011, though I don't think we  
29 need to go to that, page 66 of the big blue book.

1 You've been over that letter twice at this point.

2  
3 would you like, this is your first chance to speak  
4 about this letter. Some of the commentary there was,  
5 do you see the first paragraph there, you say, this is 16:39  
6 a letter you wrote to Liam Ward: *"I left the  
7 conference at lunchtime Friday, March 10th to travel to  
8 Letterkenny as I had a meeting of the Donegal Sports  
9 Partnership of which I was and remain a board member."*

10  
11 Now, do you have anything to say about that sentence in  
12 particular? 16:39

13 A. No. I attended the conference, as is set out there,  
14 and I attended the meeting. I suppose you could  
15 misunderstand the paragraph because maybe it's not 16:40  
16 clear enough that I went to my home/office before the  
17 meeting in Letterkenny, but that is a mistake on my  
18 part if that wasn't clear, so I accept that.

19 660 Q. You went from Falcarragh to Letterkenny, that's the  
20 clarification that was there. And then in paragraph 3 16:40  
21 of that letter there is a mistake there, is there? You  
22 said Carrickmacross, on the 27th and it happened -- no,  
23 it's a question of time, of hours, three instead of  
24 eight o'clock. And you've admitted that in the letter  
25 of 15th December 2011? 16:41

26 A. Yes.

27 661 Q. And that was the first opportunity that you received to  
28 discuss this with the County Council of these questions  
29 that were raised. I'll go now to complaint No. 258 on

1 the complaint page that is before the Commission and  
2 it's the IPA seminar in Carrickmacross in Co. Monaghan.  
3 Now, that happened on the 26th/27th April 2006 -- well,  
4 it happened on the 27th April. Were you travelling on  
5 the 26th?

16:42

6 A. I was.

7 662 Q. When did the seminar start on the 27th?

8 A. Around -- about half nine, yes, in the morning.

9 663 Q. Like the Commission here it starts early in the  
10 morning. And you were travelling on the 26th, what  
11 time did you leave Falcarragh on the 26th to attend?

16:41

12 A. Around five o'clock in the afternoon.

13 664 Q. And that's been discussed on page 171 but we won't go  
14 to it, 171 of the blue book. Now, the 27th, there was  
15 a meeting in Letterkenny, is that true?

16:42

16 A. That's true, yes.

17 665 Q. When did you leave Carrickmacross to go to that  
18 meeting?

19 A. I left Carrickmacross around twenty to one or around  
20 then, around that time.

16:42

21 666 Q. And what did you miss because of it, because of the  
22 event that was in Carrickmacross in the IPA there, the  
23 seminar?

24 A. The training seminar was nearly finished and most of it  
25 had been completed. The programme is there somewhere,  
26 it was discussed earlier. There was a summing up and  
27 there was a lunch. I thought myself, often I'm not a  
28 great one for big lunches or big dinners at conferences  
29 especially when you are training and you have a certain

16:42

1 diet that you have to comply to. I left the conference  
2 and went straight to my home, to the office, and that's  
3 how I --

4 667 Q. So you missed the lunch and the question and answered 16:43  
5 session, that's the second time you had missed a lunch  
6 from when I started with you. You arrived in  
7 Falcarragh then that afternoon at around three o'clock,  
8 is it?

9 A. Yes, three o'clock.

10 668 Q. There was a meeting in Letterkenny that you had in the 16:43  
11 Institute of Technology, that was the Sports  
12 Partnership?

13 A. Yes.

14 669 Q. Were you a chair at that meeting as well?

15 A. Yes. 16:43

16 670 Q. When did the meeting start, when did it finish?

17 A. The meeting started again around five o'clock, quarter  
18 past five, and the meeting finished around eight  
19 o'clock. The meetings normally last maybe three hours.

20 671 Q. And then home to Falcarragh again, was it? 16:44

21 A. Yes.

22 672 Q. And why did you go home at that point?

23 A. I went home three or four days after the national  
24 walking 20 kilometre competitions where I had gotten  
25 second place after the Olympian Jamie Costin and 16:44  
26 I picked up an injury during that race. It was a hard  
27 race, I picked up an injury and I had to get treatment  
28 for it because there was a big race coming up in the  
29 middle of June so I wanted to make sure that I would be

1           able to start training, the hard training again. I had  
2           a session in Falcarragh at the physio that provides the  
3           service and that person is my coach as well. So he  
4           works but often he meets with me when I have the  
5           opportunity. That evening, that was the only           16:45  
6           opportunity I had, so he met with me around 9:30,  
7           around there, that time.

8   673   Q.    And the next day, you had a meeting in Kerry?  
9           A.    Yes.

10   674   Q.    And that was an Údarás meeting?           16:45  
11           A.    Yes. It was a board meeting of Údarás na Gaeltachta,  
12           yes.

13   675   Q.    At what time did that come together?  
14           A.    At ten o'clock in the morning.

15   676   Q.    Well, did you go the afternoon down to the meeting?           16:45  
16           A.    The usual habit and practice I have, and even the  
17           practice I have til this day when I am dealing with  
18           political matters in the Seanad, is that, I did the  
19           same thing that night. I left home about eleven  
20           o'clock. Coming to the Seanad here, sometimes the           16:45  
21           Seanad sits on Tuesday and you have meetings or clinics  
22           every Monday night. And it's some of the time drawing  
23           up to midnight before I leave Donegal on a Monday  
24           night, but that night I left at eleven o'clock and  
25           I arrived in Galway and then in the morning down to           16:46  
26           Kerry to the meeting.

27   677   Q.    Now, you made the claim to the County Council on the  
28           13th June, if I am correct, April 26th, 27th April, the  
29           claim is made on 13th June 2006?

1 A. Yes.

2 678 Q. Isn't there subsistence there as well, there is no  
3 doubling as with travel matters, but there is  
4 subsistence and that was mentioned earlier, €16.32 was  
5 in question there. You admitted you made a mistake on 16:47  
6 the time that you returned, not at eight o'clock but  
7 three o'clock?

8 A. That was an honest mistake.

9 679 Q. And the question that was asked of the manager, what  
10 steps did the County Council take to recoup that 16:47  
11 €16.32?

12 A. There was no contact with the Council about that with  
13 me.

14 680 Q. And seven months after that, if I am accurate this  
15 time, you made a claim from Údarás na Gaeltachta -- or 16:47  
16 do you remember that?

17 A. That is correct.

18 681 Q. And two months -- well, we've dealt with that claim to  
19 the Council. That's complaint 258 and I want to move  
20 to the last one on the list. That is the complaint 16:48  
21 369, they are ones that we are discussing now. This is  
22 to do with the tourist conference, the maritime  
23 conference in Carlingford in Co. Louth. We're talking  
24 about the 30th and 31st May and 1st June 2006. Now,  
25 travelling, what day did you make the journey from 16:48  
26 Falcarragh, what day did you start off to go to that  
27 conference in Carlingford in Co. Louth?

28 A. On the 30th.

29 682 Q. And what time of day did you undertake that journey?

1 A. I left around half three to go to Carlingford.

2 683 Q. What time did that journey last, driving?

3 A. I'd say about three hours if you are driving there

4 directly, about three hours.

5 684 Q. And that day, I should have had asked the question 16:49

6 before this, on the 30th May were you in Gleann Cholm

7 Cille?

8 A. There was a regional meeting of Údarás na Gaeltachta in

9 Gleann Cholm Cille that day and I attended that meeting

10 in its entirety, the CRAT, the northern regional 16:49

11 committee of the Údarás,.

12 685 Q. At three o'clock in the afternoon on 30th May you were

13 in?

14 A. Around that, it doesn't take two hours to come from

15 Gleann Cholm Cille to Gortahork. You're talking about 16:49

16 maybe an hour and a half, so around three o'clock,

17 maybe it was half two, I'm not sure, but around that.

18 686 Q. Then you left the home in Falcarragh and you went to

19 the office in Gortahork, is it? How many miles is that

20 from home to your office? 16:50

21 A. Maybe a mile and a half.

22 687 Q. And you visited the two places?

23 A. I always visit both places. My father was alive at the

24 time and often he was the one who was looking after the

25 patch at home when I was away at anything and he would 16:50

26 be on the phone morning, noon and night. Sadly he has

27 since passed away but he was alive back then.

28 688 Q. And on 31st May, the registration started early in the

29 morning?

1 A. Yes.

2 689 Q. Half eight?

3 A. Between half eight and nine.

4 690 Q. And the conference continued in Carlingford then. Then  
5 did you stop to do anything, you were dealing with 16:51  
6 athletics back then?

7 A. Yes. You are asking me about the time I left?

8 691 Q. On that day?

9 A. On 31st May I left Carlingford about half three,  
10 I believe. There was a launch in Dungloe that evening, 16:51  
11 a Donegal Sports Partnership launch, the second  
12 strategic document for the Partnership. It was a nice  
13 launch but we were laying out a strategy for the  
14 partnership from 2006 to 2010. To be ready for the  
15 launch I had to type a speech that I was giving at the 16:51  
16 launch. So I had to go to my office first off, finish  
17 that and then go from there to Dungloe because I had to  
18 say couple of words and put a speech together, so I had  
19 to do that preparatory work.

20 692 Q. So what did you miss when you left that day? You don't 16:52  
21 have to go into it, there was a question and answer  
22 session I believe that you missed and the oysters?

23 A. There was a boat trip and a dinner, Guinness and  
24 sailing don't mix. I was more interested, I wasn't  
25 interested in eating oysters and drinking Guinness. 16:52  
26 I was more interested in being at home helping the  
27 Sports Partnership put their work plan together and to  
28 launch it.

29 693 Q. So that happened, that meeting happened between 8?



1 A. Till half nine, around that time, yes.

2 694 Q. There was one journey in that question. Is there any  
3 other question? What time did you go to Galway and  
4 then to Dingle? No, that didn't happen on that day.

5 A. After Dungloe that afternoon, it finished around half 16:53  
6 nine and I knew that there was, that the things in  
7 Carlingford would be pretty much finished by then.  
8 I went home, I had tea and I had a bit of work to be  
9 done on notes for my secretary for the morning, I did  
10 that and I left and I went back to the conference that 16:53  
11 evening to be ready for the conference the next day.

12 695 Q. And home then?

13 A. That's it.

14 **MR. Ó TUATHAIL:** Well, I don't suppose I have any  
15 more questions for you so if my friend has any 16:54  
16 questions would you answer them.

17

18 **SENATOR Ó DOMHNAILL WAS CROSS-EXAMINED AS FOLLOWS BY**  
19 **MR. Ó BRAONÁIN**

20 16:54

21 696 Q. **MR. Ó BRAONÁIN:** A couple of questions for you.  
22 Can I start with the documents that we have from  
23 Donegal County Council. You see there you have the  
24 claim forms and if you go to Tab 4 in the book, you see  
25 the first one of the claim forms that we have to look 16:54  
26 at. This isn't the first time that you had filled out  
27 one of these forms, would it be?

28 A. No. I'd been on the council maybe a year and three  
29 quarters at that point.

1 697 Q. You understood then the rules that were in place and as  
2 important as they were?

3 A. Even though no explanation was given, I understood that  
4 -- in my role as a County Councillor since I had been  
5 elected for the first day and my role as a member for 16:55  
6 the *údarás*, I had always, not only done things properly  
7 but I'd go further than that. I was always trying to  
8 do everything I could. When I was elected the first  
9 day, I didn't start in politics to take money from it.  
10 I had an office, I had a secretary employed by myself, 16:55  
11 and when I was elected on the board of the *údarás* for  
12 the first time in 1999, I had a job, I was earning  
13 25,000 a year working at an educator in a school.  
14 I gave up that job to get a salary of 8,000 from the  
15 *údarás*, I had no other job. So I was interested in 16:56  
16 this thing and that's why I suppose --

17 698 Q. Did you know the rules?

18 A. Yes.

19 699 Q. That was the question I asked, that you knew the rules  
20 because when you filled out this form "*strictly in* 16:56  
21 *accordance with the Local Government (Expenses of Local*  
22 *Authorities Members) Regulations and Directions*  
23 thereunder, you see that? Had you read them?

24 A. Those regulations?

25 700 Q. And the directions? 16:56

26 A. No.

27 701 Q. How could you claim, if this claim was done according  
28 to the regulations if you hadn't read them?

29 A. Read today?

1 702 Q. I didn't say today, had you read them when you made  
2 this declaration?  
3 A. They would have been. I don't remember if the  
4 regulations were available from the County Council.  
5 I asked the Council, when I wrote to Liam Ward in 2011 16:57  
6 I asked for a copy of the regulations or the other  
7 regulations that were in question because I couldn't  
8 remember receiving them from the Council before that.  
9 But I take it if they were available before that,  
10 I don't remember receiving them. 16:57

11 703 Q. Even if the Council weren't providing them, you had an  
12 obligation to read them?  
13 A. I accept that.

14 704 Q. So we don't have to be worried if the Council gave them  
15 to you or didn't, it was up to you to read them? 16:57  
16 A. Yes.

17 705 Q. What you said, and you affirmed in this form, that the  
18 claim was made in accordance and complying with the  
19 regulations and then you went on: "*Or is payable to me*  
20 *in respect of the times, journeys or other matters set* 16:58  
21 *out herein.*" And you understood that?  
22 A. Yes.

23 706 Q. "*I have not made and will not make any other claims for*  
24 *payment in respect of the times, journeys or other*  
25 *matters set out herein*". You see that? It's important 16:58  
26 that you would know that not only that a claim hadn't  
27 been made but a claim wouldn't be made for these times  
28 and I take it that you kept a diary to make sure that  
29 no such thing would happen, did you do that?

1 A. I had a diary, of course.

2 707 Q. On the dates, on the dates in question, you noted in  
3 your diary what you had done, had you done that?

4 A. Well, without doubt.

5 708 Q. And I take it that in the diary not only would you be 16:59  
6 in Dundalk but you would be in a meeting in the DSP in  
7 Letterkenny?

8 A. I filled in the form on 20th March and that was the  
9 form for the Údarás six months after that, seven months  
10 after that. 16:59

11 709 Q. When did you fill your diary?

12 A. The diary would have been filled at the time.  
13 I suppose.

14 710 Q. And in the diary there would be the dates, the 9th,  
15 10th and 11th March, that you were at a conference and 16:59  
16 in Dundalk and in the diary on the 10th that you were  
17 in Letterkenny?

18 A. It would be, definitely.

19 711 Q. And you would look at your diary on the 20th March and  
20 you'd know when you were filling this out that you were 17:00  
21 at another meeting on the 10th that wasn't, had nothing  
22 to do with Council matters but had to do with Údarás na  
23 Gaeltachta?

24 A. The understanding I had on that is that there was,  
25 I filled this out honestly, as honestly as I could and 17:00  
26 I answered -- and I take the points from (a) to (f)  
27 that you have made, but there was no claim made for  
28 this conference or any other conference. What I was  
29 wanting to do was provide a service for Údarás na

1           Gaeltachta as chairman of Donegal Sports Partnership  
2           which had nothing to do with --

3   712   Q.    This isn't what I'm asking you about. You've explained  
4           to the Commission that you had a diary and that you  
5           would have noted in your diary what you were doing on   17:01  
6           these dates that are in question and that you would  
7           note that on the 9th, 10th and 11th that you were at a  
8           conference in Dundalk and that you would have noted  
9           that you were working for the Údarás on 10th March?

10        A.    That is correct. But I gave that response to Liam Ward   17:01  
11           and to the County Manager when I sent him a written  
12           reply.

13   713   Q.    We'll come back to that. But the 20th March 2006, you  
14           knew that, even though you'd been at the conference,  
15           that you were also working for the Údarás as well on   17:01  
16           10th March and you knew then that you needed to be  
17           careful not to make a claim on the Údarás that would  
18           come across, the claim that you were making on 20th  
19           March, to the County Council?

20        A.    I don't agree with you there because in my eyes there   17:02  
21           was no crossing over.

22   714   Q.    But only that you got two subsistence payments?  
23        A.    In my opinion on those occasions there was black and  
24           white of a difference between them. I was attending on  
25           behalf of two different organisations, fulfilling, in   17:02  
26           my opinion, the best thing for the people of Donegal.

27   715   Q.    You mean that you are entitled to two subsistence  
28           payments if you are working for two organisations?  
29        A.    Well, that's a question for the Commission, I suppose.

1 716 Q. Do you feel that it is yours as of right to get two  
2 subsistence payments for one day from two different  
3 public organisations?  
4 A. What specific payment?  
5 717 Q. I'll talk about the subsistence payment. You got a 17:03  
6 subsistence payment for the 10th, you got two  
7 subsistence payments for the two nights and the two  
8 days that you spent and you got another payment for the  
9 third day?  
10 A. I believe I was entitled to those subsistence payments 17:03  
11 because I hadn't made a claim to the Authority, to  
12 Údarás na Gaeltachta.  
13 718 Q. When you came then to the claim that you made for the  
14 Údarás on 24th October, you made a claim for  
15 subsistence payments there, didn't you? 17:03  
16 A. Where is that, what page? I'm sorry.  
17 719 Q. This is the first page.  
18 A. No. 1, page No. 1. On the 10th.  
19 720 Q. Do you see that and there is a payment, subsistence  
20 payment there for the 10th and that is the same day 17:04  
21 that you were getting a subsistence, already had a  
22 subsistence payment from the County Council, is it not?  
23 A. Yes, yes, it is indeed.  
24 721 Q. And that's what I am saying. Do you believe that you  
25 had a right or you are entitled to two subsistence 17:04  
26 payments from the two organisations for one day?  
27 A. Well, the understanding that I had and I have is it was  
28 an overnight payment from the County Council and it was  
29 a payment to attend the meeting from the Údarás and

1           that is the understanding I had.

2   722   Q.    But you know that the overnight payment is much larger  
3           than the subsistence payment for the day, that is  
4           because the nights in question, you have to stay  
5           somewhere, but as well as that, some of that payment is 17:05  
6           going to pay you to subsist during the day as well?

7           A.    I accept that.  But the subsistence during the day  
8           there, there was lunch and the dinner and the oysters,  
9           maybe I'm confused between the conferences.  But there  
10          was a lunch and dinner.  I didn't attend the dinner 17:05  
11          after that evening but I take it your point, I accept  
12          it.

13   723   Q.    When you made your claim to Údarás na Gaeltachta in  
14          October did you look at the diary?

15          A.    I did. 17:05

16   724   Q.    And did you see from the diary that you were after  
17          already being at a conference for the County Council  
18          and did you check had you been paid a subsistence  
19          payment already?

20          A.    Without a doubt, without a doubt.  As I said, I felt 17:06  
21          honestly that I was trying to serve the two purposes.  
22          I attended a lot of meetings of the Sports Partnership  
23          and I never made a claim and even the secretary of the  
24          Údarás at the time wanted me to make a claim so that  
25          I could show that I was attending the meetings.  So in 17:06  
26          one way I wasn't wanting any payment to attend the  
27          Sports Partnership, on the other hand if I hadn't made  
28          a claim there was no reference the Údarás had of my  
29          attendance and work done for the DSP.  When I was chair

1 especially that year, I was a chair for maybe more than  
2 a year, but I applied for most of the meetings at the  
3 time and after that I didn't put in a claim and I was  
4 on the board of the údarás up until 2012.

5 725 Q. I'm questioning you about the claim you made in October 17:07  
6 2006 because you made a claim for March, April and May,  
7 I believe, together in October?

8 A. Yes.

9 726 Q. The reason I'm asking you is to find out, when you made 17:07  
10 declarations to Donegal County Council that you were  
11 not going to seek another payment for the same periods,  
12 what system had you put in place so that you could be  
13 sure that you weren't doing that, do you understand?

14 A. I understand, yes.

15 727 Q. And you said you had a system, you had a diary but a 17:07  
16 subsistence claim was made for the 10th after you had  
17 received a payment for the 10th already?

18 A. That's what you are saying, yes.

19 728 Q. The same declaration is made on the claim forms, on the 17:08  
20 other claim forms that are seen here with the other  
21 events and I'll come back to them in a minute. But you  
22 understand that these are important declarations and  
23 they are serious?

24 A. Oh, without a doubt.

25 729 Q. There is a question of matters of recollection here. 17:08  
26 I know it's a while, years ago that these things  
27 happened, and it can be difficult to remember things  
28 from time to time, and of course that's what you say on  
29 occasions during your correspondence with the County



1 Council and the Commission, there can be difficulties  
2 in remembering things? These events happened more than  
3 ten years ago so you can see you have difficulty in  
4 remembering things, other times it's like your memory  
5 is very, very precise and very sharp on certain 17:09  
6 questions, doesn't it look like that?

7 A. Well, I want to tell the truth here. I don't want to  
8 draw water on my own mill or make myself, big myself  
9 up. This happened in 2011. There is great damage done  
10 to my name within the community, amongst the community 17:09  
11 and in my opinion that's not right or just because of  
12 the work that I have done. I wanted to do my work as  
13 well as I could. If I wanted not to attend these  
14 meetings I'd be much better off today and I wouldn't be  
15 here today. 17:10

16  
17 But in my opinion I did the right thing even if I am  
18 here because by attending those meetings I believed and  
19 I still believe that it was the right thing to do. As  
20 a sports person, and I still run, and the opportunities 17:10  
21 that are available now because of the sports  
22 partnerships, not only in Donegal but throughout the  
23 country, it's a great thing and great that I was  
24 involved in that. It would have been much easier for  
25 me if I hadn't made these claims or go to these, to go 17:10  
26 to the dinners and the lunches and the oysters and the  
27 Guinness and everything like that and not to attend the  
28 meetings.

29

1 It cost me more -- just to make this point. It cost me  
2 more with diesel and petrol and wear and tear on the  
3 car and everything to attend from these places back to  
4 Donegal to go to these meetings and to come back again  
5 and the bad and the evil and the damage that's been 17:11  
6 done to my life, my name, my political career, my  
7 family, it's heavy.

8 730 Q. Can we deal then with the 10th March that we were  
9 looking earlier. You explained there in the claims  
10 form for Donegal County Council that you left at one 17:11  
11 o'clock to go to Dundalk and that you came back home at  
12 4:30 on 11th March 2006?

13 A. What page is that?

14 731 Q. That is page 9 Tab 4 in the County Council book. What  
15 happened when these documents came to light together, 17:12  
16 on the 10th you are after saying to the Údarás that you  
17 left your home at half three in the afternoon to go to  
18 a meeting of the Sports Partnership in Letterkenny, do  
19 you see that?

20 A. I'm sorry, I don't have page 4. 17:12

21 732 Q. It's page 9. The County Council one and the Údarás  
22 one, it's page 1?

23 A. I've something else here (SAME HANDED TO THE WITNESS).  
24 I can't see it from here. Oh, I've got it here now,  
25 thank you. I apologise. 17:12

26 733 Q. No, it's fine, Senator. You've got that in front of  
27 you now. One says that you are in Dundalk from one  
28 o'clock on the 9th to half four on the 11th and the  
29 other one says that you are not in Dundalk but that you

1 are in Letterkenny on 10th March, you understand the  
2 difficulty that came about because of that? I think  
3 when this came to light you that Mr. Ward started to  
4 correspond with you, I think he wrote on 2nd September  
5 and I don't think he got a reply at that stage so he 17:13  
6 wrote to you again on 25th October 2011. Then I think  
7 he wrote again to you on 5th December 2011. You'd had  
8 telephone conversations, it says in the letter, on 5th  
9 December:

10  
11 *"I refer to my earlier correspondence on 2nd September*  
12 *and 25th October and to our subsequent telephone*  
13 *conversation in connection therewith."* 17:14

14  
15 Then he lays out the details, that he was 17:14  
16 investigating, and the first one, for example, he laid  
17 out what was in the form that had been sent to Údarás  
18 na Gaeltachta. *"It was noted that the claim was*  
19 *presented to Údarás na Gaeltachta on 24th October for*  
20 *attendance on 10th March."* And the time was in that 17:14  
21 letter. Do you have the book of documents, if you go  
22 to page 66. I see you don't have a glass, if you need  
23 a glass we can get one for you.

24 A. I'll be fine.

25 734 Q. You said in this letter: *"I respond as follows.* 17:15  
26 *I attended the conference in Dundalk on 9th, 10th and*  
27 *11th March 2006. I left the conference at lunchtime*  
28 *Friday the 10th to travel to Letterkenny as I had a*  
29 *meeting of the Donegal Sports Partnership of which*

1            *I was and remain a Board member."*

2

3            Do you see that?

4            A.    Yes.

5    735    Q.    *"This meeting finished at approximately 8 p.m. and at    17:15*  
6            *this point in the knowledge that the conference events*  
7            *would be finished on my return, I decided to travel to*  
8            *my home in Falcarragh and picked up my mail for*  
9            *Thursday and Friday."*

10

17:15

11            The order in your letter is that you are in Dundalk,  
12            you think that it would be better to go to Letterkenny  
13            for your meeting, you go to Letterkenny for your  
14            meeting and then after that you think of it, you should  
15            go home to Falcarragh to get your correspondence, isn't    17:16  
16            that the order, the sequence that's laid out there in  
17            your letter?

18            A.    As I said the letter, and maybe the letter wasn't  
19            clear, but what happened was I went from the conference  
20            to my office and my home and then back to the meeting    17:16  
21            in Letterkenny that afternoon because I had time to do  
22            that.

23    736    Q.    That's not what's said in the letter, it's the opposite  
24            that's said in the letter. what's said in the letter  
25            is that you went to Letterkenny and then you went from    17:16  
26            there to Falcarragh. When you wrote again on page 84,  
27            you came back. It's not that you were in a room with  
28            somebody who is asking you questions, that you are  
29            under pressure when you are writing these letters or

1 anything like that, you had plenty of time to think  
2 about what was being investigated and you had plenty of  
3 time to think about what you had already written and  
4 you came back on the 11th -- the 21st March and at that  
5 stage you say, for example: "*Optional portion of the* 17:17  
6 *conference and a portion which was fundamentally a*  
7 *recreational session.*"

8  
9 That was incorrect, wasn't it?

10 A. Yes. And that was a mistake, yes. 17:17

11 737 Q. What happened there, the impression is given that you  
12 have a great memory of what was happening, what was  
13 being discussed but your memory is incorrect,  
14 inaccurate?

15 A. As you said this is 2012, the letter before that 2011, 17:18  
16 five years from the conference and the meeting. I had  
17 made every attempt to be as cooperative as I could be  
18 with the Commission and with the County Council.  
19 Between the letter being sent on 15th December,  
20 I thought I'd given an accurate account, but when the 17:18  
21 Council were looking for more information I made every  
22 effort to provide that information as best as I could  
23 and that's why I gave that response on the 21st March.

24  
25 And I have to say, I'm certain that I was at home, that 17:18  
26 I did go home before that meeting. Not only -- it's  
27 not, maybe it's a new thing for people who are not  
28 involved in politics, and I understand that solicitors  
29 are very, very busy, but politicians are as busy or

1 maybe busier as well. Because often there is  
2 competition between politicians in places as well and  
3 if my secretary who is working for me through the week  
4 would call me and say to be somewhere and to write  
5 letters, sign letters and if I said that there was a 17:19  
6 benefit for me to it I would run 100 miles to go and  
7 write that letter and to put it out before somebody  
8 else. So there are things like that coming in here as  
9 well.

10 738 Q. If we can look at the rest of your letter. You explain 17:19  
11 that you left the conference for a reason because you  
12 wanted to go to the meeting in Letterkenny. You said:  
13 *"My representation of Donegal County Council at the*  
14 *conference was in no way adversely affected by my*  
15 *attendance at the said meeting."* 17:20

16  
17 when you are at somewhere that would have that effect,  
18 and it had no adverse effect on Dundalk, you don't  
19 mention that you had gone home before that?

20 A. I said that even when Séamus was asking me, I said for 17:20  
21 the third time that that was a mistake.

22 739 Q. But you go on: *"The conference events in Dundalk being*  
23 *at that point finished for the day, I used the*  
24 *opportunity to travel from the meeting in Letterkenny*  
25 *to my constituency offices in Gortahork and my home in* 17:20  
26 *Falcarragh."* Do you see that?

27  
28 It's obvious when this letter is being written by you  
29 that you are thinking and contemplating about what

1 happened at what time and where did you go at what time  
2 and what order that things happened in and the order  
3 that you give is that you went to a meeting in  
4 Letterkenny and then you went home, that's the order  
5 that you give. But more than that what you say: "*In* 17:21  
6 *order to attend to urgent and ongoing constituency*  
7 *work, including attending to mail and other*  
8 *documentation received there.*"  
9

10 Do you see that? If you were after going home before 17:21  
11 that to deal with your correspondence, your urgent  
12 correspondence and to work in your office, it's obvious  
13 that it hadn't become urgent by eight o'clock that  
14 night?

15 A. A very good point and I would like to respond, if you 17:21  
16 would like.

17 740 Q. Very good. If you can explain that. What I am saying,  
18 it gives the impression that it's not right that you  
19 went home first. Your impression that is given from  
20 your correspondence, if you have a better explanation 17:22  
21 for that I'm sure we would --

22 A. I'm not here to give the impression, I'm here to tell  
23 the truth and that's what I am going to do. As I said  
24 when Séamus asked me, I went home to my office in  
25 Gortahork, picked up letters that had to be signed. 17:22  
26 I gave those letters and other things that had come to  
27 the office, I brought them with me. After the meeting  
28 when I had the file with me with the letters and such  
29 like in it, there were letters that had to be signed

1 and I brought the signed letters, after I had read  
2 them, after I had seen them, I brought them back to the  
3 office that afternoon, that evening. Some of them, of  
4 that correspondence, there are applications form and  
5 there were grants available for roads and such, there 17:23  
6 are not as many grants available now but back then  
7 there were grants available.

8  
9 A lot of work I was involved in was grants, housing  
10 grants. The Department provided grants, the Roinn na 17:23  
11 Gaeltachta provided a grant, €15,000, to build a house  
12 on an island, €5,000 to improve a house on the  
13 mainland. I was dealing I would say, honestly I would  
14 say I was dealing with, say, 30 to 60 of those a week.  
15 Every other day, especially Saturday morning when I had 17:23  
16 a clinic, there would be a lot of people. So that's  
17 what I was doing. I was signing the letters and my  
18 secretary would then put the letters with the forms and  
19 sent them out. Some of the letters were going to the  
20 Council even and other places because they were 17:23  
21 applications. That's reason that I have and that's  
22 what happened.

23 741 Q. Now, on the same day you say to the Commission I think  
24 for the first time that you had to get physio and you  
25 were dealing with health matters and it was for 17:24  
26 yourself. Because on page 114 in the questions and the  
27 answers that happened between Mr. Walsh and yourself,  
28 do you see that?

29 A. Yes, indeed.



1 742 Q. At No. 7 you are asked why you went back to Falcarragh.  
2 And you say: *"As a public representative I take my*  
3 *role very seriously and deal with all matters*  
4 *professionally. The matters which I would have had to*  
5 *deal with would involve telephone messages received in*  
6 *my office together with mail etc. In addition some of*  
7 *the queries were medically related and therefore*  
8 *required quite urgent attention."* Do you see that?

9 A. Yes.

10 743 Q. It's not a medical query, that gives the impression 17:25  
11 that people were asking you about health matters?

12 A. Oh, yes, often as a Councillor, as a Senator,  
13 especially in a county like Donegal, the regional  
14 hospital there is dealing with 145,000 people and  
15 people are waiting for operations and I'm dealing with 17:25  
16 a lot of people who are -- maybe, politicians shouldn't  
17 be dealing with things like that, maybe the system  
18 should be working more effectively and that we  
19 shouldn't have to be pushing somebody up on a waiting  
20 list, but at the same time that's what I was doing 17:26  
21 there and dealing with.

22  
23 Now, my own medical treatment, I thought at the time,  
24 maybe I was wrong, but I thought at the time not to  
25 mention that because it was a personal matter that had 17:26  
26 to do with me. It wasn't to do with my work as a  
27 councillor or member of the *Údarás*, sport and training  
28 and such like, so that's why I didn't give a reply to  
29 that.

1 744 Q. **CHAIRMAN:** How did you have the entitlement  
2 to get information in relation to patients, how they  
3 were or when they were going to have an operation, how  
4 did you deal with that matter when there is meant to be  
5 confidentiality between the hospital and the doctor and 17:26  
6 the individual?

7 A. Yes. What I would do in that case would be around  
8 making representations, like all public representatives  
9 would be engaged in, you get client's date of birth,  
10 details of their circumstances, the medical evidence 17:27  
11 from the doctor and you then you follow --

12 745 Q. **CHAIRMAN:** Do you have access to the  
13 medical evidence?

14 A. Well, only if the client would provide it to the  
15 constituent. 17:27

16 746 Q. Did you get a written entitlement to get that  
17 information?

18 A. It's not necessary. Very often, I mean anyone with a  
19 political, that has made representations would  
20 understand, for example, if someone required urgent 17:27  
21 medical attention the doctor would try and get the  
22 appointment expedited. Very often a doctor might say  
23 talk to your local politician. The constituent would  
24 contact the individual public representative, provide a  
25 letter from the doctor. Without knowing the full 17:27  
26 circumstances, it's not necessary to know the full  
27 circumstances, apart from the fact that the client  
28 needs to try and have their situation expedited. I do  
29 that to this very day.



1 A. The fax, yes, I'd be able to get faxes.

2 751 Q. You could be given messages on the phone or your  
3 secretary or somebody else would call you and explain  
4 to you the messages and such like?

5 A. But you weren't able to sign a letter. 17:29

6 752 Q. No, but if you don't do a PP, you have to sign it?

7 A. No, no, not in this job.

8 753 Q. Can I ask you to go to page 116. Because on page 116  
9 question 15 Mr. Walsh asks you the question about  
10 subsistence for 10th March and also from Donegal, do 17:30  
11 you see that?

12 A. Yes, I do indeed.

13 754 Q. And he says, he explains that you didn't deal with that  
14 in your statement with the conference and you didn't  
15 deal with it either when you were in correspondence 17:30  
16 with them in May 2012. Do you see that?

17 A. Point 15, yes.

18 755 Q. And then you have a long response of the thoughts that  
19 that you had about the reasons why you had gone from  
20 the conference to the other meeting in Letterkenny, but 17:31  
21 you don't say anything in that response about  
22 subsistence?

23 A. No. I give a reply and an account of what I was doing  
24 and the travelling I was doing and the meetings I was  
25 at. Maybe I didn't understand the question properly, 17:31  
26 question 15. But what I did then was, as honestly as  
27 I could, reply and respond about the work I was doing.  
28 I thought Mr. Walsh might have a better, be able to get  
29 a better understanding of it.

1 756 Q. Can we go to the claim you made to Donegal County  
2 Council for the IPA, page 21 of the Donegal County  
3 Council booklet. This is a claim form you filled out  
4 on 13th June 2006 and you have declared that this is  
5 correct and accurate. You say that you arrived home on 17:32  
6 27th April at eight o'clock in the evening. It's on  
7 that basis that the claim was made and it's on that  
8 claim that the claim was paid?

9 A. I take that to be true.

10 757 Q. And there was no difficulty with that until the claim 17:33  
11 from Údarás na Gaeltachta for the 27th came to light  
12 and that (indicating) is at page 3 of the Údarás na  
13 Gaeltachta booklet. It says there that you were at  
14 home at five in the evening. If that is accurate then  
15 it means that the claim that was made to Donegal County 17:34  
16 Council wasn't accurate, wasn't correct and that  
17 payment for subsistence was made on that basis that  
18 shouldn't have been made?

19 A. You're right there. On the 27th I gave a  
20 clarification, I went home at three instead of eight 17:34  
21 and eight o'clock was in there.

22 758 Q. Just in case this is not clear. When it said the 24th  
23 April 2006, "*attending a meeting of the Sports*  
24 *Partnership in Donegal in IT Letterkenny*", that should  
25 be the 27th? 17:34

26 A. That was a mistake as well.

27 759 Q. Then if you go to the next page, it says there:  
28 "*27/4/2006, travelling to Co. Kerry, attending a board*  
29 *meeting*", is that not true? In the correspondence

1 I see that you say that you went to Galway instead of  
2 Galway [sic]?

3 A. What's in there, that night I left late, there was a  
4 meeting in Kerry the next day, the 28th day of April.  
5 I left late the 27th and went to Galway, I stayed in 17:35  
6 Oranmore that night and then went the next morning to  
7 the meeting in Kerry.

8 760 Q. It says on that day of the meeting in Kerry that you  
9 were travelling to Galway then home and then on the  
10 29th you were going home. 17:36

11 A. (WITNESS NODS)

12 761 Q. With the dates and the times and your recollection of  
13 things, even the claim forms, when you came back years  
14 later, you were able to say that those times were  
15 inaccurate? 17:36

16 A. Yes. Well, I had to go through this very precisely  
17 inasmuch as I could because my name was out there.  
18 I had to remember, put some sort of memory together on  
19 this and to think and to speak to people, to speak to  
20 my family, which I did, speak to my secretary in the 17:37  
21 office, speak to everybody I could, even to speak to my  
22 trainer and coach as late as last night to make sure  
23 that that night of the 27th -- the national races were  
24 the Sunday before that and I was in second place.  
25 I was getting physio on the 27th, the treatment, 17:37  
26 I don't know what the Irish for 'massage' or 'physio'  
27 or something like that is. But that's the work I was  
28 doing. And the importance with that was that, I had  
29 long journey in the car and often when you are sitting

1 in the car it pulls the hamstrings on you.

2 762 Q. Now, the last day that is the date in May in  
3 Carlingford, the marine tourism conference. Do you see  
4 that, it is page 37. This says again that the same  
5 declarations have been given, it says the distance in 17:38  
6 miles is 176. For example, I think the mileage in all  
7 the claims were incorrect?

8 A. On the council ones I think they were incorrect, but  
9 the council from have rectified them, yes.

10 763 Q. And then the time you left, three o'clock on the 30th? 17:39  
11 A. (WITNESS NODS)

12 764 Q. And you returned two o'clock on the 2nd, and that's  
13 what's in the document?

14 A. That's it, yes.

15 765 Q. You'll agree that it's 13th April, it should be the 17:39  
16 13th June. As part of the payment, it means you got  
17 two payments, overnight subsistence allowance for a day  
18 and for night twice?

19 A. Yes, indeed I did.

20 766 Q. When you come to page 6 in the Údarás na Gaeltachta 17:40  
21 booklet, have you got that? Page 6. The Údarás na  
22 Gaeltachta claim form.

23 A. (WITNESS NODS)

24 767 Q. Page 6. You see on the 30th that you told Donegal  
25 County Council that you left at three o'clock in the 17:40  
26 afternoon, this says that you were at home from your  
27 meeting at half three?

28 A. That's a mistake.

29 768 Q. If you had a diary, that these things should be in the

1 diary and that these times, the correct times should be  
2 in the diary?

3 A. I wouldn't put something like that in the diary. You  
4 would put it in the diary that you had a meeting in  
5 Gleann Cholm Cille, for example. You wouldn't say what 17:41  
6 time you left in the morning or what time you arrived  
7 back in the afternoon. That day I had it in that I had  
8 returned home at half three. It was closer to three  
9 o'clock, before three o'clock, some time like that or  
10 somewhere around there. But there was no benefit. 17:41

11 769 Q. It's not a question of benefit, it's a question of  
12 memory, despite everything else. When would you put in  
13 the diary the times that were important?

14 A. Well, that's not the practice I had.

15 770 Q. But the practice you had, instead of making an 17:41  
16 application, a claim every month as was proposed but to  
17 do it every three months, six months or once a year,  
18 that's what I understand from your evidence, were you  
19 able to make an accurate claim if you hadn't a note of  
20 the times? 17:42

21 A. What I would put in the diary, for example, for that  
22 meeting was that that meeting was starting at ten in  
23 the morning and finished at one, that's the only thing  
24 I would put in the diary. I wasn't putting in the  
25 diary about travel expenses. That's not the practice 17:42  
26 I had. I put in wherever I was or who I was to meet  
27 with in the morning or in the afternoon. I would have  
28 the appointments in my diary and the times that I was  
29 attending, but I wouldn't have details about when



1 I left the house or when I arrived, I wouldn't have  
2 that in the diary.

3 771 Q. I don't understand. If you knew that those times were  
4 personality, as you knew, and you knew that you weren't  
5 going to be making a claim for months away, why, how 17:43  
6 could you do that accurately and correctly and honestly  
7 without knowing what times you were leaving and  
8 arriving and having a note made?

9 A. How I did that, for example in the meeting in Gleann  
10 Cholm Cille between ten and one, I would accept, and 17:43  
11 anybody -- it takes at least an hour and a half to  
12 travel from Gortahork to Falcarragh to Gleann Cholm  
13 Cille, you would put that in beforehand and you would  
14 put that in afterwards and that's where that time came  
15 from. That's how we worked that out. 17:43

16 772 Q. I don't think that that's how the notation of time  
17 worked. I think that's the first time we've heard  
18 about that, is it? You never said in your letters that  
19 that's how the system that you had worked, that you got  
20 whatever document you had and then you went back and 17:44  
21 you guessed or estimated how long it would take to  
22 travel there and back?

23 A. I don't see that there is anything new there. That's  
24 the habit and the practice I had. The meeting on the  
25 30th in Gleann Cholm Cille, I left around eight o'clock 17:44  
26 and I returned home around three, that's what happened  
27 that day.

28 773 Q. Then on the 31st you went to attend the launch of the  
29 Donegal Sports Partnership in Dungloe and again you

1           made a claim for payment, subsistence expenses  
2           payments?

3           A.    Yes.

4   774   Q.    And that's when you had already been paid by Donegal  
5           County Council for subsistence? 17:45

6           A.    Yes. Because of the conference and overnight, yes.

7   775   Q.    So there were two subsistence allowance payments for  
8           those dates?

9           A.    That's the launch of the Donegal Sports Partnership.  
10          It cost me more than I earned there. I travelled 17:45  
11          from -- I travelled home, went to the launch, then went  
12          back that night to the conference that I was attending.

13          The conference that afternoon, I think the oysters and  
14          Guinness and out in the boat, I had no interest. If  
15          I had gone to that it would have cost the conference 17:45  
16          people, I wasn't interested in that. There was a big  
17          race coming up, which is noted and you can google it,  
18          in England where I was racing for the country, a  
19          European race a fortnight after that so I had no  
20          interest in drinking Guinness and eating oysters. 17:46

21   776   Q.    But that's not all that would have been in question.  
22          One of the things is, first of all you look at the way  
23          that businesses do things and promote themselves and  
24          you speak about how they came up with their ideas and  
25          you speak to people who are at the conference and you 17:46  
26          create communications about how things are happening  
27          and what things are going on, it's not just --

28          A.    I'm going according to the programme and the programme  
29          was mentioned so I'm going according to the programme.

1           with the Sports Partnership I thought it would be a  
2           better benefit to do that, that's why I did it and  
3           I put the claim in because of that.

4   777   Q.   And because of that two claims were made and two  
5           subsistence claims, because of that there is a question 17:47  
6           about the €16.32 about the claim that you are making a  
7           reference to, that's true do you think, that it makes a  
8           difference of any sort because it's 16.32?

9           A.   I'm not saying one way or another.

10   778   Q.   You mentioned the figure and I'm surprised, do you 17:47  
11           think that it makes a difference, a substantial  
12           difference that if you look what difference does it  
13           make?

14           A.   I put in that claim because I had attended an event  
15           that in my opinion was doing more good for the county 17:47  
16           and for sports in the county than if I was attending  
17           the conference and the conference events that  
18           afternoon, so that's the understanding I had. As  
19           I said to this day I think that was the right thing to  
20           do, that I did. As I said great work's been done by 17:48  
21           the Donegal Sports Partnership, I'm grateful, I'm glad  
22           that I was connected with them and that is the opinion  
23           that I have.

24   779   Q.   But what it means, is it not, that you knew when you  
25           were declaring that you weren't to make another claim 17:48  
26           for subsistence for the same days that were connected  
27           to the conference, the maritime tourism conference, you  
28           knew that, didn't you?

29           A.   The question that was on the form, on the application

1 form from Donegal County Council: "*Official residence,*  
2 *time and date of return to official residence.*"

3 I didn't have to fill any box saying that's not my  
4 handwriting at the bottom, I didn't sign that --  
5 I stayed in the hotel. 17:49

6 780 Q. I understand that. But you knew that Donegal County  
7 Council had paid it because they paid, if you look over  
8 the page, they paid it on 21st June and you knew that  
9 it was gone into your account and you knew that you had  
10 declared that you would make no other claim for 17:49  
11 payments for the same time?

12 A. What is the question please?

13 781 Q. You knew that you had received a payment for the  
14 conference and that the conference had lasted -- had  
15 been on one of the days what you were in Letterkenny? 17:50

16 A. In Dungloe. Well, I suppose to had to make a decision  
17 which was better to my duties as a county man or a  
18 councillor or to be out on a boat, so I thought  
19 I should fulfil my public obligations.

20 782 Q. I understand that. But you also made a claim in 17:50  
21 October for subsistence for a day that you had already  
22 been paid for?

23 A. I see the mistake there now.

24 **MR. Ó BRAONÁIN:** If the Commission have any  
25 questions. I have no more questions. 17:51

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1 SENATOR O DOMHNAILL WAS QUESTIONED BY THE COMMISSION AS  
2 FOLLOWS

3  
4 783 Q. **MR. MCCARTHY:** Just on each of the claims to  
5 Donegal County Council, the distance in miles that were 17:51  
6 claimed are in excess of the distance in miles that  
7 were paid, do you have a view as to why the mileage  
8 claimed would be significantly higher?

9 A. These are the claim forms to Donegal County Council.  
10 No, I mean it was a genuine error. Generally with 17:51  
11 Donegal County Council, with any claims to the Council,  
12 my own prior knowledge would have been, I would have  
13 put in an approximate distance which I felt, and the  
14 Council would always, you know they would always do the  
15 AA route finder for the members and put in the correct 17:51  
16 distance. That was the modus operandi that was in  
17 place during -- you know, I was only a new member on  
18 the Council from June 2004 but that was my experience.  
19 You know, it was new to me the workings of the Council,  
20 but that was certainly my experience. 17:52

21 **CHAIRMAN:** Thank you very much.

22 **THE WITNESS:** Thank you very much.

23 **CHAIRMAN:** where are we now, does the  
24 system come down in seven minute's time?

25 **MR. Ó BRAONÁIN:** I am hoping that it would be 17:52  
26 possible to have a little bit more time from the  
27 translators which I understand is capable of being  
28 done. I see nodding heads for which I am grateful, so  
29 that we can proceed. I don't know if that means that

1 you would prefer to break now before continuing or just  
2 to go ahead? Really I'm in the Commission's hands in  
3 that regard.

4 **MR. O'KEEFFE:** How much more evidence is there?

5 **MR. Ó BRAONÁIN:** That's a question I think for 17:53  
6 Mr. Ó Tuathail and Mr. MacCárthaigh.

7 **MR. Ó TUATHAIL:** we've given all our evidence, we  
8 are finished. we're dealing with submissions now.

9 **CHAIRMAN:** we've got to the end of the  
10 evidence. It would be, I suggest, and we'll hear your 17:53  
11 submissions in relation to it, it would be satisfactory  
12 for us if you could determine the balance of the  
13 hearing by way of the legal submissions in writing, if  
14 it was submitted to us in the first instance, they  
15 would be submitted by yourselves, decide on that and 17:53  
16 then there is a reply and there is a rejoinder should  
17 anybody want to deal with it, whoever goes first. We  
18 are in your hands in relation to the timing of it.

19 **MR. Ó BRAONÁIN:** I think if we can agree a  
20 timetable that would be of assistance. 17:54

21 **CHAIRMAN:** If we adjourn now for  
22 five minutes would that give you enough?

23 **MR. Ó BRAONÁIN:** I would be very grateful in  
24 fact, just an opportunity to discuss it between counsel  
25 and see if we can agree. Thank you. 17:54

26 **CHAIRMAN:** All right. Thank you.

27

28 **SHORT ADJOURNMENT**

29

1 THE HEARING RESUMED AFTER THE SHORT ADJOURNMENT AS  
2 FOLLOWS

3  
4 **MR. Ó BRAONÁIN:** Thank you very much, Chairman,  
5 Members of the Commission, for the opportunity to deal 18:09  
6 with the issue of written submissions. We have agreed  
7 that we would exchange submissions on the 20th June,  
8 which is in six weeks' time, if that meets with the  
9 Commission's approval, without the necessity then for  
10 having any rejoinders, unless some issue arises that 18:09  
11 needs to be dealt with in writing. We have also agreed  
12 in principle, insofar as it assists, to try and confine  
13 ourselves to about ten pages of submissions so that  
14 there isn't an excess of material flooding the  
15 Commission, given that there is enough material 18:10  
16 already.

17 **MR. MCCARTHY:** Exactly, quite enough.

18 **MR. Ó BRAONÁIN:** So, subject to the Commission's  
19 imprimatur, that's what we have agreed.

20 **CHAIRMAN:** Well that's very satisfactory 18:10  
21 and very satisfactory that you are also in favour to  
22 agree on this matter and hopefully there will be no  
23 need for us to reconvene, but there will always be  
24 liberty to apply in relation to the matter so that  
25 nobody would be taken at a disadvantage. 18:10

26 **MR. Ó BRAONÁIN:** Thank you, Chairman.

27 **CHAIRMAN:** I wish to thank both sides.  
28 I trust the roads will be all right to enable you get  
29 back safely to Donegal.

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MR. Ó BRAONÁIN: Thank you.

THE HEARING WAS CONCLUDED



<p>▪</p> <hr/> <p>'12 [1] - 103:17 '99 [2] - 167:17, 169:12 'massage' [1] - 203:26 'physio' [1] - 203:26 'proper' [1] - 74:9 'proper' [1] - 74:13 'running' [1] - 102:18</p> <hr/> <p><b>0</b></p> <hr/> <p><b>03:30</b> [1] - 44:22</p> <hr/> <p><b>1</b></p> <hr/> <p><b>1</b> [37] - 7:26, 8:6, 12:12, 14:1, 14:5, 27:12, 37:25, 40:7, 42:5, 42:6, 62:24, 68:1, 70:19, 76:3, 81:5, 84:15, 139:7, 139:8, 139:22, 139:26, 140:5, 141:24, 144:25, 145:4, 145:9, 145:17, 145:25, 145:28, 147:11, 148:15, 150:6, 168:27, 187:18, 191:22 <b>1(a)</b> [1] - 15:5 <b>1.(ii)</b> [1] - 73:19 <b>1.1</b> [3] - 85:26, 87:19, 145:23 <b>1/6/2006</b> [1] - 131:14 <b>10</b> [19] - 23:28, 26:16, 42:11, 43:8, 62:6, 84:23, 87:19, 88:5, 88:18, 89:28, 90:6, 106:11, 130:1, 131:3, 132:15, 139:2, 148:29, 151:2, 152:12 <b>10.4</b> [1] - 109:4 <b>100</b> [1] - 195:6 <b>107</b> [1] - 3:20 <b>109</b> [3] - 129:28,</p>	<p>130:1, 139:2 <b>10:00</b> [2] - 101:21, 140:3 <b>10:30</b> [2] - 63:7, 72:24 <b>10th</b> [45] - 10:17, 10:23, 12:29, 13:4, 29:2, 43:26, 44:21, 62:24, 62:26, 70:18, 72:1, 84:13, 87:21, 88:11, 91:7, 91:11, 91:29, 145:4, 147:18, 147:19, 149:27, 150:5, 169:3, 169:26, 170:4, 172:18, 175:7, 185:15, 185:16, 185:21, 186:7, 186:9, 186:16, 187:6, 187:18, 187:20, 189:16, 189:17, 191:8, 191:16, 192:1, 192:20, 192:26, 192:28, 201:10 <b>11</b> [11] - 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## É

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## Ó

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**ó** <sup>[1]</sup> - 44:22

Chuid B - Fianaise éisteacht i nGaeilge

**8:58 An tUasal Ó Braonáin:** Tá dhá bhealach le héisteacht leis an aistriúchán. Cnaipe 1; déanann sé aistriú as Béarla go Gaeilge agus an dara ceann sílim go ndéanann sé aistriúchán as Gaeilge go Béarla. Agus má bhrúnn sibh uimhir 2, agus mise ag labhairt as Gaeilge, ba cheart go gcloisfeadh sibh ansin aistriúchán go Béarla.

Sílim má bhrúitear uimhir 1 go ndéanfaidh sé sin aistriúchán go Béarla. Níl a fhios agam an bhfuil sé sin ag obair daoibh ansin. Uimhir a haon. Déanfaidh mé cinnte, iarracht eile.. Tá muid ag an staid seo díreach le cinntiú go bhfuil an córas ateangaireachta ag obair. Agus ba mhaith liom a chinntiú má bhrúnn daoine uimhir a haon go bhfuil sé sin ag obair. Go raibh míle maith agaibh.

Díreach le cinntiú gur féidir leis an gcathaoirleach an t-aistriúchán a chloisteáil, go bhfuil sé sách ard tríd an gcóras.

**57:00 An tUasal Ó Tuathail:** A Chathaoirligh, sula má thugann an tUasal Walsh fianaise...

**58:24 An tUasal Ó Tuathail:** A Chathaoirligh, ba mhaith liom cúpla focal a rá faoin oscailt atá déanta ag an Uasal Ó Braonáin. Cúpla abairt mar aontaím leis an leagan amach atá aige faoin reachtaíocht, níl aon fhadhb agam leis sin. Ach ó thaobh an chur síos a dhein sé ar na himeachtaí san Ard-Chúirt agus sa Chúirt Achomhairc, ba mhaith liom a rá gurb é an phríomhcheist a hardaíodh ins sna himeachtaí sin ná an cúlra mailíseach a bhí ó thús leis an ngearán atá os comhair an Choimisiúin anois. Tá sé ins sna cáipéisí san iarratas seo os comhair an Choimisiúin go ndearnathas eolas anaithnid a chur timpeall ar Chomhairleoirí Contae i nDún na nGall. Ag duine anaithnid nó ag duine a bhí anaithnid ag an am sin. Agus gur bhain an Ard-Chúirt, an Breitheamh Ó hÓgáin agus an Chúirt Achomhairc agus an Breitheamh Charleton i gceannas air a thug an breithiúnas an 20 Iúil 2015 bhain sé geall a bheith go huile agus go hiomlán leis an gceist dlí a hardaíodh maidir le fianaise ó dhuine gan ainm a bheith inghlactha ag an gCoimisiún. B’shin an pointe is mó a bhí ag déanamh tinnis don Uasal Ó Domhnaill a bhí roimhe sin tar éis aontú dul go dtí an Coimisiún seo agus an cheist a phlé. Tarlaíonn sé, ní ar an Uasal Ó Domhnaill agus ní ar na cúirteanna b’fhéidir, an mhoill a tharla ach b’éigean an mhoill sin a bheith ann ar mhaithe leis an gceist sin a réiteach. Agus cé go raibh ceisteanna thar a bheith....

**An tUasal Ó Tuathail:** Gabhaim pardún, táim ag labhairt rósciopta...

Thug an Breitheamh Ó hÓgáin breithiúnas san Ard-Chúirt ar an gceist dlí a hardaíodh maidir le heolas gan ainm, eolas mailíseach gan ainm, a bheith in úsáid in éadan an tSeanadóir Ó Domhnaill. In éadan Brian Ó Domhnaill, an t-iarratasóir. Ansin bhí...

**1:01:33 An tUasal Ó Tuathail** Sea, thug an Breitheamh Hogan san Ard-Chúirt ag an am. Agus ina dhiaidh sin bhí achomharc go dtí an Chúirt Achomhairc agus bhí sé tarchurtha ag an gCúirt Uachtarach mar a mhínigh an tUasal Ó Braonáin ach ní bhaineann sé sin le hábhar. D’éist an Chúirt Achomhairc faoin mBreitheamh Charleton leis an gceist dlí a bhí ardaithe is é sin an bhféadfadh, an bhféadfadh duine gan ainm eolas a chur ar fáil a d’úsáidfí in éadan Comhairleoir Contae agus sin an phríomhchúis go raibh cúrsaí sa chúirt ar feadh thart ar trí bliana. Agus níl aon leithscéal le déanamh againne as na ceisteanna sin a ardú mar gur dhein an Chúirt Achomhairc, an Breitheamh Charleton;

is féidir liom an breithiúnas a thug sé a thaispeáint don Choimisiún, do dhein seisean soiléiriú ar an dlí a bhaineann le heolas gan ainm. Ghlac an Ard-Chúirt agus an Chúirt Achomhairc leis go raibh an gearán a dhein an Chomhairle Contae, is é sin Bainisteoir an Chontae agus Méara an Chontae ag an am, don Choimisiún seo go raibh sé sin ceart go leor i ngeall ar gurb é an Bainisteoir agus an Méara a bhí i mbun an ghearáin sin. Ach an cúlra a bhain leis a thug isteach sa chúirt muid. Is é sin, an t-ionsaí bréagach mailíseach ar an Uasal Ó Domhnaill. Theastaigh uaim é sin a mhíniú sula má théann rudaí ar aghaidh anseo. Agus gheobhaidh mé cóipeanna de seo don Choimisiún den bhreithiúnas sa Chúirt Achomhairc le go mbeidh nach mbeidh aon mhíthuiscint faoi na cúrsaí a thug ansin muid.

**1:53:43 An tUasal Ó Tuathail:** Tá brón orm a Chathaoirligh, tá muid déanach ag teacht ar ais.

**Chairman:** Ná bac.

**4:28:56 An tUasal Ó Tuathail:** Agus freisin go bhfuil taifead ar siúl d'fhianaise i nGaeilge. Tá an nuascríbhneoireacht ag plé le Béarla agus aistriúchán go Béarla so tá ceist ann an bhfuil taifead ar bun ar an méid a déarfair i nGaeilge, ag an Seanadóir go háirithe ina chuid fianaise.

**4:30:00 An tUasal Ó Tuathail:** Bhuel tá mise sásta a Chathaoirligh más rud é go mbeidh an ipsis verbis i nGaeilge ar fáil don Choimisiún má iarrann an Coimisiún é mar fhianaise. Níor mhaith liom a bheith ag brath ar aistriúchán ... tá taithí agam de chúrsaí aistriúcháin sna cúirteanna. Níor mhaith liom a bheith ag déanamh amhlaidh anseo. Tá mise sásta má tá audio ar siúl ar féidir athscríobh a dhéanamh air, athscríobh na fianaise.

**4:30:50 An tUasal Ó Tuathail:** Tá mé ag iarraidh go mbeidh transcript ar fáil don Choimisiún i nGaeilge mar sí an Ghaeilge an príomhtheanga oifigiúil.

**4:32:25 An tUasal Ó Tuathail:** No, níl mé á iarraidh sin. Tá mise ag iarraidh agus thuig mé níos luaithe go raibh taifead á dhéanamh ar an méid a deirtear i nGaeilge. Níl an fear uasal seo ag plé le Gaeilge, tá sé ag plé le Béarla nó aistriúchán ón nGaeilge. Is cuma liom faoi sin ach mura bhfuil an bunscríbhinn ar fáil i nGaeilge sa mhéid is go dteastódh sé ón gCoimisiún... níl mise ag rá go dteastódh ach sa mhéid is go mbeadh sé ag teastáil tá cothrom na féinne i gceist. Tháinig an tUasal Ó Domhnaill anseo agus tháinig muide anseo sa phríomhtheanga oifigiúil. Bhíomar sásta comhghéilleadh a dhéanamh maidir le finné a thabharfadh a chuid fianaise i mBéarla go ndéanfaí croscheistiú i mBéarla air. Ní raibh gá dúinn fiú an géilleadh sin a dhéanamh ach rinneamar é ar mhaithe le héascaíocht a dhéanamh do gach duine agus baill an Choimisiúin san áireamh so ba mhaith liom go ndéanfaí soiléiriú anois an bhfuil nó an mbeidh taifead de na ipsis verbis ar fáil ó tharla an Seanadóir le fianaise a thabhairt don Choimisiún seo. Tá an rogha sin déanta i bhfad ó shin.

**4:36:50 An tUasal Mac Cárthaigh** Tá mé críochnaithe. Go raibh maith agat.

**4:45:00 An tUasal Ó Braonáin:** Gearóid Breathnach le do thoil.

**4:46:15 An tUasal Ó Braonáin:** Díreach le cinntiú, an bhfearr leat go ndéanfainn ceistiú ort as Gaeilge nó as Béarla?

**Gearóid Breathnach:** Gaeilge, le do thoil.

**An tUasal Ó Braonáin:** Tá go maith. Níl ceisteanna agamsa duit mar a tharlaíonn sé a Uasail Bhreathnaigh ach tá mé buíoch go bhfuil tú anseo agus má tá ceisteanna ar bith ag mo chairde duit nó ag an gCoimisiún dá bhféadfá iad a fhreagairt le do thoil.

**An tUasal Ó Tuathail:** A Uasail Breathnach bhí tú anseo ar feadh an lae, glacaim leis?

**Gearóid Breathnach:** Bhí.

**An tUasal Ó Tuathail:** Agus chuala tú go leor den fhianaise?

**Gearóid Breathnach:** Chuala.

**An tUasal Ó Tuathail:** Sa teanga oifigiúil eile?

**Gearóid Breathnach:** Chuala mé é go léir.

**An tUasal Ó Tuathail:** Tá ceist amháin agam ort. An bhfuil aon ghearán ag Údarás na Gaeltachta faoi na cúrsaí seo a pléadh ar feadh an lae?

**Gearóid Breathnach:** Níl.

**An tUasal Ó Tuathail:** Go raibh maith agat.

**An tUasal Ó Tuathail:** Agus díreach le go mbeidh an Coimisiún ar an eolas gabh mo leithscéal, cén ról atá agatsa in Údarás na Gaeltachta?

**Gearóid Breathnach:** Is Stiúrthóir Seirbhísí Corparáideacha mé san Údarás.

**An tUasal Ó Tuathail:** Go raibh maith agat.

**4:48:00 An tUasal Ó Tuathail:** An t-ainm le do thoil?

**Brian Ó Domhnaill:** Brón orm, gabh mo leithscéal. M'ainm – Brian Ó Domhnaill is ainm dom.

**An tUasal Ó Tuathail:** Go raibh maith agat. Anois a Bhriain. Tá cúrsaí ag dul i bhfad anseo inniu ach ba mhaith liom dul thar na turais ar fad atá i gceist anseo. An chéad cheist ná an nglacann tú leis go mbaineann an choimhlint ar fad a d'éirigh ó mhaidin san éisteacht seo le dhá rud éagsúil, is é sin- Páirtnéireacht Spóirt Dhún na nGall ar thaobh amháin; cruinnithe den Pháirtnéireacht agus cruinnithe go raibh údarás agatsa dul chucu ón gComhairle Contae?

**Brian Ó Domhnaill:** Glacaim leis sin.

**An tUasal Ó Tuathail:** Sea.

**An tUasal Ó Tuathail:** Agus an bhfuil deacracht ar leith ann maidir le costais a éileamh nuair atá tú ag freastal ar dhá údarás éagsúil.

**Brian Ó Domhnaill:** Bhuel bhí dhá rud éagsúil i gceist agam anseo. Bhí mé mar chathaoirleach ar Pháirtnéireacht Spóirt Dhún na nGall agus bhí agam le freastal ar chruinnithe den Pháirtnéireacht agus chomh maith leis sin bhí mé ag comhlíonadh mo chuid dualgaisí thar ceann Chomhairle Contae Dhún na nGall ag na comhdhálacha éagsúla. Agus bhí mé á dhéanamh sin ar mhaithe le mórmhaitheas an phobail a bhí mé ag déanamh freastail agus na heagrais a bhí mé ag fáil an éilimh uathu.

**An tUasal Ó Tuathail:** Sea. Agus ar ndóigh ag an am seo ba chomhairleoir contae thú i gcáilíocht amháin agus ba bhall de Údarás na Gaeltachta thú i gcáilíocht eile.

**Brian Ó Domhnaill:** Sin é. Bhí mé ag tabhairt ar an gComhairle Contae ó 2004 agus bhí mé ag tabhairt ar an Údarás ó bhí mé bliain is fiche d'aois i 1999.

**An tUasal Ó Tuathail:** Sea. Cén bhaint a bhí agat le Páirtnéireacht Spóirt Dhún na nGall?

Ar ndóigh tá mé ar cheann de na bunaitheoirí ar Pháirtnéireacht Spóirt Dhún na nGall. Chuir mé go leor obair dheonach isteach ag bunú Páirtnéireacht Spóirt Dhún na nGall. Ó 1999/2000 ar aghaidh go dtí bunú an Pháirtnéireacht in 2001 agus tá dlúthcheangal agam le cúrsaí spóirt de bhrí gur lúthchleasaí idirnáisiúnta a bhí ionam. Agus dá bhrí sin bhí i gcónaí, bhí i gcónaí mé ag iarraidh cúrsaí spóirt a bhrú chun cinn ag gabh leibhéal a bhí mé bainteach leis agus sin an chéad uair a bhfuair mé i bhfostú i gcúrsaí polaitíochta.

**An tUasal Ó Tuathail:** Tá bearnaí ... Sea, bhuel beidh ort labhairt níos moille.

**Brian Ó Domhnaill:** Tá mé ag labhairt róghasta, tá brón orm faoi sin.

**An tUasal Ó Tuathail:** Tá bearnaí ins san aistriúchán. Tá brón orm faoi sin. Beidh orainn dul go mall faraor.

**Brian Ó Domhnaill:** Is dóigh an chéad uair a fuair mé i bhfostú i gcúrsaí polaitíochta ná.. bhí baint spóirt agam, bhí mé ag traenáil do na Cluichí Oilimpeacha i Sydney sa bhliain 2000 agus ag an am sin fuair mé gortú agus rith mé fá choinne toghchán an Údaráis i 1999 agus tar éis dom an ollscoil a fhágáil ...

**An tUasal Ó Tuathail:** Labhair go mall le do thoil

**Brian Ó Domhnaill:** Agus sin é an fáth .. an chéad chineál de sprioc a bhí agam mar pholaiteoir ná cúrsaí spóirt agus áiseanna spóirt go háirithe a chur chun cinn agus chonaic mé go raibh an pháirtnéireacht spóirt fite fuaite i bhfostú i gcúrsaí spóirt agus go raibh ról, go raibh ról a thiocthadh liomsa a imirt ins san rud sin agus tá lúcháir go deo orm go dtí an lá seo go raibh mé... go raibh baint agam le Páirtnéireacht Spóirt Dhún na nGall. Eagras atá ag déanamh sárobair thar ceann cúrsaí spóirt chan amháin i nDún na nGall tá páirtnéireachtaí anois beagnach i ngach contae ar fud na tíre.

**An tUasal Ó Tuathail:** Sea ach go pearsanta, an fíor dom nuair a deirim go bhfuil baint agat go hidirnáisiúnta le comórtaisí nó go raibh baint agat le comórtais idirnáisiúnta sna rásaí siúil?

**Brian Ó Domhnaill:** Is dóigh sula bhfuair mé i bhfostú i gcúrsaí polaitíochta bhí scoláireachtaí agam ó Adidas agus Guinness – rinneadh tagairt do Guinness níos luaith inniu ach bhí mé ag fáil urraíochta le bheith ar an ollscoil agus ag traenáil agus sin suas go dtí 2000. Thit mé amach as an spórt nuair a toghadh mé ar feadh roinnt blianta ó 2003 nó 2004 go dtí gur toghadh mé mar Chomhairleoir Contae. De bhrí go raibh dualgaisí trom le hobair ionadaí poiblí. Ach an coach a bhí agam ag an am - fear uasal ó Dún na nGall, chuir sé brú orm dul ar ais ag traenáil agus thosaigh mé ar ais ag dian-traenáil thart fá lár 2005 agus bhí sprioc mór againn ar ndóigh níl am agam dul isteach ansin inniu ach bhí sprioc spóirt agam a bhain leis an bhliain 2012 agus beimid in ann...

**An tUasal Ó Tuathail:** Agus is minic le linn na gcúrsaí seo atá á bplé againn inniu, is minic, ba mhinic tú amuigh i mbun traenála agus i mbun aclaíochta

**Brian Ó Domhnaill:** Bhuel is dóigh..ag tús an bhliain sin, 2006, bhí mé ag déanamh thart ar idir 60 agus 90 míle sa tseachtain ag traenáil.

**An tUasal Ó Tuathail:** Sea, bhuel ba mhaith liom anois díriú ar na ceisteanna a hardaíodh anseo inniu ó thaobh do chuid fianaise de agus pléifidh mé chomh maith leis sin don Choimisiún, pléifidh mé leis na gearáin – uimhir a haon (1), uimhir a ceathair (4) agus uimhir a seacht (7). Sin trí cinn a bhaineann le gcomhdháil bhliantúil na gcomhairlí contae agus cathrach. Now, tosaíonn na ceisteanna seo ar an Déardaoin an 9 Márta. An féidir leat a rá, agus is féidir leat breathnú ar na páipéir ansin, an féidir leat a rá go díreach ar an 9 Márta 2006 agus an deichiú lá (10ú) agus an t-aonú lá déag (11ú) bhí tú ag plé le comhdháil bhliantúil na gcomhairlí contae agus cathrach.

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Ar an Déardaoin an 9 Márta agus luafaidh mé na dátaí seo agus na hamanna seo ar mhaithe le soiléireacht agus le cuidiú le gach éinne agus gan a bheith ag moilleadóireacht ach ar an Déardaoin an 9 Márta cén uair a d'fhág tú ... bhí tú sa bhFál Carrach, glacaim leis? An Fál Carrach, sin an baile agatsa? Cá bhfuil an oifig agat?

**Brian Ó Domhnaill:** Tá an oifig agam i nGort an Choirce agus ó toghadh mé i 1999 bhí oifig beagnach lánaimseartha agam rud a chosnaigh go leor airgid ach bhí rúnaí fostaithe ansin agam. Bhí mé i mo chónaí i gCill Ulta ar ndóigh, sin thart ar míle go leath taobh amuigh de bhealach na Crosbhealaí nó an Fhál Carraigh.

**An tUasal Ó Tuathail:** Agus amanna eile, an raibh cónaí ort i nGort an Choirce?

**Brian Ó Domhnaill:** Ní raibh, bhí mé i gcónaí i mo chónaí i gCill Ultaigh – tá sé i bparóiste Ghort an Choirce ach faoi post sheoladh an Fháil Charraigh agus bhí an oifig agam i gcónaí i nGort an Choirce tá go dtí an lá inniu.

**An tUasal Ó Tuathail:** Bhuel ar thart ar a haon a chlog má tá an ceart agam mura bhfuil certaigh mé ach thart ar a haon a chlog an lá sin d'fhág tú an Fál Carrach le dul go Dún Dealgan.

**Brian Ó Domhnaill:** Tá sin ceart.

**An tUasal Ó Tuathail:** Agus bhí tú ag dul ag freastal ar an gcomhdháil bhliantúil sin ar son an Chomhairle Contae? Now, ar an 10ú lá Márta .. ó sea gabhaim pardún, shroich tú Dún Dealgan glacaim leis ar an 9ú lá? Agus an raibh aon rud ar siúl an tráthnóna sin ag an gcomhdháil sin?

**Brian Ó Domhnaill:** Bhuel, mar chuimhne bhí dinnéar ar siúl an tráthnóna sin agus measaim go raibh óráidí oscailte na comhdhála ar siúl fosta.

**An tUasal Ó Tuathail:** Sea. Agus bhí tú i láthair ag na cúrsaí sin.

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Ansin an mhaidin dar gcionn, an 10ú Márta 2006, thosaigh cúrsaí .. cén uair ar thosaigh seisiúin na maidine?

**Brian Ó Domhnaill:** Thart ar 10 a chlog.

**An tUasal Ó Tuathail:** 10 a chlog ar maidin. Agus thart ansin, céard a tharla ina dhiaidh sin? Thart ar abair, leathuair tar éis a dó dhéag nó thart ar a haon a chlog?

**Brian Ó Domhnaill:** Bhuel thart ar leathuair tar éis a dó dhéag, d'fhág mé an chomhdháil chun sprioc a bhaint amach is é sin freastal a dhéanamh ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall ach roimhe sin bhí agam le dhul go dtí m'oifig agus mo bhaile le obair a dhéanamh ansin ina raibh rúnaí fostaithe agam mar a deir mé agus bhí doiciméidí áirithe le cruinniú agam agus iad a thabhairt liom agus ansin d'fhill mé arís an tráthnóna sin ar ais go dtí an oifig leis na doiciméidí, cuid acu a bhí sínithe agus bhí foirmeacha iarratais cosúil le deontais tithíochta agus mar sin de le cur amach agus chuir an rúnaí iad sin amach an lá dar gcionn.

**An tUasal Ó Tuathail:** Agus ar ndóigh tá tú ag tiomáint i ngluaisteán?

**Brian Ó Domhnaill:** Tá.

**An tUasal Ó Tuathail:** Yeah. Anois, cad a chaill tú an lá sin? An féidir leat a rá ó thaobh na comhdhála a bhí ag dul ar aghaidh? Sin ar leathanach, bhuel tuigim go raibh Uachtarán...

**Brian Ó Domhnaill:** Bhí Uachtarán Chumann Lúthchleas Gael ansin, fear a bhfuil an-mheas agam air agus bhí príomhfheidhmeannach an NRA, Fred Barry... Anois níl aon mótarbhealach agus is beag airgid cuid den am atá ag dul go Dún na nGall ó thaobh na bpríomhbhóithre but bhí... mheas mé féin..bhí cinneadh le déanamh agamsa agus mar chathaoirleach ar Pháirtnéireacht Spóirt Dhún na nGall, eagraíocht nach amháin atá ag déanamh freastail ar phobal Dhún na nGall ach go háirithe ar an nglún óg, mheas mé go raibh sé, an buntáiste ba mhó a thioctadh liomsa a thabhairt do na cáiníocóirí ná freastal a dhéanamh ar an gcruinniú sin mar chathaoirleach. Agus go mbeadh mé ag déanamh freastal níos fearr mar ionadaí poiblí leis sin a bhaint amach agus sin an rud a rinne mé.

**An tUasal Ó Tuathail:** Agus bhain an tUasal Barry leis an Údarás...

**Brian Ó Domhnaill:** Údarás na mBóithre Náisiúnta, sin é go díreach. Agus mar a deir tú, níl aon mótarbhealach ná níl aon seans go mbeidh mótarbhealach i nDún na nGall i gceann tamaill. An tuigbheáil atá agam ón lá sin bhí sé ag caint faoi straitéisí náisiúnta a bhaineann le bóithre, go háirithe tugann siad téarma i mBéarla "inter-urban connections", níl aon inter-urban ó Dhún na nGall go Baile Átha Cliath agus fiú go dtí an lá seo, níl aon inter-urban againn.

**An tUasal Ó Tuathail:** Sea. Agus an tríú rud a chaill tú ansin ná an dinnéar agus an ceol a lean.

**Brian Ó Domhnaill:** Sin go díreach.



Sin gnáthrudáí ag comhdháil dá leithéid. Ach thug tú an méid sin suas le freastal ar an Institiúid Teicneolaíochta i Leitir Ceanainn, nach ea?

**Brian Ó Domhnaill:** Sin é go díreach.

**An tUasal Ó Tuathail:** Agus téann tú go Leitir Ceanainn, conas a théann tú go Leitir Ceanainn as Dún Dealgan? Cad é an bóthar, cad é an treo a ghlacann tú?

**Brian Ó Domhnaill:** Bhuel, téann an bóthar tríd Tuaisceart na hÉireann...ó Dhún Dealgan...agus an chéad stop a bhí agam, stop mé sa bhaile agus ansin bhí mé i Leitir Ceanainn an tráthnóna sin. Bhí an cruinniú críochnaithe thart ar a hocht a chlog an tráthnóna sin agus bhí mé ag caint le cuid de mo chomhghleacaithe a bhí ar an DSP mar a thugtar anseo air ar Páirtnéireacht Spóirt Dhún na nGall agus tar éis sin d'fhill mé ar an mbaile thart faoin 9 a chlog nó mar sin.

**An tUasal Ó Tuathail:** Ceist agam ansin. Dún Dealgan... bhuel, Leitir Ceanainn.. as Dún Dealgan bhí an Fál Carrach, cén fhad a thógann turas mar sin ort?

**Brian Ó Domhnaill:** Bhuel, braitheann sé cén uair den lá agus má tá deifir ort is féidir é a dhéanamh taobh istigh de 30 bomaite agus go minic...

**An tUasal Ó Tuathail:** No, no, níl fan nóiméad...tá mé ag caint air, tá tú ag dul go Leitir Ceanainn via an Fál Carrach as Dún Dealgan. Cén fhad a thógfadh turas mar sin? Abair, Dún Dealgan go dtí an Fál Carrach?

**Brian Ó Domhnaill:** Thart fá dhá uair go leath, dhá uair is trí ceathrú.

**An tUasal Ó Tuathail:** Agus ar ais ansin, ar aghaidh go dtí Leitir Ceanainn, cén fhad a thógfadh sin ort?

**Brian Ó Domhnaill:** Idir tríocha agus daichead is a cúig bomaite. Thart air sin.

**An tUasal Ó Tuathail:** So turas thart ar trí go leath uair?

**Brian Ó Domhnaill:** Thart air sin.

**An tUasal Ó Tuathail:** Agus ar ndóigh, tharla na rudaí seo deich mbliana ó shin anois, nach fíor?

Deich mbliana ó shin so tá sé deacair...

**An tUasal Ó Tuathail:** Ach tá cuid den cháipéisíocht, tugann sé eolas áirithid níos cruinne dúinn. Agus ag an Institiúid Teicneolaíochta i Leitir Ceanainn bhí an cruinniú ar siúl den Pháirtnéireacht Spóirt agus cén uair ar thosaigh an cruinniú sin? Ar an 10ú lá?

**Brian Ó Domhnaill:** Thosaigh sé beagnach a cúig a chlog tráthnóna. B'fhéidir go raibh sé ceathrú i ndiaidh a cúig ach thart fán cúig a chlog.

**An tUasal Ó Tuathail:** Agus an raibh tusa i do chathaoirleach ar an gcruinniú sin?

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Agus cén uair ar chríochnaigh an cruinniú sin?

Idir leathuair i ndiaidh a seacht agus a hocht a chlog. Níos cóngaraí don ocht.

**An tUasal Ó Tuathail:** Sea. Agus cad a tharla ina dhiaidh sin? D'imigh tú chun an bhaile ab ea?

**Brian Ó Domhnaill:** Bhuel bhí mé ag caint le cuid... an gnáthnós ag cruinnithe den chineál sin bheinn ag caint le daoine tar éis na gcruinnithe ach is dóigh bhí sin ar siúl agam an tráthnóna sin agus cuid den am fiú nuair atá tú i do chathaoirleach ar choiste mar sin bíonn fadhb ag duine éigin agus caithfidh tú plé a dhéanamh leis agus cáipéisí b'fhéidir cuid den am le síniú agat mar chathaoirleach thar ceann an eagrais. Déarfainn gur fhág mé ceathrú tar éis a hocht, rud éigin mar sin. Ag tabhairt aghaidh ar baile s'agam ar an bhFál Carrach.

**An tUasal Ó Tuathail:** Bhí tú sa bhaile thart ar a 9 a chlog nó mar sin?

**Brian Ó Domhnaill:** Thart ar a 9 a chlog.

**An tUasal Ó Tuathail:** Anois an lá dar gcionn, an lá deireanach den trí lá seo, yeah bhuel ... tuige an ndeachaigh tú abhaile ag an bhFál Carrach ag an bpointe sin seachas dul díreach ar aghaidh go dtí Dún Dealgan?

**Brian Ó Domhnaill:** Bhuel mar a dúirt mé níos luaithe, bhí cáipéisí éagsúla agus litreacha liom. Déanfaidh an rúnaí amach na litreacha, duine ar bith a bhíonn ag plé le cúrsaí polaitíochta, tá sé an-tábhachtach a bheith ag déileáil leis na reps mar a deireann siad agus bhí córas i gcónaí agamsa, bhí Dictaphone i gcónaí agam agus bhí córas agam dá dtiocfadh scairt ar bith isteach chuig an oifig ná duine ar bith teagmháil liomsa bím ag iarraidh freagra a fháil amach chomh luath agus is féidir. Anois, tá mé an-iomaíoch go deo go dtí an lá seo i gcúrsaí polaitíochta ach tá mé an-iomaíoch i gcúrsaí lúthchleasaíochta fosta. Agus iompraím sin fríd agus sin an fáth. Chomh maith leis sin ar an tráthnóna sin agus go leor tráthnónta eile, bhí mé ag fáil cóir leighis, is é sin treatments nó physio treatments ó fear atá lonnaithe ar na Crosbhealaí agus thug seisean seisiún dom an oíche sin agus maireann na seisiúin sin thart ar daichead is a cúig bomaite. Ag tabhairt faoi deara, bhí na comórtais náisiúnta ag teacht aníos, beagnach mí tar éis an lá seo so bhí an traenáil ag éirí níos láidre leis fosta so bhí sin ar bun agam fosta.

**An tUasal Ó Tuathail:** So ansin ar an 11ú Márta thiomáin tú ar ais go Dún Dealgan, cén uair ar thosaigh tú amach le dul go Dún Dealgan an lá sin? An raibh tú ann ag thart ar leathuair tar éis a haon nó mar sin?

**Brian Ó Domhnaill:** Bhí, d'fhág mé ag thart ar leathuair tar éis a deich agus bhí mé ansin thart ar a haon a chlog, leathuair tar éis a haon b'fhéidir nó roimhe sin. Níl mé cinnte, I mean, b'fhéidir idir a haon a chlog, thart fán am sin.

**An tUasal Ó Tuathail:** Agus dúradh go minic ar maidin é ach cé gur éiligh tú turas amháin go Dún Dealgan, bhí dhá cheann déanta agat.

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Agus ní bheadh tú i dteideal an dara ceann, costaisí an dara ceann a lorg ar chaoi ar bith.

**Brian Ó Domhnaill:** Fiú níor lorg mé é.

**An tUasal Ó Tuathail:** Sea. Ach thuig tú na rialacha?

**Brian Ó Domhnaill:** Thuig, go pointe yeah.

**An tUasal Ó Tuathail:** Agus ansin ó thaobh na héilimh a dhéanamh, just leis sin a ghlanadh suas más féidir, d'fhan tú ráithe i leith an Údaráis nach ea, thart ar ráithe, sular chuir tú na mionghnéithe chucu agus bhí moill sé mhí ansin i leith an Údaráis?

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Agus i leith an Chomhairle Contae, naoi lá. Naoi lá. Ach tuigeann tú anois b'fhéidir bhuel má tá rudaí sé mhí óna chéile go mb'fhéidir go rachaidh rudaí in aimhréidh ort ó thaobh cuimhne agus rudaí mar sin nuair atá tú ag líonadh isteach na foirmeacha seo. Tá tú ag plé le dhá údarás ar leith i ndáiríre.

**Brian Ó Domhnaill:** Tá. Bhí an t-éileamh sin sé mhí tar éis don chruinniú tarlú agus sin an gnáthnós a bhí agam ag an am. Chuirinn isteach na héilimh chuig an Údarás b'fhéidir achan trí mhí, achan sé mhí nó roimh deireadh na bliana. Agus is dóigh sin an rud a tharla ins san am sin fosta.

**An tUasal Ó Tuathail:** Meabhraím mo chara dom gur seacht mí. Níl an ord i gceart agamsa. Gabhaim pardún faoi sin. Ní gá dul... tá litir den 15ú lá déag Nollaig 2011 ach ní dóigh liom gur gá dul chuige sin. Leathanach 66 den leabhar gorm mór. Bhí tú thar an litir sin faoi dhó ag an bpointe seo. Ach ar mhaith leat.. Seo an chéad deis agatsa labhairt faoin litir seo. Go háirithe bhí míbhrí dar linne á baint as cuid den tráchttaireacht ansin. An bhfeiceann tú an chéad alt ansin? Deireann tú... Seo litir a scríobh tú chuig Liam Ward. (script in EN)

An bhfuil aon rud le rá agat faoin abairt sin go háirithe?

**Brian Ó Domhnaill:** Níl. Rinne mé freastal ar an gcomhdháil, mar atá leagtha amach ansin, agus rinne mé freastal ar an gcruinniú. Is dóigh b'fhéidir go dtiocfaidh leat míthuiscint a bhaint as an paragraph de bhrí b'fhéidir nach bhfuil sé soiléir go leor go ndeachaigh mé go dtí mo theach cónaithe/oifig roimh an gcruinniú i Leitir Ceanainn. Sin botún ar mo thaobh féin de mura raibh sé sin cruinn agus glacaim leis sin.

**An tUasal Ó Tuathail:** D'imigh tú ón bhFál Carrach go Leitir Ceanainn, b'shin an soiléiriú a bhí ansin. Agus ansin in alt 3 den litir sin, tá botún i gceist ansin, an bhfuil? Chuir tú síos Carraig Mhachaire Rois ar an 24ú lá, nó ar an 27ú lá ab ea, agus tharla sé ar an 24ú nó vice versa yeah. Is ceist ama atá i gceist, uaireanta an chloig (3:08) trí a chlog in áit a hocht a chlog. Agus tá sin admhaithe agat sa litir 15ú Nollaig 2011?

**Brian Ó Domhnaill:** Tá.

**An tUasal Ó Tuathail:** Agus b'shin an chéad deis a fuair tú is dóigh liom plé leis an gComhairle Contae faoin gceist áirithe sin, na ceisteanna a hardaíodh. Gabhfaidh mé anois ag Gearán Uimhir 258 de réir an bhileog gearán atá os comhair an Choimisiúin. Agus sin an Institiúid Riaracháin Phoiblí – seimineár i gCarraig Mhachaire Rois, Co. Mhuineacháin. Tharla an ócáid sin an 26/27ú Aibreán 2006 ... bhuel tharla sé an 27ú Aibreán. Ach an raibh tú ag taisteal an 26ú lá?

Bhí.

**An tUasal Ó Tuathail:** Cén uair ar thosaigh an seimineár sin ar an 27ú lá?

**Brian Ó Domhnaill:** Thart ar ceathrú... leathuair tar éis a naoi ar maidin.

**An tUasal Ó Tuathail:** Sea ar nós an Choimisiúin anseo, tosaíonn siad go luath ar maidin. Agus dá bhrí sin, bhí tú ag taisteal ar an 26ú lá, cén uair a d'fhág tú an Fál Carrach ar an 26ú lá le freastal air?

**Brian Ó Domhnaill:** Thart ar 5 a chlog tráthnóna.

**An tUasal Ó Tuathail:** Sea. Agus tá sé sin pléite ar leathanach 171, ní ghabhfaidh mé aige. 171 den leabhar gorm. Ar an 27ú lá, bhí cruinniú i Leitir Ceanainn, an fíor sin?

**Brian Ó Domhnaill:** Is fíor sin, cinnte.

**An tUasal Ó Tuathail:** Agus cén uair a d'fhág tú Carraig Mhachaire Rois le dul chuig an gcruinniú sin?

**Brian Ó Domhnaill:** D'fhág mé Carraig Mhachaire Rois thart ar fiche chun a haon, nó thart air sin.

**An tUasal Ó Tuathail:** Agus cad a chaill tú dá bharr ó thaobh an imeacht a bhí ar siúl i gCarraig Mhachaire Rois, is é sin an Institiúid Riaracháin Phoiblí, bhí seimineár ar siúl acu.

**Brian Ó Domhnaill:** Bhí an seimineár traenála beagnach críochnaithe. Bhí an mhórchuid de críochnaithe. Tá an clár ansin áit éigin, bhí plé déanta air níos luaithe. Bhí summing up agus bhí lón i gceist. Mheas mé féin, ní duine mór mé fá choinne lón mór ná dinnéar mór ag comhdhálacha go háirithe nuair atá tú ag traenáil agus ag iarraidh b'fhéidir go bhfuil diet áirithe le baint amach agat agus mar sin de. D'fhág mé an chomhdháil agus fuair mé díreach go dtí mo bhaile go dtí an oifig agus sin mar a bhain mé amach an...

**An tUasal Ó Tuathail:** Agus ar chaill tú an lón agus na ceisteanna agus freagraí...

**Brian Ó Domhnaill:** Chaill mé an lón, sin é.

**An tUasal Ó Tuathail:** Sin an dara huair a chaill tú lón anois ó thosaigh mé leat. Bhain tú an Fál Carrach amach ansin an tráthnóna sin. Thart ar a trí a chlog ab ea?

**Brian Ó Domhnaill:** Thart ar a trí a chlog.

**An tUasal Ó Tuathail:** Bhí cruinniú i Leitir Ceannainn agat san Institiúid Teicneolaíochta, b'shin Páirtnéireacht Spóirt Dhún na nGall?

**Brian Ó Domhnaill:** Sin é.

**An tUasal Ó Tuathail:** An raibh tú i do chathaoirleach ar an gcruinniú sin freisin?

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Agus cén uair ar thosaigh an cruinniú sin? Cén uair ar chríochnaigh sé?

**Brian Ó Domhnaill:** Thosaigh an cruinniú arís ar a cúig a chlog, ceathrú i ndiaidh a cúig. Agus chríochnaigh an cruinniú thart fán ocht a chlog. De ghnáth maireann na cruinnithe sin thart fá trí uair an chloig.

**An tUasal Ó Tuathail:** Agus ansin sa bhaile go dtí an Fál Carrach ab ea?

**Brian Ó Domhnaill:** Sin é go díreach.

**An tUasal Ó Tuathail:** Agus tuige an ndeachaigh tú abhaile ag an bpointe sin?

**Brian Ó Domhnaill:** Chuaigh mé chun a bhaile, sin trí lá, ceithre lá tar éis na comórtais náisiúnta siúil 20km áit ar bhain mé amach an dara háit i gcúl an Olympian Jamie Costin agus phioc mé suas gortú le linn an rása cé go raibh rása crua ann, phioc mé suas gortú. Bhí agam le cóir leighis a fháil mar go raibh rása mór ag teacht aníos dom i lár mhí Meithimh so bhí mé ag iarraidh a chinntiú go mbeinn in ann tús a chur leis an traenáil crua arís. Agus bhí seisiún agam ar an Fhál Carrach arís. Ag an physio a chuireann an tseirbhís ar fáil. Agus an duine sin an cóitseálaí agam chomh maith so oibríonn sé féin but go minic buaileann sé liomsa nuair atá deis agam. An oíche sin, sin é an t-aon deis a bhí agam agus bhuaíl sé liom thart ar 9:30 nó thart fá sin.

**An tUasal Ó Tuathail:** Agus ansin an lá dar gcionn ab ea, bhí cruinniú agat i gCiarraí?

**Brian Ó Domhnaill:** Bhí.

**An tUasal Ó Tuathail:** Agus b'shin cruinniú den Údarás?

**Brian Ó Domhnaill:** Cruinniú boird den Údarás.

**An tUasal Ó Tuathail:** Agus cén uair ar tháinig sin le chéile?

**Brian Ó Domhnaill:** Ag an deich a chlog ar maidin.

**An tUasal Ó Tuathail:** Ar imigh tú an tráthnóna sin síos chuig an gcruinniú?

**Brian Ó Domhnaill:** D'imigh. An gnáthnós i gcónaí a bhí agam, agus fiú an gnáthnós atá agam go fóill, agus mé ag plé le cúrsaí polaitíochta sa tSeanad ná... rinne mé an rud céanna an oíche sin. D'fhág mé an baile thart fán aon déag a chlog ar maidin. Go minic fiú ag teacht go dtí an Seanad anseo faoi láthair, bíonn an Seanad ina shuí Dé Máirt agus bíonn clinicí nó cruinnithe ar siúl agamsa gach oíche Luain. Bíonn sé b'fhéidir cuid den am ag tarraingt ar mheán oíche ag fágáil Dún na nGall oíche Dé Luain, ach an oíche sin d'fhág mé ag a haon déag a chlog agus bhain mé Gaillimh amach agus ar aghaidh ansin ar maidin go dtí an cruinniú a bhí ag dul ar aghaidh i gCo. Chiarraí.

**An tUasal Ó Tuathail:** Rinne tú an t-éileamh ina leith seo chuig an gComhairle Contae an 13 Meitheamh, má tá an ceart agam. 26, 27 Aibreán. Tá an t-éileamh déanta an 13ú Meitheamh 2006?

**Brian Ó Domhnaill:** Tá.

**An tUasal Ó Tuathail:** Agus nach bhfuil cothabháil i gceist ansin? Ní raibh aon dúbailt ann mar a maíodh le cúrsaí taistil. Ach bhí cothabháil i gceist agus luadh é cheana féin. €16.32 a bhí i gceist ansin. D'admhaigh tú go ndearna tú botún ó thaobh an t-am a d'fhill tú, sé sin ní ag a hocht a chlog ach ag a trí a chlog?

**Brian Ó Domhnaill:** Sin é. Botún ionraic a bhí ann.

**An tUasal Ó Tuathail:** Agus cuireadh an cheist seo ar an mBainisteoir, cad iad na céimeanna a ghlac an Chomhairle Contae leis an €16.32 sin a fháil ar ais uait?

**Brian Ó Domhnaill:** Ní raibh aon teagmháil agamsa ón gComhairle i dtaca leis sin.

**An tUasal Ó Tuathail:** Agus seacht mí ina dhiaidh sin, má tá mé cruinn an uair seo, dhein tú éileamh ar an Údarás, an cuimhin leat sin?

**Brian Ó Domhnaill:** Tá sin ceart.

**An tUasal Ó Tuathail:** Agus dhá mhí.. is dóigh liom... phléigh muid leis an éileamh sin don Chomhairle Contae. Sin gearán 258 agus tá mé ag iarraidh bogadh ar aghaidh anois go dtí an ceann deireanach ar an liosta. Is é sin gearán 369, sin iad na gearáin atá faoi chaibidil ag an bpointe seo. Baineann sin leis an gcomhdháil turasóireachta mara i gCairlinn i gCo. Lú. Táimid ag caint faoin 30ú lá Bealtaine an 31ú lá Bealtaine agus an chéad lá de mhí an Mheithimh 2006. Anois ó thaobh taistil de, cén lá ar dhein tú an taisteal ón Fál Carrach, cén lá ar thosaigh tú amach le dul go dtí an chomhdháil sin i gCairlinn i gCo. Lú?

**Brian Ó Domhnaill:** Ar an 30ú lá.

**An tUasal Ó Tuathail:** Agus cén t-am sa lá ar thug tú faoin turas sin?

**Brian Ó Domhnaill:** D'fhág mé an baile thart fá leathuair tar éis an trí.

**An tUasal Ó Tuathail:** Le dul go Cairlinn. Cén fhad a bhí sa turas sin, meastú, ó thaobh tiomána de?

**Brian Ó Domhnaill:** Is dóigh thart ar ... thart ar.. trí huaire de bheith ag tiomáint díreach.

**An tUasal Ó Tuathail:** Agus an lá sin, ba chóir dom an cheist a chur ort roimhe seo, ach an 30ú lá Bealtaine i dtús an lae, an raibh tú i nGleann Cholm Cille?

**Brian Ó Domhnaill:** Bhí cruinniú réigiúnach de chuid an Údaráis i nGleann Cholm Cille an lá sin agus rinne mé freastal iomlán ar an gcruinniú sin.

**An tUasal Ó Tuathail:** Sin an CR..

**Brian Ó Domhnaill:** CRAT, Coiste Réigiúnach an Tuaiscirt den Údarás, Bord Réigiúnach.

**An tUasal Ó Tuathail:** Agus ag a trí an chlog tráthnóna ar an 30ú lá de Bhealtaine, bhí tú díreach isteach ó Ghleann Cholm Cille ab ea?

**Brian Ó Domhnaill:** Thart air sin. Ní ghlacann sé dhá uair an chloig teacht ó Ghleann Cholm Cille go Gort a'Choirce, bheifeá ag caint ar uair go leath so thart ar a trí a chlog, b'fhéidir go raibh sé leathuair i ndiaidh a dó, nílim cinnte ach thart air sin.

**An tUasal Ó Tuathail:** Agus ansin d'imigh tú ón teach sa bhFál Carrach go dtí an oifig i nGort a'Choirce ab ea? Cén mhéid mílte atá i gceist ansin? Ón teach agatsa sa bhFál Carrach go dtí an oifig i nGort a'Choirce?

**Brian Ó Domhnaill:** Is dóigh míle go leath nó mar sin.

**An tUasal Ó Tuathail:** Agus thug tú cuairt ar an dá áit an lá sin?

**Brian Ó Domhnaill:** Beirim i gcónaí, yeah. Bhí m'athair beo ag an am sin agus go minic eisean an duine a bhí ag amharc i ndiaidh an phaiste sa bhaile nuair a bhí mise ar shiúl ag rud ag bith agus bhíodh sé ar an bhfón maidin, lá agus oíche agam. Ar an drochuair fuair sé bás ó shin ach bhí sé beo ag an am sin.

**An tUasal Ó Tuathail:** Agus an 31ú Bealtaine ansin, tharla an clárú ab ea go luath ar maidin?

**Brian Ó Domhnaill:** Tharla, cinnte.

**An tUasal Ó Tuathail:** Leathuair tar éis a hocht go dtí...

**Brian Ó Domhnaill:** Idir leathuair tar éis a hocht a naoi.

**An tUasal Ó Tuathail:** Agus lean an chomhdháil ar aghaidh ina dhiaidh sin i gCairlinn?

**Brian Ó Domhnaill:** Lean.

**An tUasal Ó Tuathail:** Agus faoi bhealach ansin ar stop tú le haghaidh rud ar bith a dhéanamh, nó bhí tú ag plé le lúthchleasaíocht an uair sin?

**Brian Ó Domhnaill:** Bhí. Tá tú ag cur ceist orm anois faoin am a d'fhág mé ab ea?

**An tUasal Ó Tuathail:** An lá sin, an 31ú Bealtaine.

**Brian Ó Domhnaill:** D'fhág mé Cairlinn thart ar leathuair tar éis a trí, tuigim. Thart air sin. Bhí seoladh ar an gClochán Liath an oíche sin, seoladh Páirtnéireacht Spóirt Dhún na nGall, an dara doiciméad straitéiseach don Pháirtnéireacht. Seoladh deas a bhí ann bhíomar ag leagan amach straitéise don Pháirtnéireacht ó 2006 go dtí 2010. Fuair mé ar ndóigh... le bheith réidh fá choinne an seoladh bhí agam le typáil a dhéanamh ar óráid a bhí mé ag tabhairt ag an ócáid sin. Bhí agam le dul chuig m'oifig ar dtús báire, é sin a chríochnú, agus ansin dul ó sin go dtí an Clochán Liath mar go raibh orm féin cúpla focal a rá agus óráid a chur le chéile, so bhí agam leis an réamhobair sin a dhéanamh.

**An tUasal Ó Tuathail:** Cad a chaill tú nuair a d'imigh tú an lá sin? Ní gá dul i bhfad scéil leis ach bhí ceisteanna agus freagraí is dóigh liom a chaill tú agus na hoisrí agus na diúilicíní?

**Brian Ó Domhnaill:** Bhí turas bád agus dinnéar agus Guinness agus rudaí mar sin.

**An tUasal Ó Tuathail:** Ní réitíonn Guinness agus seoladh?

**Brian Ó Domhnaill:** Ní raibh aon suim agamsa bheith ar shiúl ag ithe oisrí agus ag ól Guinness. Bhí níos mó suime agam bheith sa bhaile ag cuidiú le Páirtnéireacht Spóirt Dhún na nGall an plean oibre agus an modh oibre a bhí á leagan amach againn a sheoladh.

**An tUasal Ó Tuathail:** Agus tharla sin, an cruinniú idir a hocht a chlog go dtí leathuair tar éis a naoi?

**Brian Ó Domhnaill:** Leathuair tar éis a naoi.

**An tUasal Ó Tuathail:** Taisteal amháin a bhí i gceist ar an gceist sin. An bhfuil aon cheist eile? Cén uair a ndeachaigh tú go Gaillimh agus síos go dtí an Daingean? No, níor tharla sin ar an lá sin.

**Brian Ó Domhnaill:** Tar éis an Clochán Liath an tráthnóna sin, chríochnaigh sé ag thart ar leathuair tar éis a naoi. Agus bhí a fhios agam go raibh an ócáid i gCairlinn beagnach thart fán am sin agus chuaigh mé abhaile. Bhí tae agus a leithéid agam agus bhí rud beag obair cóipeála le déanamh agam ar nótaí agus mar sin de do mo rúnaí fá choinne an mhaidin. Rinne mé é sin agus ansin d'fhág mé agus chuaigh mé ar ais go dtí an chomhdháil an oíche sin le bheith réidh fá choinne an chomhdháil an mhaidin dar gcionn.

**An tUasal Ó Tuathail:** Agus abhaile ina dhiaidh sin?

**Brian Ó Domhnaill:** Sin é.

**An tUasal Ó Tuathail:** Bhuel is dóigh liom nach bhfuil aon cheist eile agam ort so ar mhiste leat ceist ar bith atá ag mo chara ort a fhreagairt le do thoil?

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Tá roinnt ceisteanna agam ort. An bhféadfainn tosú le do thoil leis na doiciméid atá againn ó Chomhairle Chontae Dhún na nGall.

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Feicfidh tú ansin, tá na foirmeacha éilimh ina measc, agus má théann tú, mar shampla, go bileoigín 4 sa leabhar, feicfidh tú an chéad cheann de na foirmeacha éilimh atá le breathnú air againn. Níorbh é seo an chéad uair gur líon tú amach ceann de na foirmeacha seo, ab ea?

**Brian Ó Domhnaill:** Ní hea. Bhí mé ar an Chomhairle b'fhéidir bliain agus trí cheathrú fán am sin.

**An tUasal Ó Braonáin:** Agus thuig tú mar sin na rialacha a bhí in áit agus chomh tábhachtach is a bhí siad?

**Brian Ó Domhnaill:** Bhuel, cé nach raibh míniú ar bith tugtha is dóigh, thuig mé ... i mo ról mar Chomhairleoir Contae ó toghadh mé an chéad lá agus i mo ról i gcónaí mar bhall den Údarás, rinne mé gach rud, chan amháin ceart, ach rachainn níos faide ná sin. Agus bhí mé i gcónaí ag iarraidh gach rud is féidir a dhéanamh. Nuair a bhí mise tofa an chéad lá, níor thosaigh mise amach i gcúrsaí polaitíochta le hairgead a bhaint amach as. Mar go raibh.. bhí oifig agam, bhí rúnaí fostaithe agam féin, agus nuair a bhí mé tofa ar bhord an Údaráis den chéad uair i 1999, bhí post agam. Bhí mé ag saothrú 25,000 sa bhliain ag obair mar teagascóir i scoil. Thug mé suas an post sin le táille 8,000 ón Údarás a bhaint amach go lánaimseartha. Ní raibh post ar bith eile agam. Bhí suim agam sa rud seo agus sin an tslí is dócha...

**An tUasal Ó Braonáin:** An raibh na rialacha ar eolas agat?

**Brian Ó Domhnaill:** Bhí.



**An tUasal Ó Braonáin:** Sin an cheist a chuir mé ort, d'fhiafraigh mé an raibh na rialacha ar eolas agat mar rinne tú dearbhú nuair a líon tú amach an fhoirm seo – deir sé... Feiceann tú é sin? An raibh siad sin léite agat?

**Brian Ó Domhnaill:** Na rialacha sin?

**An tUasal Ó Braonáin:** Sea, na rialacha sin.

Agus na treoracha.

**Brian Ó Domhnaill:** Ní raibh.

**An tUasal Ó Braonáin:** Cén chaoi a bhféadfá dearbhú a dhéanamh, go raibh an t-éileamh seo ar chostaisí déanta ag cloí leis na rialacha sin mura raibh siad léite agat?

**Brian Ó Domhnaill:** Léite agam inniu?

**An tUasal Ó Braonáin:** Ní dúirt mé inniu. An raibh siad léite agat nuair a rinne tú an dearbhú seo?

**Brian Ó Domhnaill:** Cinnte, bheadh, cinnte. Ní cuimhin liom an raibh na rialacha sin ar fáil ón gComhairle Contae. Chuir mé ceist ar an gComhairle Contae nuair a scríobh mé chuig Liam Ward in 2011. D'iarr mé cóip fá choinne na rialacha sin agus cibé rialacháin eile a bhí i gceist mar nach raibh aon chuimhne agam iad a fháil ón gComhairle Contae roimhe sin. Ach glacaim leis má bhí siad ar fáil roimhe sin ach níl aon chuimhne agam iad a fháil.

**An tUasal Ó Braonáin:** Glacaim leis fiú mura mbeadh an Chomhairle Contae tar éis iad a chur ar fáil duit gurb ortsa a bhí an dualgas ar aon chuma iad a léamh?

**Brian Ó Domhnaill:** Ó, glacaim leis sin.

**An tUasal Ó Braonáin:** Ní gá dúinn a bheith buartha ar thug an Chomhairle Contae duit iad nó nár thug, is fútsa a bhí sé iad a léamh?

**Brian Ó Domhnaill:** Cinnte, cinnte.

**An tUasal Ó Braonáin:** Agus is éard a dúirt tú, agus a dhearbhaigh tú san fhoirm seo, ná gur deineadh an t-éileamh ar an mbonn go raibh sé ag cloí leis na rialacha.

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Agus ansin lean tú ina dhiaidh sin agus dúirt tú ...

Agus thuig tú é sin?

**Brian Ó Domhnaill:** Thuig, cinnte.

**An tUasal Ó Braonáin:** Agus arís ag f dúirt tú: (EN)

Feiceann tú é sin?

**Brian Ó Domhnaill:** Feicim, cinnte.

**An tUasal Ó Braonáin:** Bhí sé tábhachtach mar sin go mbeadh a fhios agat nach, ní hamháin, nach raibh éileamh déanta agat, ach nach mbeadh éileamh le déanamh agat maidir leis na hamanna a bhí i gceist?

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Agus glacaim leis gur choimeád tú dialann le cinntiú nach ndéanfá a leithéid, an ndearna tú é sin?

**Brian Ó Domhnaill:** Bhí dialann agam, cinnte.

**An tUasal Ó Braonáin:** Ar na dátaí ábhartha, glacaim leis go ndearna tú nótaíl ins sa dialann faoi céard a bhí déanta agat, an ndearna tú é sin?

**Brian Ó Domhnaill:** Bhuel, gan dabht.

**An tUasal Ó Braonáin:** Agus glacaim leis mar sin ins sa dialann go mbeadh ní hamháin go raibh tú i nDún Dealgan ach freisin go raibh tú tar éis a bheith ag cruinniú den DSP i Leitir Ceanainn?

**Brian Ó Domhnaill:** Bhuel, líon mé isteach an fhoirm seo ar an 20ú lá de mhí Márta agus ansin ar ndóigh an fhoirm don Údarás sé mhí dar gcionn. Nó seacht mí dar gcionn.

**An tUasal Ó Braonáin:** Cén uair a líon tú an dialann?

**Brian Ó Domhnaill:** Bheadh an dialann líonta ag an am, is dócha.

**An tUasal Ó Braonáin:** Mar sin ins sa dialann bheadh dátaí an 9ú lá, an 10ú lá, agus an 11ú de mhí Márta, agus go raibh tú ag comhdháil i nDún Dealgan agus ar na dátaí céanna, bheadh sé ins sa dialann ar an 10ú lá go raibh tú i Leitir Ceanainn.

**Brian Ó Domhnaill:** Bheadh, cinnte.

**An tUasal Ó Braonáin:** Agus bhreathnófá ar an dialann sin ar an 20ú lá de mhí Márta, agus bheadh a fhios agat mar sin agus é seo á líonadh amach agat go raibh tú tar éis a bheith ag cruinniú freisin ar an 10ú lá nach raibh bainteach le cúrsaí an Chomhairle Chontae ach a bhí bainteach le cúrsaí Údarás na Gaeltachta?

**Brian Ó Domhnaill:** Bhuel an tuigbheáil a bhí agam air sin ná nach raibh aon .. líon mé é seo amach chomh hionraic agus a thiocfaidh liom é sin a dhéanamh agus thug mé freagraí agus glacaim leis na pointí ó (a) go (f) atá déanta agat ach ní raibh aon éileamh eile déanta agamsa don chomhdháil seo ná aon chomhdháil eile. Ní raibh i gceist agam ach seirbhís a chur ar fáil do Údarás na Gaeltachta mar chathaoirleach ar Pháirtnéireacht Spóirt Dhún na nGall rud nach aon bhaint aige leis an gcomhdháil...

**An tUasal Ó Braonáin:** Níl mé ag teacht trasna ort faoi sin ar chor ar bith.

**Brian Ó Domhnaill:** Á tuigim sin, yeah.

**An tUasal Ó Braonáin:** Ní faoi sin atá mé ag cur ceisteanna ort. Tá tú tar éis a mhíniú don Choimisiún go raibh dialann agat agus go mbeifeá tar éis nótaíl ins sa dialann céard a bhí á

dhéanamh agat ar na dátaí éagsúla a bhí i gceist. Agus go mbeifeá tar éis a nótáil mar sin ar an 9ú, 10ú, 11ú lá déag go raibh tú ag comhdháil i nDún Dealgan agus freisin go mbeifeá tar éis a nótáil go raibh tú ag déanamh gnó don Údarás ar an 10ú lá de mhí Márta.

**Brian Ó Domhnaill:** Tá sin ceart. Agus chan amháin sin ach thug mé an freagra sin do Liam Ward agus do Bhainisteoir na Contae nuair a chuir mé freagra chuige i scríbhinn ag deimhniú sin fosta.

**An tUasal Ó Braonáin:** Tiofáidh mé ar ais aige sin. Ach faoin 20ú lá de mhí Márta 2006, bhí a fhios agat mar sin, cé go raibh tú tar éis a bheith ag an gcomhdháil seo, go raibh tú tar éis a bheith ag déanamh gnó an Údaráis freisin ar an 10ú lá de mhí Márta.

**Brian Ó Domhnaill:** Sin é.

**An tUasal Ó Braonáin:** Agus bhí a fhios agat mar sin gur ghá duit a bheith cúramach gan éileamh a dhéanamh ar an Údarás a tháinig trasna ar an éileamh a bhí á dhéanamh agat ar an 20ú lá de mhí Márta leis an gComhairle Contae?

**Brian Ó Domhnaill:** Ní aontaím leat ansin mar i mo shúile-sa ní raibh aon trasnú i gceist.

**An tUasal Ó Braonáin:** Ach amháin go bhfuair tú dhá íocaíocht cothabhála?

**Brian Ó Domhnaill:** I mo thuairim-se bhí na hócáidí sin bhí difear dubh agus bán idir an dá ócáid. Bhí mé ag déanamh freastail thar ceann dhá eagrais. Ag comhlíonadh i mo thuairim-se an rud is fearr thar ceann phobal Dhún na nGall agus sin é an sprioc a bhain mé amach. Mheas mé...

**An tUasal Ó Braonáin:** An gciallaíonn sé go mbraitheann tú go bhfuil sé de cheart agat dhá íocaíocht cothabhála a fháil má tá obair á déanamh agat thar son an dá eagrais?

**Brian Ó Domhnaill:** Sin ceist don Choimisiún is dóigh.

**An tUasal Ó Braonáin:** An mbraitheann tú go bhfuil sé de cheart agat dhá íocaíocht cothabhála a fháil ar son aon lá amháin ó dhá eagrais phoiblí?

**Brian Ó Domhnaill:** Cén íocaíocht sonracha a bhfuil i gceist agat ansin?

**An tUasal Ó Braonáin:** An íocaíocht cothabhála. Fuair tú íocaíocht cothabhála don 10ú lá. Fuair tú dhá íocaíocht cothabhála nach bhfuair tú don dá oíche agus don dá lá a chaith tú agus ansin fuair tú íocaíocht bhreise don tríú lá?

**Brian Ó Domhnaill:** Creidim go raibh mé i dteideal na híocaíochtaí cothabhála sin. Mar nach raibh éileamh ar bith déanta agam chuig an Údarás ar éileamh íocaíochta den chineál céanna.

**An tUasal Ó Braonáin:** Tuigim. So nuair a tháinig tú mar sin go dtí an t-éileamh a bhí déanta agat ar an Údarás nuair a tháinig tú chuige ar an gceathrú lá fichead de mhí Deireadh Fómhair rinne tú éileamh ar íocaíocht cothabhála air ansin, nach ndearna?

**Brian Ó Domhnaill:** Cén leathanach, tá brón orm..

**An tUasal Ó Braonáin:** Gabh mo leithscéal, seo é an chéad bileoigín. Leathanach 1.

**Brian Ó Domhnaill:** An 10ú lá.

**An tUasal Ó Braonáin:** An bhfeiceann tú é sin agus tá íocaíocht cothabhála ansin don 10ú lá agus sin an lá céanna lena raibh íocaíocht cothabhála faighte agat cheana féin ón gComhairle Chontae. Nach ea?

**Brian Ó Domhnaill:** Sea, sea cinnte.

**An tUasal Ó Braonáin:** Agus sin atá mé a rá. An gcreideann tú go raibh sé de cheart agat dhá íocaíocht cothabhála a fháil ón dá eagrás d'aon lá amháin?

**Brian Ó Domhnaill:** Bhuel, sén' tuigbheáil a bhí agus atá agam air sin ná gur íocaíocht thar oíche a bhí i gceist ag an gComhairle Contae agus gur íocaíocht chun freastal ar an gcomhairle..ar an gcruinniú a bhí agam ón Údarás, sin an tuigbheáil a bhí agam.

**An tUasal Ó Braonáin:** Ach nach bhfuil... tá a fhios agat go bhfuil an íocaíocht thar oíche i bhfad níos mó ná an íocaíocht cothabhála don lá?

**Brian Ó Domhnaill:** Tá.

**An tUasal Ó Braonáin:** Sin mar gheall go bhfuil an oíche i gceist agus go bhfuil ort fanacht áit éigin.

**Brian Ó Domhnaill:** Sin é.

**An tUasal Ó Braonáin:** Ach chomh maith leis sin, mar gheall go bhfuil roinnt den íocaíocht sin ag dul le tú a íoc as cothabháil i rith an lae freisin?

**Brian Ó Domhnaill:** Bhuel, glacaim leis sin ach an chothabháil fríd an lae anseo, bhí an lón agus an dinnéar agus na hoisrí .. b'fhéidir go bhfuil mé measctha suas idir na comhdhálacha. Bhí lón agus gach rud agus dinnéar. Níor dhein mé féin freastal ar an dinnéar an oíche sin. Ach glacaim le do phointe. Glacaim leis.

**An tUasal Ó Braonáin:** Agus nuair a rinne tú d'iarratas ar éileamh ar Údarás na Gaeltachta i mí Deireadh Fómhair, ar bhreathnaigh tú ar an dialann?

**Brian Ó Domhnaill:** Bhreathnaigh.

**An tUasal Ó Braonáin:** Agus an bhfaca tú ón dialann mar sin go raibh tú tar éis cheana féin a bheith ag comhdháil ar son an Chomhairle Chontae agus ar sheiceáil tú an raibh tú tar éis íocaíocht cothabhála a fháil cheana féin?

**Brian Ó Domhnaill:** Gan dabht, gan dabht. Mar a dúirt mé, mheas mise go hionraic go raibh mé ag iarraidh an dá thrá a fhreastal agus is é sin an fáth a chuir mé... rinne mise go leor freastail ar chruinnithe den Pháirtnéireacht Spóirt agus níor dhein mé éileamh ar bith orthu agus fiú rúnaí an Údaráis ag an am bhí sé ag iarraidh orm éileamh a dhéanamh de bhrí go raibh mé ag taispeáint ansin go raibh mé ag déanamh freastail ar na cruinnithe. Bhí mé ar an taobh amháin, ní raibh mé ag iarraidh aon íocaíocht ón Údarás fá choinne freastal a dhéanamh ar Pháirtnéireacht Spóirt Dhún na nGall agus ar an lámh eile mura gcuirfinn isteach aon éileamh ní raibh aon tagairt ag an Údarás de mo chuid freastail agus mo obair ar an DSP. Nuair a bhí mé i mo chathaoirleach ach go háirithe an bhliain sin, bhí mé i mo chathaoirleach fá choinne níos mó ná bliain, chuir mé isteach éileamh fá

choinne mhórchuid na gcruinnithe ag an am sin but tar éis sin, níor chuir mé isteach iad. Bhí mé ar bhord an Údaráis suas go dtí 2012.

**An tUasal Ó Braonáin:** Tá mé ag labhairt nó ag cur ceisteanna ort faoin éileamh a rinne tú i mí Dheireadh Fómhair 2006. Mar rinne tú éileamh le haghaidh mí Márta, mí Aibreáin agus mí Bealtaine sílim le chéile i mí Deireadh Fómhair, nach ea?

**Brian Ó Domhnaill:** Yeah, sin é.

**An tUasal Ó Braonáin:** Agus an fáth go bhfuil mé ag cur ceisteanna ort faoi ná chun fáil amach nuair a rinne tú dearbhú le Comhairle Chontae Dhún na nGall nach raibh tú chun íocaíochtaí a lorg maidir leis na tréimhsí céanna, cén córas a bhí tú tar éis a chur in áit le go bhféadfá a bheith cinnte nach ndéanfaí é sin? An dtuigeann tú?

**Brian Ó Domhnaill:** Tuigim, cinnte.

**An tUasal Ó Braonáin:** Agus deir tú go raibh córas agat, go raibh dialann ann ach mar sin féin déanadh iarratas ar cothabháil don 10ú lá tar éis duit íocaíocht a fháil do chothabháil ar an 10ú lá cheana féin.

**Brian Ó Domhnaill:** Sin é an rud atá á rá agat.

**An tUasal Ó Braonáin:** Agus déantar an dearbhú ceanna ar na foirmeacha éilimh eile atá le feiceáil againn maidir leis na hócáidí eile agus tiocfaidh mé ar ais chucu sin i gceann nóiméid. Ach tuigeann tú gur dearbhuithe tábhachtacha iad sin agus go bhfuil siad dáiríre.

**Brian Ó Domhnaill:** Ó, gan dabht.

**An tUasal Ó Braonáin:** Tá ceist ann freisin maidir le cúrsaí cuimhneacháin. Tá a fhios agam gur tamall ó shin, nó blianta ó shin a tharla na rudaí seo ar fad agus mar sin gur féidir leis a bheith deacair cuimhneamh ar rudaí ó am go chéile, agus cinnte sin rud a deir tú ar ócáidí i rith do chuid do chuid comhfhreagrais leis an gComhairle Contae agus freisin leis an gCoimisiún, nach ea?

Sén rud atá ráite agat gur féidir deacrachtaí cuimhne a bheith agat?

**Brian Ó Domhnaill:** Tharla an eachtra seo deich mbliana ó shin. Níos mó ná deich mbliana ó shin anois.

**An tUasal Ó Braonáin:** Agus deir tú mar sin gur féidir deacrachtaí cuimhne a bheith agat?

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Ach ag amanna eile, is cosúil go bhfuil do chuimhne ana-bheacht ar cheisteanna áirithe – nach bhfuil an chosúlacht sin air?

**Brian Ó Domhnaill:** Tá mise ag iarraidh an fhírinne a insint anseo. Níl mise ag iarraidh uisce a tharraingt ar mo mhuilleann féin ná rud ar bith mar sin. Tá mise ag iarraidh ... ó tharla seo in 2011, tá dochar, damáiste ollmhór déanta de m'ainmse amuigh i measc an phobail. I mo thuairim-se, níl sé sin ceart ná cóir de bhrí an obair a bhí ar siúl agam. Bhí mé ag iarraidh mo chuid obair a dhéanamh chomh maith agus a thiocfaidh liom. Do bheinnse ag iarraidh gan freastal a dhéanamh ar na

cruinnithe spóirt bheinn i bhfad níos fearr ar aghaidh inniu agus ní bheinn anseo ach i mo thuairimse rinne mé an rud ceart fiú go bhfuil mé anseo mar go raibh mé ag déanamh freastail ar na cruinnithe sin mar gur chreid mé agus creidim go fóill gur sin an rud ceart le déanamh. Ach mar duine spóirt agus bím still ag rith agus na deiseanna anois atá ar fáil de bhrí na páirtnéireachtaí spóirt, chan amháin i nDún na nGall ach ar fud na tíre, is rud iontach é agus tá lúcháir ormsa go raibh baint agam leis sin. Anois bheadh sé i bhfad níos fusa domsa mura ndéanfainn na héilimh sin ach a dhul go dtí na dinnéir agus don lón agus na oysters agus an Guinness agus gach rud mar sin agus gan freastal a dhéanamh ar na cruinnithe seo .. chosnaigh sé níos mó dom .. leis an bpointe seo a dhéanamh. Chosain sé níos mó domsa ó thaobh díosail agus peitрил agus wear is tear sa charr agus gach rud eile ó na háiteacha seo ar ais go Dún na nGall le freastal a dhéanamh ar na cruinnithe agus a theacht arís. Agus an olcas atá déanta ar m'ainm, orm féin go pearsanta, ar mo shaol polaitiúil, ar mo theaghlach, tá sé trom, tá sé trom.

**An tUasal Ó Braonáin:** An féidir linn mar sin déileáil leis an 10ú Márta? Ar a raibh muid ag breathnú cheana féin ansin? Mar do mhínigh tú san fhoirm éilimh chuig Comhairle Chontae Dhún na nGall gur fhág tú ag 1 a chlog um thráthnóna ar an 9ú lá le dul go Dún Dealgan agus gur tháinig tú ar ais abhaile ag leathuair tar éis an ceathair ar an 11ú lá déag de Mhárta 2006? Nach ea?

**Brian Ó Domhnaill:** Cén leathanach sin, tá brón orm?

**An tUasal Ó Braonáin:** Tá brón orm, tá sé sin ar bhileog 4, leathanach 9 de leabhar an Chomhairle Chontae. Ansin séard a tharla nuair a tháinig na doiciméid seo chun solais le chéile ná ar an 10ú lá go raibh tú tar éis a rá leis an Údarás gur fhág tú do bhaile ag leathuair tar éis a trí um thráthnóna le dul ag freastal ar chruinniú de chuid Pháirtnéireacht Spóirt Dhún na nGall i Leitir Ceanainn. An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Tá brón orm, níl an leathanach, leathanach 4 ab ea?

**An tUasal Ó Braonáin:** Tá brón orm, sin leathanach 9.

**Brian Ó Domhnaill:** Ceann an Údaráis?

**An tUasal Ó Braonáin:** Ceann an Chomhairle Chontae, sin leathanach 9 agus i gceann an Údaráis, leathanach 1.

**Brian Ó Domhnaill:** Tá rud éigin eile agamsa anseo.

**An tUasal Ó Braonáin:** Tá brón orm, ní féidir liom é a fheiceáil as seo.

**Brian Ó Domhnaill:** Ó yeah, seo anois é. Go raibh maith agat. Tá brón orm.

**An tUasal Ó Braonáin:** No, tá sé sin go breá a Sheanadóir. Tá sé sin agat os do chomhair. Feiceann tú é sin. Agus deir ceann amháin go bhfuil tú i nDún Dealgan ón 1 a chlog ar an 9ú lá go dtí leathuair tar éis a ceathair ar an 11ú lá déag agus deir an ceann eile go bhfuil tú, nach bhfuil tú i nDún Dealgan ach go bhfuil tú i Leitir Ceanainn ar an 10ú lá de mhí Márta. Tuigeann tú an deacracht a tháinig chun cinn? Agus ansin sílim nuair a tháinig sé seo chun solais go ndeachaigh an tUasal Ward i gcomhfhreagras leat. Scríobh sé chugat silim ar an 2ú lá de Mheán Fómhair agus ní dóigh liom go bhfuair sé freagra air sin ag an staid sin so scríobh sé arís ar an gcúigiú lá fichead de mhí Deireadh Fómhair 2011 agus ansin sílim gur scríobh sé chugat arís ar an gcúigiú lá de mhí na Nollag, 2011? Ba

léir go raibh sibh tar éis glao gutháin a bheith agaibh le chéile mar deir sé ins sa litir ar an gcúigiú lá de mhí na Nollag: (EN)

Agus ansin leag sé amach na sonraí a bhí á fhiosrú aige. Agus an chéad cheann mar shampla leag sé amach cad a bhí san fhoirm a bhí curtha chuig Údarás na Gaeltachta a rá: (EN)

Agus gurb é an t-am a bhí i gceist: (EN)

**An tUasal Ó Braonáin:** Bhí sé sin sa litir sin. An bhfuil an leabhar doiciméidí agat, más féidir leat dul go dtí leathanach 66. Feicim nach bhfuil gloine agat. Má tá gloine uait is féidir linn ceann a fháil duit.

**Brian Ó Domhnaill:** Tá mé ceart go leor.

**An tUasal Ó Braonáin:** Dúirt tú ins sa litir seo: Alt 1: (EN)

An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Chím cinnte, yeah.

**An tUasal Ó Braonáin:** An ord atá i do litir ná go bhfuil tú i nDún Dealgan. Ritheann sé leat go mbeadh sé níos fearr duit dul go Leitir Ceanainn dod' chruinniú. Téann tú go Leitir Ceanainn dod' chruinniú agus ansin ina dhiaidh sin, ritheann sé leat go mbeadh sé go maith dul abhaile go Fál Carrach le do chuid comhfhreagrais a fháil. Sin an ord atá leagtha amach agat i do litir.

**Brian Ó Domhnaill:** Mar a dúirt mé cheana féin, tá an litir.. b'fhéidir nach raibh an litir soiléir ach an rud a tharla ná go bhfuair mé ón gcomhdháil go dtí m'oifig agus mo bhaile agus ar ais ansin go dtí an cruinniú i Leitir Ceanainn an tráthnóna sin mar go raibh am agam é sin a dhéanamh.

**An tUasal Ó Braonáin:** Ach ní hé sin atá ráite ins sa litir. Sé a mhalairt atá ráite ins sa litir. Séard atá ráite sa litir ná go ndeachaigh tú go Leitir Ceanainn agus go ndeachaigh tú as sin ar an bhFál Carrach. Agus nuair a scríobh tú faoi arís ag leathanach 84, tháinig tú ar ais aige seo. Ní hé go raibh tú i seomra le duine éigin ag cur ceisteanna ort, go raibh tú faoi bhrú agus tú ag scríobh na litreacha seo, ná aon rud den chineál seo, bhí neart ama agat machnamh a dhéanamh ar an méid a bhí dá fhiosrú agus bhí neart ama agat machnamh a dhéanamh ar an méid a bhí scríofa agat cheana agus tháinig tú ar ais aige seo ar an aonú lá fichead de mhí Márta, nár tháinig tú?

**Brian Ó Domhnaill:** Sin é go díreach.

**An tUasal Ó Braonáin:** Agus ag an staid seo, deir tú mar shampla: (EN)

Bhí sé sin mícheart, nach raibh?

**Brian Ó Domhnaill:** Bhí. Agus botún a bhí ansin, yeah.

**An tUasal Ó Braonáin:** Séard a tharlaíonn ansin ná go dtugtar an impression go raibh an-chuimhne agat ar na cúrsaí a bhí dá phlé, ach go bhfuil do chuimhne mícheart faoi.

**Brian Ó Domhnaill:** Bhuel, mar a dúirt tú féin, seo 2012, an litir roimhe sin 2011, beagnach cúig bliana ar aghaidh ón am ar tharla an chomhdháil agus an cruinniú. Rinne mise gach iarracht agus ab fhéidir a bheith chomh comhoibríoch agus a thiocfaidh liom leis an gCoimisiún agus leis an

gComhairle Contae agus idir an litir a chuir mé ar an 15ú lá déag de mhí na Nollag, mheas mé gur thug mé léiriú beacht cruinn ach nuair a bhí an Chomhairle Contae ag lorg breis eolais, rinne mé gach iarracht an t-eolas sin a chur ar fáil chomh maith agus a thiocfaidh liom agus sin é cad ina thaobh a thug mé an freagra sin an 21ú lá de mhí an Mhárta. Agus caithfidh mé a rá tá mé cinnte go raibh mé sa bhaile, go bhfuair mé sa bhaile roimh an gcruinniú sin agus chan amháin... b'fhéidir gur rud úr a bheadh ann do dhuine b'fhéidir nach bhfuil i bhfostú i gcúrsaí polaitíochta, agus tuigim go bhfuil dlíodóirí an- an-ghnóthach go deo, ach tá polaiteoirí chomh gnóthach nó níos gnóthaí fosta. Mar go minic tá iomaíocht ghéar idir polaiteoirí in áiteacha fosta agus dá gcuirfeadh an rúnaí s'agam mar shampla a bhí ag obair agam uaireanta tríd an tseachtain scairt ormsa a bheith áit éigin le litir a shíniú agus go mbeinnse den bharúil go mbeadh buntáiste leis rithfinnse 100 míle le dhul agus an litir sin a scríobh agus b'fhéidir é a chur amach roimh duine éigin eile. Tá rudaí mar sin ag teacht isteach anseo fosta.

**An tUasal Ó Braonáin:** Más féidir linn breathnú ar an gcuid eile de do litir. Míníonn tú gur fhág tú an chomhdháil ar chúis áirithe mar go raibh tú ag iarraidh dul chuig an gcruinniú i Leitir Ceanainn. Dúirt tú, dála an scéil:

Is é sin nuair nach bhfuil tú áit éigin, nach raibh drochéifeacht aige sin ar an méid a bhí le déanamh agat i nDún Dealgan ach ar aon chuma, leanann tú ar aghaidh ansin agus deir tú: (EN)

Ní luann tú ar chor ar bith go raibh tú tar éis dul abhaile roimhe sin.

**Brian Ó Domhnaill:** No, agus dúirt mé sin fiú nuair a bhí an abhcóide Séamus ag cur ceiste orm gur botún a bhí ansin den tríú huair...

**An tUasal Ó Braonáin:** Ach leanann tú ar aghaidh agus deir tú: (EN)

An bhfeiceann tú é sin?

Is léir nuair atá an litir seo á scríobh agat go bhfuil tú ag déanamh machnaimh air agus ag smaoineamh ar céard a tharla ag cén am agus cá ndeachaigh tú ag cén am agus cén ord inar tharla rudaí. Agus sén ord a thugann tú ná go ndeachaigh tú ag cruinniú i Leitir Ceanainn agus ansin go ndeachaigh tú abhaile, sin é an ord a thugann tú. Ach níos mó ná sin séard a deir tú: (EN)

An bhfeiceann tú é sin? Má bhí tú tar éis dul abhaile roimhe sin, le déileáil le do chuid comhfhreagrais práinneach, agus le gnó i d'oifig, ba léir nach raibh práinn tar éis teacht air faoina 8 a chlog an oíche sin?

**Brian Ó Domhnaill:** Pointe an-mhaith agus ba mhaith liom freagra a thabhairt air, má tá tú ag iarraidh.

**An tUasal Ó Braonáin:** An-mhaith, más féidir leat é sin a mhíniú. Tugann sé an impression nach bhfuil sé ceart a rá go ndeachaigh tú abhaile ar dtús. Sin é an impression a tugtar le do chomhfhreagras.

**Brian Ó Domhnaill:** Tá brón orm..

**An tUasal Ó Braonáin:** Tá sé sin go breá... Má tá míniú níos fearr éigin air sin ...



**Brian Ó Domhnaill:** Mar a dúirt mé, níl mise le impression a thabhairt, tá mé anseo leis an fhírinne a insint agus sin an rud atá mé ag dul a dhéanamh. Mar a dúirt mé nuair a chuir an abhcóide Séamus ceist orm, fuair mé abhaile, fuair mé go dtí m'oifig i nGort a'Choirce, phioc mé suas litreacha a bhí le síniú. Thug mé na litreacha sin agus cuid den.. rudaí eile a tháinig isteach go dtí an office liom. Agus ansin tar éis don chruinniú, nuair a bhí an file liom le litreacha agus rudaí mar sin leis, bhí litreacha le síniú agus thug mé na litreacha a bhí sínithe agam tar éis dom iad a léamh, iad a fheiceáil, ar ais go dtí an oifig an tráthnóna sin. Mar bhí cuid acu den chomhfhreagras sin..go minic bíonn foirmeacha iarratais agus bhí deontaisí ar fáil ag an am sin fá choinne bóithre níl an oiread deontais ar fáil anois. Bhí deontaisí ar fáil agus lear den obair a bhí mise ceangailte leis ná deontaisí de chuid, rudaí cosúil le deontais tithíochta, bhí deontais le fáil ón Roinn ag an am sin, Roinn na Gaeltachta, €15,000 fá choinne teach a thógáil ar an oileán, €5,000 fá choinne feabhas a chur ar theach ar an mhórthír. Bhí mise ag plé, déarfainn, go hionraic go mbeinn ag plé le idir 30 agus 60 acu sin sa tseachtain. Agus gach uile lá, go háirithe maidin Dé Sathairn, nuair a bhíodh clinic agam, bheadh lear daoine... so sin an rud a bhí i gceist agam. Shíníonn sa na litreacha agus chuir an rúnaí na litreacha leis na foirmeacha agus mar sin de amach. Bhíodh cuid de na litreacha sin ag dul go dtí an Chomhairle Contae fiú agus áiteacha eile de bhrí gur iarrataisí a bhí iontu. Sin an réasún atá agam agus sin an rud a tharla.

**An tUasal Ó Braonáin:** Maidir leis an lá céanna deir tú leis an gCoimisiún, sílim, den chéad uair, go raibh physio le fáil agat agus go raibh tú ag déileáil le cúrsaí leighis agus duit féin a bhí sé sin?

**Brian Ó Domhnaill:** Sea.

**An tUasal Ó Braonáin:** Mar ar leathanach 114 tá na ceisteanna agus na freagraí a tharla idir an tUasal Walsh agus tú féin. An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Chím, cinnte.

**An tUasal Ó Braonáin:** Ag uimhir 7 cuirtear ceist ort faoi cén fáth go ndeachaigh tú ar ais go dtí an Fál Carrach. Agus déileálann tú leis sin agus deir tú: (EN)

An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Chím, cinnte.

**An tUasal Ó Braonáin:** Ní medical query a bhí i gceist ab ea? Tugann sé sin an impression go raibh daoine ag cur ceisteanna ortsa faoi chúrsaí leighis.

**Brian Ó Domhnaill:** Ó bhí. Go minic mar Chomhairleoir, mar Sheanadóir, go háirithe i gcontae cosúil le Dún na nGall, tá ospidéal réigiúnach againn ansin ag déanamh freastail ar 145,000 duine sa cheantar sin agus bíonn daoine ag fanacht ar obráidí agus mar sin de agus bíomse ag déileáil le go leor daoine a bhíonn ag iarraidh ... b'fhéidir nár chóir do pholaiteoirí a bheith ag plé le rudaí mar sin, ba chóir don chóras a bheith ag obair níos éifeachtaí agus nár chóir dúinne a bheith ag iarraidh duine a bhrú ar aghaidh ar an liosta feithimh ach ag an am céanna sin an rud a bhí ar bun agam ansin agus ag déileáil leis. Ó thaobh an chóir leighis dom féin, mheas mé ag an am, b'fhéidir go raibh mé mícheart, mheas mé ag an am gan tagairt a dhéanamh dó sin mar gur rud pearsanta a bhaineann liom féin atá ann in áit rud a bhaineann le mo chuid obair thar ceann Comhairle Contae Dhún na nGall nó Údarás

na Gaeltachta, ó thaobh cúrsaí spóirt de agus traenáil agus gach rud mar sin. Sin é an fáth nár thug mé freagra air sin.

Bhuel, sé an rud a dhéanainnse ansin... **(píosa idir an Cathaoirleach/Seanadóir i mBéarla)**

**An tUasal Ó Braonáin:** Inis dom seo a Sheanadóir mura miste leat. Glacaim leis go bhfuil guthán póca agat?

**Brian Ó Domhnaill:** Tá.

**An tUasal Ó Braonáin:** Agus glacaim leis go raibh agus in 2006.

**Brian Ó Domhnaill:** Is dóigh go raibh, yeah.

**An tUasal Ó Braonáin:** Bheadh sé deacair do chuid oibre a dhéanamh gan ceann. Ach sa dóigh sin, bhí sé de chumas agat, glacaim leis.. níl a fhios agam an raibh Bluetooth agat sa charr nó aon rud den chineál sin? Ach go bhféadfaí an guthán a úsáid sa charr?

**Brian Ó Domhnaill:** Táim cinnte go mbeadh. Bhí an carr a bhí agam ní cuimhin liom ach déarfainn go raibh Bluetooth agam.

**An tUasal Ó Braonáin:** Mura bhféadfá é sin a dhéanamh do dhuine a bhí ag taisteal an oiread is a bhí tusa, am marbh a bheadh agat sa charr agus ní mar sin a bhí. Is am a bhí tú in ann a úsáid a bhí sa charr, nach ea?

**Brian Ó Domhnaill:** Bhuel sea ach bheifeá tarraingthe isteach fosta ag déanamh glaonna gutháin agus mar sin de...bheadh scairt tábhachtach go minic agus ní bheadh an coverage b'fhéidir chomh maith is atá sé inniu. Bhíodh fón póca agam cinnte ag an am sin ach ní raibh sé ceangailte leis an idirlíon ná an ríomhphost a bhí agam ag an am, ríomhphost de chuid an Chomhairle Contae a bhí agam agus ceann pearsanta agus an t-aon phointe teagmhála a bhí leis an ríomhphost ná m'oifig. Bhí ríomhaire ansin agam agus sin é an t-aon áit – anois tá na iphones ag gach duine agus is féidir úsáid a bhaint as sin. Ní raibh sin ar fáil ag an am.

**An tUasal Ó Braonáin:** Dá mbeifeá mar shampla ag comhdháil in óstán bheadh áiseanna ar fáil go minic in óstáin le bheith in ann ríomhphost a fháil agus dul ar líne nó facs a fháil nó aon rud den chineál sin?

**Brian Ó Domhnaill:** Is dóigh go mbeinn in ann facs a fháil, yeah.

**An tUasal Ó Braonáin:** Agus d'fhéadfaí teachtaireachtaí a thabhairt duit ar an nguthán ar aon chuma dá gcuirfeadh do rúnaí nó aon duine eile glaach ort agus a mhíniú duit cad a bhí i gceist leis na teachtaireachtaí?

**Brian Ó Domhnaill:** Bheadh is dócha ach ní bheifeá ábalta litir a shíniú.

**An tUasal Ó Braonáin:** Ní bheifeá. Ach ní déantar PP, nó aon rud den chineál sin?

**Brian Ó Domhnaill:** Ah no.

**An tUasal Ó Braonáin:** Chaithfeadh tú é a shíniú tú féin.

(Ag gáire/laughter)

**An tUasal Ó Braonáin:** Tá go maith.

**Brian Ó Domhnaill:** Ní sa jab seo!

**An tUasal Ó Braonáin:** Maidir le subsistence nó cothabháil ar an 10ú lá de mhí Márta, an féidir liom iarraidh ort dul go dtí leathanach 116.

**Brian Ó Domhnaill:** Cinnte.

**An tUasal Ó Braonáin:** Mar ar leathanach 116 ag ceist 15 cuireann an tUasal Walsh an cheist ort faoi chothabháil – deir sé: (EN)

An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Chím cinnte.

**An tUasal Ó Braonáin:** Agus ansin deir sé, míníonn sé duit nach ndearna tú déileáil leis sin le do ráiteas ag an gcomhdháil agus nach ndearna tú déileáil leis ach oiread nuair a bhí tú ag déileáil leo siúd ins sa gcomhfhreagras leo i mí Bealtaine 2012. An bhfeiceann tú é sin.

**Brian Ó Domhnaill:** Chím, pointe 15.

**An tUasal Ó Braonáin:** Agus ansin tá freagra fada agat ansin maidir leis na smaointe a bhí agat faoi na fáthanna go raibh tú tar éis dul ón gcomhdháil ag an gcrúinniú i Leitir Ceanainn. Ach ní dheireann tú aon rud sa bhfreagra sin maidir le cothabháil.

**Brian Ó Domhnaill:** No. Thug mé freagra ar mo chuid imeachtaí is dóigh agus an taisteal a bhí ar bun agam agus na cruinnithe a bhí mé ag. B'fhéidir nár thuig mé an cheist mar i gceart. Ceist uimh. 15. An rud a rinne mé ansin ná, chomh hionraic agus a thiocfaidh liom, freagra a thabhairt ar an obair a bhí ar bun agam agus mheas go mb'fhéidir go mbeadh an tUasal Walsh tuigbheáil nó míniú a bhaint as sin.

**An tUasal Ó Braonáin:** Tá go maith.

An féidir linn dul mar sin go dtí an t-éileamh a rinne tú ar Chomhairle Chontae Dhún na nGall maidir leis an IPA? Tá sé ag leathanach 21 de leabhrán Chomhairle Chontae Dhún na nGall. Anois seo foirm éilimh a líon tú amach ar an 13ú de mhí Bealtaine, gabh mo leithscéal Meitheamh! 13ú de mhí Meithimh 2006. Agus arís tá tú tar éis a dhearbhu go raibh sé seo ceart agus beacht agus deir tú gur shroich tú baile ar an seachtú lá fichead de mhí Aibreáin ag a hocht a chlog istoíche. Is ar an mbonn sin ar deineadh an t-éileamh agus is ar an mbonn sin gur íocadh é, nach ea?

**Brian Ó Domhnaill:** Glacaim leis gurb ea.

**An tUasal Ó Braonáin:** Agus ní raibh deacracht leis sin go dtí gur tháinig an t-éileamh ar Údarás na Gaeltachta don 27ú chun solais. Agus tá sé sin ar leathanach 3 den leabhrán ón Údarás. An bhfeiceann tú é sin?

**Brian Ó Domhnaill:** Feicim, cinnte.

**An tUasal Ó Braonáin:** Mar deir sé sin gur fhág tú an baile ag a 5 a chlog tráthnóna. Má tá sé sin ceart, ciallaíonn sé go raibh an t-éileamh a déanadh ar Chomhairle Chontae Dhún na nGall gan a bheith beacht, gan a bheith ceart agus gur déanadh íocaíocht cothabhála ar an bhonn sin nár cheart a dhéanamh.

**Brian Ó Domhnaill:** Tá an ceart agat. Rinne mé.. an 27ú agus thug mé soiléiriú air sin. D'fhill mé abhaile ag a trí a chlog in áit a hocht agus bhí a hocht a chlog istigh ansin.

**An tUasal Ó Braonáin:** Agus díreach ar fhaitíos nach bhfuil sé seo soiléir, nuair a deirtear an ceathrú lá fichead (24ú) de mhí Aibreáin 2006, maidir leis an gcruinniú sin, ag freastal ar chruinniú de Pháirtíocht Spóirt Dhún na nGall in IT Leitir Ceanainn, ba cheart gurb é an seachtú lá fichead (27ú) a bheadh ansin, nach ea?

**Brian Ó Domhnaill:** Sin go díreach. Botún a bhí ansin fosta.

**An tUasal Ó Braonáin:** Agus ansin má théann tú chuig an gcéad leathanach eile, deir sé ansin:

27/4/2006, ag taisteal go Co. Chiarraí, ag freastal ar chruinniú boird. Nach ea?

**Brian Ó Domhnaill:** Sin é.

**An tUasal Ó Braonáin:** Mar ins sa gcomhfhreagras feicim go ndeir tú gur go Gaillimh go ndeachaigh tú, seachas go Chiarraí?

**Brian Ó Domhnaill:** Bhuel an rud atá istigh ansin, an oíche sin d'fhág mé mall agus bhí cruinniú i Kerry an lá dar gcionn an 28ú lá de mhí Aibreáin. D'fhág mé mall an oíche den 27ú agus chuaigh mé go contae na Gaillimhe. D'fhan mé in Órán Mór an oíche sin. Agus ar aghaidh ansin an chéad maidin eile go dtí an cruinniú i Kerry.

**An tUasal Ó Braonáin:** Agus ansin deir sé ar an lá faoin gcruinniú i gCiarraí go raibh tú ag taisteal go Gaillimh agus ansin..

**Brian Ó Domhnaill:** Abhaile. Bhí.

**An tUasal Ó Braonáin:** Ag taisteal go Gaillimh agus ansin ar an naoú lá fichead ag taisteal abhaile.

Maidir leis na dátaí agus na hamanna agus do chuimhne ar rudaí, cé gur dhúirt na foirmeacha éilimh an méid a bhí iontu nuair a tháinig tú ar ais chuige blianta fada ina dhiaidh sin, bhí tú in ann a rá go raibh na hamanna sin mícheart, ab ea?

**Brian Ó Domhnaill:** Bhí. Bhuel bhí orm dul tríd seo chomh mion agus a thiocfaidh liom mar go raibh m'ainm amuigh ansin agus bhí agam le cuimhne de chineál éigin a chur air seo agus a bheith ag smaoineamh agus ag labhairt le daoine eile agus ag labhairt le mo theaghlach rud a rinne mé. Ag labhairt le mo rúnaí san oifig, ag labhairt le hachan duine a thiocfaidh liom. Fiú ag labhairt le mo thraenálaí/cóitseálaí chomh mall le aréir. Just le cinnte a dhéanamh fiú an oíche sin, oíche an 27ú lá, bhí na rásaí náisiúnta ar siúl an Domhnach roimhe sin agus bhí mé sa dara háit agus bhí mé ag fáil don oíche sin an 27ú lá bhí mé ag fáil treatment, níl a fhios agam cén t-ainm Gaeilge atá ar treatment nó massage nó physio nó a leithéid sin but sin an obair a bhí ar siúl agam. An tábhacht a bhain leis sin ná go raibh taisteal fada le déanamh agam sa charr agus go minic nuair atá tú i do shuí sa charr

tarraingíonn sé na hamstrings bhochta seo agus caithfidh tú .. bhí siad fite fuaite ina chéile, abróidh mé mar sin é.

**An tUasal Ó Braonáin:** Anois, maidir leis an lá deireanach, sin é an dáta i mí Bealtaine sa Chairlín, an Marine Tourism Conference... an Chomhdháil Turasóireachta Mara sa Chairlín. Feiceann tú é sin?

**Brian Ó Domhnaill:** Feiceann. Cinnte, tá an bróisiúr ansin.

Tá sé ag leathanach 37.

**An tUasal Ó Braonáin:** Deir sé seo, arís, tá na dearbhuithe céanna tugtha ann. Deir sé gurb é an fad i mílte 176. Sílim díreach mar shampla go raibh na faid i mílte ins sna héilimh ar fad mícheart mar a tharla sé, nach raibh?

**Brian Ó Domhnaill:** Ar mhílte na Comhairle Contae is cosúil go raibh siad mícheart, ach tá ceartú déanta ag an gComhairle Contae air.

Agus ansin cuirtear isteach an t-am a d'fhág tú ag a trí a chlog um thráthnóna ar an 30ú lá, agus ansin an t-am gur tháinig tú ar ais ag an 2 a chlog um thráthnóna ar an 2ú lá. Sin é atá sa doiciméad, nach ea?

**Brian Ó Domhnaill:** Sin é atá ansin yeah.

**An tUasal Ó Braonáin:** Agus sílim go n-aontaíonn tú cé gurb é an 13ú lá déag de mhí Aibreáin atá ann, an 13ú lá déag de mhí Meithimh ba cheart a bheith ann?

**Brian Ó Domhnaill:** Sin é go díreach.

**An tUasal Ó Braonáin:** Tá go maith. Agus mar chuid den íocaíocht a fuair tú ansin, fuair tú dhá íocaíocht cothabhála thar oíche, sin cothabháil don lá agus thar oíche, faoi dhó.

**Brian Ó Domhnaill:** Fuair.

**An tUasal Ó Braonáin:** Fuair é sin. Agus ansin nuair a thagann tú ag leathanach 6 de leabhrán an Údaráis, an bhfuil sé sin agat?

**Brian Ó Domhnaill:** Leathanach 5 ab ea?

**An tUasal Ó Braonáin:** Leathanach 6.

**Brian Ó Domhnaill:** Foirm éilimh ab ea? No?

**An tUasal Ó Braonáin:** Sea, foirm éilimh Údarás na Gaeltachta, costaisí taistil, leathanach 6, feiceann tú ansin é?

**Brian Ó Domhnaill:** Chím é.

**An tUasal Ó Braonáin:** Agus feiceann tú ar an 30ú lá – sin é an lá ar inis tú do Chomhairle Chontae Dhún na nGall gur fhág tú ag a trí a chlog um thráthnóna, deir sé seo go raibh tú sa mbaile ó do chruinniú i nGleann Cholm Cille ag leathuair tar éis an trí um thráthnóna.

**Brian Ó Domhnaill:** Sin botún a bhí ansin mar a dúirt mé.

**An tUasal Ó Braonáin:** Agus arís, glacaim leis má bhí dialann á choimeád agat go raibh na rudaí seo ar fad ins sa dialann agus go raibh na hamanna cearta ins sa dialann.

**Brian Ó Domhnaill:** Ní chuirfeá rud mar sin isteach sa dialann.. chuirfeá isteach sa dialann go raibh cruinniú agam i nGleann Cholm Cille mar shampla, ní chuirfeá isteach cén t-am a d'fhág tú ar maidin, cén t-am a d'fhill tú tráthnóna ach an lá sin, bhí sé istigh agam gur fhill mé abhaile ag leathuair tar éis a trí. Bhí sé níos cóngaraí don trí a chlog, am éigin ach thart air sin. Ní raibh aon buntáiste...

**An tUasal Ó Braonáin:** Ní ceist buntáiste é seo, is ceist cuimhne é seachas aon rud eile. Cén fáth nach gcuirfeá ins sa dialann na hamanna a bhí ábharthach?

**Brian Ó Domhnaill:** Bhuel, ní sin an nós imeachta a bhí agam.

**An tUasal Ó Braonáin:** Ach an nós imeachta a bhí agat, is cosúil, seachas an t-iarratas a dhéanamh gach mí, mar a moladh, ná é a dhéanamh gach trí mhí nó sé mhí, nó b'fhéidir uair sa mbliain, sin é a thuigim ó do fhianaise. Cén chaoi a raibh tú le héileamh beacht a dhéanamh ar aon rud gan nóta a bheith agat ar na hamanna?

**Brian Ó Domhnaill:** An rud a chuirinn-se sa dialann ná mar shampla don chruinniú sin, go raibh an cruinniú ar siúl ag a deich a chlog ar maidin agus gur chríochnaigh sé ag a haon a chlog. Sin an t-aon rud a bheadh sa dialann agam, ní raibh mise ag cur isteach sa dialann go raibh mé, faoi chostaisí taistil, ní shin nós imeachta a bhí agam ach chuirinn isteach cibé áit a bhí mé ag cruinniú agus má bhí mé le bualadh le duine éigin ar maidin nó tráthnóna bheadh sé sin agus na coinní go léir istigh sa dialann agus na hamanna a bhí mé ag déanamh freastail ar na cruinnithe ach ní bheadh sonraí faoin am a d'fhág mé an baile agus ar fhill mé. Ní raibh sé sin sa dialann agam.

**An tUasal Ó Braonáin:** Ach ní thuigim é sin má bhí a fhios agat go raibh na hamanna sin ábharthach, mar a bhí a fhios agat, agus má bhí a fhios agat nach raibh tú le bheith ag déanamh éilimh go ceann míosa fada uait, cén chaoi a bhféadfá é a dhéanamh go beacht agus go ceart agus go hionraic gan fios a bheith agat cé na hamanna a bhí tú tar éis a fhágáil agus teacht ar ais gan nóta a bheith déanta?

**Brian Ó Domhnaill:** Is é an dóigh a rinne mé sin ná, cuir i gcás an cruinniú i nGleann Cholm Cille, idir an 10 agus 1. Glacaim leis agus bhuel, duine ar bith, glacann sé uair go leath taisteal a dhéanamh ó Ghort a'Choirce go Fál Carrach go Gleann Cholm Cille. Agus chuirfeá isteach é sin roimh ré agus chuirfeá é sin isteach tar éis an cruinniú. Agus sin an áit ar tháinig an am sin amach as. Sin an dóigh ar oibrigh mé iad sin amach.

**An tUasal Ó Braonáin:** Ní dóigh liom gur chualamar cheana gur mar sin a d'oibrigh an nótaíl ar cheist amanna. Sílim gurb é sin an chéad uair a bhfuilimid tar éis cloistéáil faoi sin, nach ea? Ní dhúirt tú i do chuid litreacha gur mar sin a d'oibrigh an córas agat. Go bhfuair tú pé doiciméad a bhí agat maidir leis agus ansin go ndeachaigh tú siar agus tomhais a dhéanamh ar cé chomh fada is a bhí tú tar éis a fhágáil i gcomhair taistil ansin agus ar ais.

**Brian Ó Domhnaill:** Ní fheictear domsa go bhfuil rud ar bith úr anseo. Sin an nós imeachta a bhí agam. An cruinniú sin ar an 30ú lá, i nGleann Cholm Cille, d'fhág mé an teach thart ar a hocht a chlog agus d'fhill mé abhaile thart ar 3. Agus sin an rud a tharla an lá sin.

**An tUasal Ó Braonáin:** Agus ansin ar an 31ú lá rinne tú éileamh ar freastal ag seoladh Páirtíocht Spóirt Dhún na nGall ar an gClochán Liath agus arís rinne tú éileamh ar íocaíocht cothabhála, nach ndearna?

**Brian Ó Domhnaill:** Rinne.

**An tUasal Ó Braonáin:** Agus sin nuair a bhí íocaíocht cothabhála déanta cheana féin ag Comhairle Chontae Dhún na nGall?

**Brian Ó Domhnaill:** De bhrí comhdháil agus thar oíche, yes.

Go díreach.

**An tUasal Ó Braonáin:** So bhí dhá íocaíocht cothabhála don lá sin, an 31ú?

**Brian Ó Domhnaill:** Bhuel mar a dúirt mé roimhe sin seoladh Páirtnéireacht Spóirt Dhún na nGall a bhí i gceist ar an gClochán Liath, chosain sé níos mó airgid domsa ná mar a shaothraigh mé anseo. Thaistil mé abhaile chun freastal a dhéanamh ar an seoladh agus chuaigh mé ar ais arís an oíche sin go dtí an chomhdháil a bhí mé ag déanamh freastail air. Ó thaobh na comhdhála an tráthnóna sin, bhí measaim oisrí agus Guinness agus mar sin de amuigh ar bád. Ní raibh aon suim agam... dá rachainn ansin chosnódh sé go mór do lucht na comhdhála ach ní raibh suim agamsa é sin a dhéanamh. Fiú bhí rása mór ag teacht aníos agam rud atá nótaílte agus is féidir leat é a googlail, Leamington Spa, i Sasana, áit a raibh mé ag rásaíocht don tír, rás de chuid na hEorpa, coicís ina dhiaidh sin so ní raibh aon suim agamsa bheith ag ól Guinness agus ag ithe oisrí, bhí níos mó suim agam...

**An tUasal Ó Braonáin:** Ní hé sin amháin a bheadh i gceist. Ceann de na rudaí atá i gceist ná dul ar an gcéad dul síos breathnú ar an slí ina ndéanann gnóthaí eile iad féin a chur chun cinn. Labhairt leo faoi cén chaoi ar tháinig siad ar na smaointe a bhí bainteach leis sin, labhairt leis na daoine eile atá ag an gcomhdháil le cumarsáid a dhéanamh leo faoi cén chaoi le dul ar aghaidh faoi agus mar sin de .. níl i gceist a bheith ag ól agus ag ithe.

**Brian Ó Domhnaill:** Tá mise just ag dul de réir an chláir agus bhí tagairt déanta den chlár so chuaigh mé de réir an chláir. Ó thaobh Páirtnéireacht Spóirt Dhún na nGall mheas mé gur buntáiste níos mó a bhí ann é sin a dhéanamh. Sin cad ina thaobh gur dhein mé é. Agus chuir mé an t-éileamh isteach dá bhrí sin.

**An tUasal Ó Braonáin:** Agus mar gheall air sin déanadh dhá éileamh ar dhá íocaíocht cothabhála d'aon lá amháin.

**Brian Ó Domhnaill:** Dá bhrí sin, tá ceisteanna anois faoi €16.32, faoin éileamh seo atá tú ag déanamh tagairt dó is dócha?

**An tUasal Ó Braonáin:** Tá sé sin ceart, an gceapann tú go ndéanann sé sin difríocht de chineál éigin? Gur €16.32 atá ann?

**Brian Ó Domhnaill:** Níl mise ag rá dóigh amháin nó dóigh eile.

**An tUasal Ó Braonáin:** Is tusa a luaigh an figiúr agus táim ag déanamh iontais ansin an mbraitheann tú go ndéanann sé sin difríocht substaintiúil de chineál éigin? Agus má bhraitheann tú, cén difríocht substaintiúil a dhéanann sé?

**Brian Ó Domhnaill:** Bhuel chuir mise isteach an t-éileamh sin, de bhrí go ndearna mé freastal ar ócáid a bhí i mo thuairim-se, ag déanamh níos mó maithe don chontae agus do chúrsaí spóirt ná mar a bheinn dá mbeinn ag freastal ar an gcomhdháil agus ar imeachtaí na comhdhála an tráthnóna sin agus sin é an tuigbheáil a bhí agam. Agus mar a dúirt mé, go dtí an lá inniu, measaim gurb é sin an rud ceart le déanamh a rinne mé agus y'know mar a dúirt mé tá obair mhór déanta ag Páirtnéireacht Spóirt Dhún na nGall, tá lúcháir ormsa go bhfuil baint agam leis agus mar sin de agus sin an dearcadh atá agam air.

**An tUasal Ó Braonáin:** Ach is éard a chiallaíonn sé sin nach ea, ná go raibh a fhios agat nuair a bhí dearbhú á dhéanamh agat, nach raibh tú le héileamh a dhéanamh ar chothabháil amach ansin do na laethanta céanna a bhí bainteach leis an gcomhdháil turasóireacht mara? Bhí a fhios agat é sin, nach raibh?

An cheist a bhí ar an bhfoirm iarratais, ó Chomhairle Chontae Dhún na nGall ná (EN)

**Brian Ó Domhnaill:** Ní raibh ormsa bosca ar bith a líonadh le rá, ní sin mo chuid scríbhinn ansin thíos ag bun, ní mise a chuir síos go raibh .. cé gur fhan mé san óstán dhá oíche.

**An tUasal Ó Braonáin:** Tuigim é sin. Ach bhí a fhios agat go raibh Comhairle Chontae Dhún na nGall tar éis é a íoc, mar d'íoc siad é má bhreathnaíonn tú thar an leathanach, d'íoc siad é ar an t-aonú lá fichead (21ú) de mhí Meithimh agus bhí a fhios agat go raibh sé bailithe isteach i do chuntas agus bhí a fhios agat go raibh tú tar éis a dhearbhu nach ndéanfá aon éileamh ar íocaíocht maidir leis na hamanna céanna? Nach ea?

**Brian Ó Domhnaill:** Cad é an cheist le do thoil?

**An tUasal Ó Braonáin:** Bhí a fhios agat go raibh tú tar éis íocaíocht cothabhála a fháil don chomhdháil sin.

**Brian Ó Domhnaill:** Bhí a fhios.

**An tUasal Ó Braonáin:** Agus go raibh an chomhdháil tar éis maireachtáil ar cheann de na laethanta go raibh tú tar éis a bheith i Leitir Ceanainn, ní hea, ar an gClochán Liath.

**Brian Ó Domhnaill:** Bhí agam le cinneadh a dhéanamh, cé acu ab fhearr mo chuid dualgaisí mar pholaiteoir agus mar dhuine ón gcontae a chomhlíonadh nó a bheith amuigh ar ócáid sóisialta ag comhdháil. Mheas mé féin go raibh sé níos fearr freastal ar mo chuid dualgaisí poiblí mar ionadaí poiblí agus mar lúthchleasaí.

**An tUasal Ó Braonáin:** Tuigim é sin. Ach shocraigh tú freisin éileamh a dhéanamh i mí Deireadh Fómhair ar chothabháil do lá go raibh tú tar éis íocaíocht a fháil air cheana féin? Nach ea?

**Brian Ó Domhnaill:** Chím an botún sin anois.



**An tUasal Ó Braonáin:** Má tá ceisteanna ar bith ag an gCoimisiún, dá bhfreagrófa iad le do thoil. Níl ceisteanna ar bith eile agamsa.

**An tUasal Mac Cárthaigh:** Ceist amháin agamsa. (EN/Béarla)

**Chairman:** Go raibh míle maith agat.

**An tUasal Ó Tuathail:** Tá deireadh fianaise tugtha againne, tá muid críochnaithe. Tá muid ag plé le haghneachtaí b'fhéidir anois.

#### Aguisín 4

Aighneachtaí scríofa arna ndéanamh ag abhcóidí don Choimisiún agus ag abhcóidí don Seanadóir Ó Domhnaill

**Aighneachtaí scríofa arna ndéanamh ag abhcóidí don Choimisiún**

**AN COIMISIÚN UM CHAIGHDEÁIN IN OIFIGÍ POIBLÍ**  
**FIOSRÚCHÁN AR GHEARÁN LENA mBAINEANN AN SEANADÓIR BRIAN Ó DOMHNAILL**

**Aighneachtaí Scríofa don Choimisiún**

**ÉISTEACHT Ó BHÉAL**

1. Mar chuid dá imscrúdú ar ghearáin gur éiligh an Seanadóir Brian Ó Domhnaill (“*an Seanadóir*”) costais go mícheart ar Chomhairle Contae Dhún na nGall agus Údarás na Gaeltachta araon maidir le trí imeacht ar leith a bhí ag tarlú ag an aon am amháin, thionóil an Coimisiún um Chaighdeáin in Oifigí Poiblí (“*an Coimisiún*”) éisteacht phoiblí ó bhéal ar 9 Bealtaine 2016. Chuala an Coimisiún ó cheathrar finnétithe, arbh iad sin Paddy Walsh, Oifigeach Fiosrúcháin an Choimisiúin<sup>1</sup>, Séamus Neely, Príomhfheidhmeannach Chomhairle Contae Dhún na nGall<sup>2</sup>, Gearóid Breathnach, Stiúrthóir Seirbhísí Corparáideacha in Údarás na Gaeltachta<sup>3</sup> agus an Seanadóir<sup>4</sup>. D’iarr an Coimisiún ag deireadh na héisteachta go soláthrófaí aighneachtaí scríofa achoimre.

**CÚLRA**

2. I mí Lúnasa 2011, fuair an Cláraitheoir Eitice do Chomhairle Contae Dhún na nGall gearán anathnid go ndearna an Seanadóir éilimh dhúbailte ar aisíocaíocht costais ón gComhairle Contae agus ó Údarás na Gaeltachta i dtaca lena fhreastal ar imeachtaí a bhí ag tarlú ag an aon am amháin. Rinneadh imscrúdú mion ar an ngearán sin. Ba é an Cláraitheoir Eitice Gníomhach a rinne imscrúdú air ar an gcéad dul síos agus rinne Méara agus Bainisteoir Contae Dhún na nGall<sup>5</sup> imscrúdú air ina dhiaidh sin le comhoibriú an tSeanadóira. Chuir Méara agus Bainisteoir Contae Dhún na nGall tuarascáil le chéile. Le litir dar dáta an 28 Bealtaine 2012, rinne siad gearáin leis an gCoimisiún maidir le gníomhartha sonracha.
3. D’aontaigh an Seanadóir i scríbhinn i dtús báire gur cheart an cas a tharchur chuig an gCoimisiún. Ceapadh Paddy Walsh mar oifigeach fiosrúcháin chun réamhfiosrúchán a dhéanamh don Choimisiún<sup>6</sup>. Chomhoibrigh an Seanadóir leis an réamhfiosrúchán sin agus cuireadh an tuarascáil ar an réamhfiosrúchán faoi bhráid an Choimisiúin i mí na Samhna 2012. Chinn an Coimisiún imscrúdú a dhéanamh ar na gearáin<sup>7</sup> agus cuireadh an méid sin in iúl don Seanadóir.<sup>8</sup>
4. Bhí sé beartaithe ag an gCoimisiún suí ar 11 Márta 2013 chun éisteacht le fianaise ó bhéal i

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<sup>1</sup> féach an tras-scríbhinn den fhianaise a thug an tUas. Walsh ag lgh 35-153

<sup>2</sup> féach an tras-scríbhinn den fhianaise a thug an tUas. Neely ag lgh 160-164

<sup>3</sup> féach an tras-scríbhinn den fhianaise a thug an tUas. Breathnach ag lgh 164-165

<sup>4</sup> féach an tras-scríbhinn den fhianaise a thug an Seanadóir Ó Domhnaill ag lgh 166-210

<sup>5</sup> de réir alt 174(8) den Acht Rialtais Áitiúil, 2001

<sup>6</sup> mar a fhoráiltear dó le halt 6 den Acht um Chaighdeáin in Oifigí Poiblí, 2001

<sup>7</sup> de réir alt 7 den Acht um Chaighdeáin in Oifigí Poiblí, 2001

<sup>8</sup> le litir dar dáta an 25 Eanáir 2013

dtaca lena imscrúdú. D'iarr an Seanadóir tuilleadh ama chun ullmhú don imscrúdú.<sup>9</sup> Freastalaíodh ar an iarratas sin le cur ar atráth go dtí an 8 Aibreán 2013.

5. Chuir an Seanadóir in iúl don Choimisiún le litir dar dáta an 26 Márta 2013 gur athraigh sé a aturnaetha. Go dtí sin, thairg an Seanadóir raon leathan leithscéalta maidir leis na fáthanna nach ndeacha sé i ngleic leis an gCoimisiún ná leis an gcomhfhreagras a seoladh chuige: bhí sé thar lear, bhí treoir tugtha aige d'aturnaetha, bhí sé ag fanacht le comhairle óna abhcóide, bhí sé tinn agus d'athraigh sé aturnae.
6. Chuir na haturnaetha nua don Seanadóir in iúl go n-éileofaí cruthúnas foirmiúil ar na gnéithe uile de na líomhaintí in aghaidh an tSeanadóra a mbreithneodh an Coimisiún iad.
7. Chuir na haturnaetha nua don Seanadóir in iúl freisin go raibh fonn air anois a chuid gnó leis an gCoimisiún a dhéanamh i nGaeilge, lena n-áirítear an éisteacht phoiblí ó bhéal a bhí socraithe ag an am don 8 Aibreán 2013. Ón uair sin i leith, rinne an Coimisiún an teagmháil ar fad atá déanta ag leis an Seanadóir i nGaeilge. Ón mbliain 2011 go dtí an uair sin, ba i mBéarla amháin a bhí an comhfhreagras ar fad a seoladh idir an Seanadóir agus an t-údarás áitiúil agus idir an Seanadóir agus an Coimisiún.
8. Mar thoradh ar na ceanglais a bhí ann le finnétithe a ghlaoch agus ateangairí a chur ar fáil, cuireadh an fiosrúchán ar atráth an athuir go dtí an 10 Meitheamh 2013. Rinneadh socruithe le go mbeadh saoráidí aistriúcháin ar fáil agus finnétithe i láthair ar an lá sin.
9. Scríobh na haturnaetha don Seanadóir ina dhiaidh sin á áitiú nach raibh an t-údarás ag an gCoimisiún na gearáin a rinne Méara agus Bainisteoir Contae Dhún na nGall a imscrúdú, á rá gurbh ionann iad agus tarchur ar ghearáin anathnid. D'áitigh an Seanadóir freisin gur cheart an éisteacht imscrúdaithe a bheith seolta ag painéal de chuid an Choimisiúin a bheadh in ann nithe a éisteacht i nGaeilge gan ateangairí a úsáid. Dhiúltaigh an Coimisiún do na háitithe sin.
10. An 6 Meitheamh 2013, rinne an Seanadóir iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach ar an imscrúdú agus cuireadh bac ar éisteacht an Choimisiúin. B'eol don Seanadóir go ndearnadh bearta cuí chun an éisteacht a éascú trí Ghaeilge an 10 Meitheamh 2013. Thabhaigh an Coimisiún cailteanas dar suim €2972.70 a d'eascair as cealú mall na héisteachta. Dhiúltaigh an Ard-Chúirt i mí Eanáir 2014 do na nithe a mhaígh an Seanadóir agus dhiúltaigh an Chúirt Achomhairc dóibh i mí Iúil 2015 ar achomharc an tSeanadóra. Ba don Choimisiún agus in aghaidh an tSeanadóra a dámhadh na costais a thabhaigh an Coimisiún as na himeachtaí a chosaint. Tugadh an tOrdú ón gCúirt Achomhairc chun críche ar 31 Márta 2016.
11. Shocraigh an Coimisiún a éisteacht imscrúdaithe don 9 Bealtaine 2016. Choinnigh an Seanadóir a sheasamh maidir leis an ngá a bhí ann le cruthúnas foirmiúil a fháil ar na gnéithe uile de na líomhaintí go dtí dáta na héisteachta. Bhí sé riachtanach, dá bharr sin, go mbeadh

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<sup>9</sup> le litir dar dáta an 25 Feabhra 2013

finníthe ó Chomhairle Contae Dhún na nGall agus ó Údarás na Gaeltachta i láthair. Níor mhaígh an Seanadóir am ar bith roimh an éisteacht nó lena linn go raibh an fhianaise a tugadh ar aird míchruinn ar bhealach ar bith nó nárbh eisean údar a chuid doiciméad. Cé gurb eisean a cheistigh na doiciméid, níor ardaigh an Seanadóir aon saincheist a bhain leo le linn éisteacht an Choimisiúin.

## COMHTHÉACS FÍORASACH NA SÁRUITHE LÍOMHNAITHE

12. Tá an Ráiteas maidir leis na Sáruithe Líomhnaithe ar fáil i dTáb A den Leabhrán Doiciméad. Tá an cúlra dlíthiúil agus an cúlra fíorasach leagtha amach sa ráiteas tosaigh ón Uas. Ó Braonáin<sup>10</sup>. Tagann sáruithe 1 go 6 lena mbreithniú mar ghearáin a rinneadh, de bhun alt 4(1)(b) den Acht um Chaighdeán in Oifigí Poiblí, 2001, faoi sháruithe ag an Seanadóir ar fhorálacha den Phríomh-Acht<sup>11</sup>, a bhfuil feidhm aige maidir le Rialtas Áitiúil de bhua alt 180(2) den Acht Rialtais Áitiúil, 2001. Tagann sáruithe 7 go 9 lena mbreithniú mar ghearáin a rinneadh, de bhun alt 4(1)(a) den Acht um Chaighdeán in Oifigí Poiblí, 2001, ar sháruithe ag an Seanadóir mar *“duine sonraithe”*<sup>12</sup> as *“gníomhartha sonraithe”* a bheith déanta aige<sup>13</sup>.
13. Is féidir na líomhaintí a ghrúpáil ina dtrí chatagóir: a) sáruithe 1, 4 agus 7 maidir leis an 10 Márta 2006; b) sáruithe 2, 5 agus 8 maidir leis an 27 Aibreán 2006; agus c) sáruithe 3, 6 agus 9 maidir leis an 31 Bealtaine 2006.
14. Tá an fhianaise ó Paddy Walsh i dtaca le sáruithe 1, 4 agus 7 ar fáil ina thuarascáil ar an réamhfhiosrúchán agus ag lgh 38-45 den tras-scríbhinn.<sup>14</sup> Eascaíonn na sáruithe sin as éilimh ar chostais a tabhaíodh as freastal ar Chomhdháil Bhliantúil Chumann Comhairlí Contae is Cathrach ag Óstán Fairways i nDún Dealgan (*“comhdháil Dhún Dealgan”*) ar 9, 10 agus 11 Márta 2006 agus as freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn ar 10 Márta 2006. Thug an tUasal Walsh fianaise gur éiligh an Seanadóir costais chothaithe agus mhíleáiste ar Chomhairle Contae Dhún na nGall agus gur íocadh iad i dtaca lena fhreastal ar chomhdháil Dhún Dealgan, lenar áiríodh an 10 Márta 2006, agus gur éiligh sé costais chothaithe agus mhíleáiste ar Údarás na Gaeltachta ina dhiaidh sin i dtaca lena fhreastal ar an gcruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall a bhí ar siúl ar an dáta céanna, ar chostais iad a íocadh.<sup>15</sup>
15. Léiríonn litreacha ón Seanadóir den 15 Nollaig 2011 agus den 21 Márta 2012 gur thaistil sé ó chomhdháil Dhún Dealgan go díreach chuig an gcruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn an 10 Márta 2006, in ionad taisteal ón mbaile chuig an gcruinniú (rud is coinníoll de mhíleáiste a éileamh ar an Údarás). Luadh i bhfoirm éilimh an tSeanadóira a cuireadh faoi bhráid Údarás na Gaeltachta an 24 Deireadh Fómhair 2006 gur ón mbaile a thaistil sé chuig an gcruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn, áfach. Cé gur tharraing an tUas. Walsh aird ar an neamhréireacht sin le linn

<sup>10</sup> ag lgh 9-27 den tras-scríbhinn

<sup>11</sup> mar atá an tAcht um Eitic in Oifigí Poiblí, 1995, arna fhorléiriú i dteannta an Achta Rialtais Áitiúil, 2001

<sup>12</sup> de réir bhrí alt 4(6) den Acht um Chaighdeán in Oifigí Poiblí, 2001

<sup>13</sup> de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995, arna leasú

<sup>14</sup> ó líne 24 ar lgh 38 go líne 23 ar lgh 45

<sup>15</sup> glacann an Seanadóir Ó Domhnaill leis, ag lgh 209 den tras-scríbhinn, gurb amhlaidh a bhí

an réamhfhiosrúcháin d'fhonn ráiteas a fháil ón Seanadóir, níor pléadh leis an neamhréireacht sa freagra a tugadh. Thug an Seanadóir fianaise don Choimisiún gur thaistil sé ó chomhdháil Dhún Dealgan chun an bhaile agus/nó chun a oifige chun déileáil le cúrsaí oibre agus gur thaistil sé ón áit sin chuig an gcuinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn. Ceistíodh an Seanadóir faoin dearbhú deireanach sin, rud a bhréagnaíonn na cuntais a thug sé roimhe sin de réir cosúlachta. Taifeadtar sa tras-scríbhinn na saincheistanna éagsúla a ardaíodh chuige sin, lena n-áirítear saincheist nua na fisiteiripe a cuireadh in iúl don chéad uair ag an éisteacht.

16. Tá an fhianaise ó Paddy Walsh i dtaca le sárúithe 2, 5 agus 8 ar fáil ina thuarascáil ar an réamhfhiosrúchán agus ag lgh 45-52 den tras-scríbhinn.<sup>16</sup> Eascraíonn na sárúithe as éileamh ar chostais a tabhaíodh ar 26 agus 27 Aibreán 2006 i dtaca le himeacht oiliúna de chuid an Fhorais Riaracháin i gCarraig Mhachaire Rois ("**imeacht Charraig Mhachaire Rois**") agus i dtaca le freastal ar chruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall i Leitir Ceanainn ar 27 Aibreán 2006. Thug an tUas. Walsh fianaise gur éiligh an Seanadóir costais ar Chomhairle Contae Dhún na nGall as míleáiste, as fanacht thar oíche agus as cothú an 27 Aibreán 2006, bunaithe ar chomhdháil thar oíche agus freastal ar imeacht lae (lá agus 3 huaire)<sup>17</sup>, agus gur íocadh na costais sin, agus gur éiligh sé costais chothaithe agus mhíleáiste ar Údarás na Gaeltachta ina dhiaidh sin i dtaca lena fhreastal ar an gcuinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall a bhí ar siúl ar an dáta céanna.<sup>18</sup> Tugtar faoi deara nár cheadaigh Údarás na Gaeltachta a éileamh ar chostais chothaithe. Is dócha gurbh amhlaidh a bhí mar nár chomhlíon an t-am luaite idir taisteal ón mbaile chun an chruinnithe agus ar ais chun an bhaile an tairseach ábhartha ama.
17. Bhí na foirmeacha éilimh<sup>19</sup> ag teacht salach ar a chéile maidir leis na hamanna a mhaígh an Seanadóir gur bhain sé an baile amach – cuireadh in iúl san fhoirm éilimh a cuireadh faoi bhráid Chomhairle Contae Dhún na nGall gur bhain sé an baile amach ag 8pm an 27 Aibreán 2006, cé gur cuireadh in iúl san fhoirm éilimh a cuireadh faoi bhráid an Údaráis gur fhág sé a bhaile ag 5pm ar an dáta céanna.<sup>20</sup> Dá gcuirfí in iúl san fhoirm éilimh a cuireadh faoi bhráid Chomhairle Contae Dhún na nGall gur fhill an Seanadóir abhaile ó imeacht Charraig Mhachaire Rois ag 5pm an 27 Aibreán 2006 agus ní ag 8pm ar an dáta sin, ní bheadh ar an gComhairle Contae an íocaíocht bhreise cothaithe a cuireadh ar áireamh don tréimhse sin a íoc.
18. Luadh sa litir ón Seanadóir an 15 Nollaig 2011 gur bhain sé an baile amach tar éis imeacht Charraig Mhachaire Rois chomh luath le 3pm, in ionad 8pm, agus gur míshonraíodh é sin mar "*genuine error*" ar an bhfoirm éilimh a chuir sé faoi bhráid Chomhairle Contae Dhún na nGall.
19. Ní thugann an Seanadóir míniú ar cén fáth a measann sé gurbh fhearr an chuimhne a bhí

<sup>16</sup> ó líne 24 ar lch 45 go líne 21 ar lch 52

<sup>17</sup> féach lch 47, línte 6 – 19, den tras-scríbhinn

<sup>18</sup> féach lch 50-51 den tras-scríbhinn

<sup>19</sup> tugtar faoi deara gur go mícheart a luaitear san fhoirm éilimh ábhartha a cuireadh faoi bhráid an Údaráis gurbh é an 24 Aibreán 2006 dáta an chruinnithe de chuid Chomhpháirtíocht Spóirt Dhún na nGall. Ba é an 27 Aibreán 2006 an dáta ceart

<sup>20</sup> lch 51 den tras-scríbhinn

aige ar a fhilleadh abhaile ar 27 Aibreán 2006 agus éilimh á dhéanamh aige ar an Údarás ar an 24 Deireadh Fómhair 2006, 6 mhí tar éis an imeachta, ná an chuimhne a bhí aige ar 13 Meitheamh 2006, agus éilimh á dhéanamh aige ar Chomhairle Contae Dhún na nGall níos lú ná 7 seachtaine i ndiaidh an imeachta.

20. Arís, luann an Seanadóir gur thaistil sé abhaile ó láthair an imeachta a raibh sé ag freastal air mar chomhairleoir, mar a bhí Carraig Mhachaire Rois sa chás seo, sular thaistil sé chuig an gcruinniú i Leitir Ceanainn a raibh sé ag freastal air mar chomhalta den Údarás. Luann sé ina litir den 15 Nollaig 2011 agus ina fhreagra ar cheisteanna a chuir Paddy Walsh i mí Lúnasa 2012 go ndearna sé amhlaidh chun déileáil le litreacha poist ó thoghthóirí. Tugtar faoi deara nár fhág an Seanadóir a bhaile agus/nó a oifig go dtí 5pm an lá roimhe chun taisteal chuig Carraig Mhachaire Rois agus go raibh sé beartaithe aige filleadh ar an áit sin tar éis an chruinnithe de chuid Chomhpháirtíocht Spóirt Dhún na nGall an tráthnóna sin.
21. Ar an dara leathanach den fhoirm éilimh a chuir an Seanadóir faoi bhráid an Údaráis, taifeadtar gur thaistil sé go Ciarraí ag am neamhshonraithe ar 27 Aibreán 2006 chun freastal ar chruinniú de chuid an Bhoird.
22. Tá an fhianaise ó Paddy Walsh i dtaca le sáruithe 3, 6 agus 9 ar fáil ina thuarascáil ar an réamhfhiosrúchán agus ag lgh 52-58 den tras-scríbhinn.<sup>21</sup> Eascaíonn na sáruithe sin as éileamh ar chostais a tabhaíodh ón 30 Bealtaine go dtí an 1 Meitheamh 2006 ag Comhdháil maidir leis an Turasóireacht Mhuirí i gCairlinn (“**comhdháil Chairlinn**”) agus ag cruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath ar 31 Bealtaine 2006. Thug an tUas. Walsh fianaise gur éiligh an Seanadóir costais ar Chomhairle Contae Dhún na nGall as míleáiste, dhá fhanacht thar oíche agus cothú breise ar an mbonn gur fhág sé an baile ag 3pm ar 30 Bealtaine 2006 agus gur fhíll sé abhaile ag 2pm ar 2 Meitheamh 2006 agus gur íoc an Chomhairle na costais sin leis<sup>22</sup>, agus gur éiligh sé costais chothaithe agus mhíleáiste ar Údarás na Gaeltachta ina dhiaidh sin freisin i dtaca lena fhreastal ar imeacht seolta de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar 31 Bealtaine 2006, ar dáta é a bhfuair sé íocaíocht as cothú ina leith cheana féin.<sup>23</sup>
23. Bhí na foirmeacha éilimh ag teacht salach ar a chéile maidir leis na hamanna a mhaígh an Seanadóir gur fhág sé a bhaile chun dul chuig Cairlinn an 30 Bealtaine 2006. Luadh san fhoirm éilimh a cuireadh faoi bhráid Chomhairle Contae Dhún na nGall gur fhág sé a bhaile ag 3pm an lá sin, cé gur áiríodh leis an bhfoirm éilimh a cuireadh faoi bhráid an Údaráis do mhí na Bealtaine 2006 éileamh i dtaca le freastal an lá sin ar chruinniú de chuid an Údaráis i nGleann Cholm Cille, ar luaigh an Seanadóir nár fhíll sé abhaile uaidh go dtí 3.30pm.
24. Nuair a d’iarr an tUas. Walsh air a mhíniú cén fáth nár thaistil sé go díreach chuig Cairlinn ó Ghleann Cholm Cille, slí atá níos giorra, luaigh an Seanadóir go raibh sé ag iarraidh litreacha poist agus teachtaireachtaí ó thoghthóirí a fháil ón mbaile ar an mbealach.

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<sup>21</sup> ó líne 22 ar lch 52 go líne 25 ar lch 58

<sup>22</sup> féach lgh 53 – 54 den tras-scríbhinn

<sup>23</sup> féach lgh 57 – 58 den tras-scríbhinn



25. Cuireadh an dáta 13 Aibreán 2006 leis an bhfoirm éilimh a cuireadh faoi bhráid Chomhairle Contae Dhún na nGall, dáta a tháinig roimh an imeacht lenar bhain sé. Is dócha gur cuireadh i gcrích í ar 13 Meitheamh 2006. Luadh san fhoirm éilimh gur fhill an Seanadóir abhaile ag 2pm ar 2 Meitheamh 2006. Sa litir uaidh den 15 Nollaig 2011, mhínigh an Seanadóir gur “*typo*” a bhí sa tagairt don 2 Meitheamh agus gur cheart tagairt don 1 Meitheamh a bheith inti. Anuas air sin, mhínigh an Seanadóir gur ag 8pm a d’fhill sé abhaile agus ní ag 2pm.
26. San fhoirm éilimh a chuir an Seanadóir faoi bhráid an Údaráis i dtaca leis an imeacht seolta de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath ar 31 Bealtaine 2006, áiríodh costais mhíleáiste as taisteal 54 mhíle óna bhaile chuig an gClochán Liath agus ar ais chun an bhaile arís. Tá sé sin amhlaidh in ainneoin gur ó chomhdháil Chairlín a thaistil an Seanadóir chuig an imeacht seolta de chuid Chomhpháirtíocht Spóirt Dhún na nGall ar an gClochán Liath. Sa litir uaidh den 15 Nollaig 2011, níor mhínigh an Seanadóir cén fáth a ndeachaigh sé abhaile le linn a thuais ar ais chuig an gClochán Liath ó Chairlín. Sa litir uaidh den 21 Márta 2012, mhínigh an Seanadóir gur tharla sé sin “*in order to attend to pressing constituency matters which had arisen*”. Sa fhreagra uaidh ar cheisteanna a chuir Paddy Walsh i mí Lúnasa 2012, mhínigh an Seanadóir gur tharla sé sin “*to attend to constituency correspondence and mail. This represents nothing new in the manner in which I undertake my work.*”
27. Thug an tUas. Walsh fianaise go ndearna an Chomhairle Contae imscrúdú ar na hábhair thuas agus, mar chuid dá himscrúdú, thug an Seanadóir míniúcháin ar na sáruithe líomhnaithe.<sup>24</sup> Thug an tUas. Walsh fianaise freisin i dtaca leis na ceisteanna a chuir sé é féin ar an Seanadóir mar thoradh ar an ngearán a fuarthas.<sup>25</sup> Thug an tUas. Walsh fianaise ansin maidir leis na bealaí agus na faid ba ghiorra idir na láithreacha ar thaistil an Seanadóir uathu agus chucu ar na hócáidí i gceist. Ba chosúil ó fianaise an Uas. Walsh, agus ó fhoirmeacha éilimh an tSeanadóira go háirithe, gurb amhlaidh gach uair a d’éiligh an Seanadóir costais mhíleáiste ar Chomhairle Contae Dhún na nGall gur cuireadh an líon mílte isteach mar fhigiúr a bhí i bhfad ní b’airde ná an míleáiste a bhí ceadaithe.
28. Tá an croscheistiú a rinne an tUas. Mac Cárthaigh BL ar an Uas. Walsh thar ceann an tSeanadóira ar fáil ag lgh 107 – 153 den tras-scríbhinn.
29. D’éist an Coimisiún le beirt fhinnéithe go hachomair ansin. Thug Séamus Neely, Príomhfheidhmeannach Chomhairle Contae Dhún na nGall, fianaise<sup>26</sup> nach ndearnadh aon bhearta i dtaca le ró-íocaíocht fhéideartha €16.32 chun an tsuim airgid sin a aisghabháil fad a bhí an cinneadh ar imeachtaí an Choimisiúin ar feitheamh.<sup>27</sup> Fiafraíodh de Ghearóid Breathnach, Stiúrthóir Seirbhísí Corparáideacha ar Údarás na Gaeltachta, an raibh aon ghearán ag an Údarás faoi na nithe a bhí á bplé ag an gCoimisiún agus d’fhreagair sé nach raibh.<sup>28</sup>

<sup>24</sup> Tá an fhianaise ón Uas. Walsh ina leith sin ar fáil ó lch 61 (líne 28 ar aghaidh) go lch 78

<sup>25</sup> ó lch 79, líne 12, den tras-scríbhinn go lch 94, líne 22 (sos le haghaidh lóin), agus ansin ó lch 96 (líne 20 ar aghaidh) go lch 107

<sup>26</sup> ag lgh 160 – 164 den tras-scríbhinn

<sup>27</sup> ag lgh 162 – 163 den tras-scríbhinn

<sup>28</sup> ag lch 165 den tras-scríbhinn

30. Tá fianaise an tSeanadóir i dtaca leis na sáruithe líomhnaithe ar fáil ag lgh 166 – 182 den tras-scríbhinn agus tá an croscheistiú a rinneadh air ar fáil ag lgh 182 – 210. Dheimhnigh an Seanadóir nuair a bhí sé á chroscheistiú go raibh sé eolach ar na rialacha lena rialáítear éilimh chostais.<sup>29</sup> Dheimhnigh sé gur choinnigh sé dialann agus gur líonadh isteach go comhaimseartha é mar thaifead ar a fhreastal ar imeachtaí éagsúla.<sup>30</sup> Nuair a bhí sé á chroscheistiú faoi imeachtaí an 10 Márta 2006, ghlac an Seanadóir leis go ndearna sé éileamh ar dhá íocaíocht cothaithe agus go bhfuair sé an da íocaíocht agus dúirt sé: *“I mo thuairim-se bhí na hócáidí sin bhí difear dubh agus bán idir an dá ócáid. Bhí mé ag déanamh freastail thar ceann dhá eagrais. Bhí mé ag déanamh freastail thar ceann dhá eagrais. Ag comhlíonadh i mo thuairim-se an rud is fearr thar ceann phobal Dhún na nGall. C. An gciallaíonn sé go mbraitheann tú go bhfuil sé de cheart agat dhá íocaíocht cothabhála a fháil má tá obair á déanamh agat thar son an dá eagrais? F. Sin ceist don Choimisiún is dóigh.<sup>31</sup> ... Creidim go raibh mé i dteideal na híocaíochtaí cothabhála sin. Mar nach raibh éileamh ar bith déanta agam chuig an Údarás ar éileamh íocaíochta den chineál céanna.”<sup>32</sup> D’aontaigh sé, áfach, gur sheiceáil sé a dhialann nuair a chuir sé a éileamh faoi bhráid Údarás na Gaeltachta agus go bhfaca sé go raibh liúntas cothaithe íoctha leis cheana féin i ndáil leis an lá ábhartha.<sup>33</sup>*
31. Nuair a cuireadh ceist air faoi chomhdháil Chairlín, d’aontaigh an Seanadóir gur íocadh dhá liúntas thar oíche leis agus dúirt sé gur *“botún”* é.<sup>34</sup> Thug sé fianaise níos déanaí gur: *“mheas mé gur buntáiste níos mó a bhí ann é sin a dhéanamh. Sin cad ina thaobh gur dheimhnigh mé é. Agus chuir mé an t-éileamh isteach dá bhrí sin. C. Agus mar gheall air sin déanadh dhá éileamh ar dhá íocaíocht cothabhála ... F. Dá bhrí sin, tá ceisteanna anois faoi €16.32, faoin éileamh seo atá tú ag déanamh tagairt dó is dócha? C. Tá sé sin ceart, an gceapann tú go ndéanann sé sin difríocht de chineál éigin? Gur €16.32 atá ann? F. Níl mise ag rá dóigh amháin nó dóigh eile.”<sup>35</sup> Dúirt an Seanadóir ina dhiaidh sin: *“Bhuel chuir mise isteach an t-éileamh sin, de bhrí go ndearna mé freastal ar ócáid a bhí i mo thuairim-se, ag déanamh níos mó maithe don chontae agus do chúrsaí spóirt ná mar a bheinn dá mbeinn ag freastal ar an gcomhdháil agus ar imeachtaí na comhdhála an tráthnóna sin agus sin é an tuigbheáil a bhí agam. Agus mar a dúirt mé, go dtí an lá inniu, measaim gurb é sin an rud ceart le déanamh a rinne mé.”<sup>36</sup>**
32. Nuair a fiafraíodh de arbh eol dó go bhfuair sé íocaíocht as an gcomhdháil agus go raibh an chomhdháil ar siúl ar cheann de na laethanta a bhí sé i nDún na nGall, dúirt an Seanadóir: *“Bhí agam le cinneadh a dhéanamh, cé acu ab fhearr mo chuid dualgaisí mar pholaiteoir agus mar dhuine ón gcontae a chomhlíonadh nó a bheith amuigh ar ócáid sóisialta ag comhdháil. Mheas mé féin go raibh sé níos fearr freastal ar mo chuid dualgaisí poiblí. C.*

<sup>29</sup> ag lch 183 den tras-scríbhinn

<sup>30</sup> ag lch 185 den tras-scríbhinn

<sup>31</sup> ag lch 186, línte 23 – 29

<sup>32</sup> ag lch 187, línte 10 – 13

<sup>33</sup> ag lch 188, línte 13 – 20

<sup>34</sup> ag lch 204, línte 15 – 28

<sup>35</sup> ag lch 208, línte 4 – 8 (tá ord na gceisteanna soiléir ón leagan Gaeilge den tras-scríbhinn)

<sup>36</sup> ag lch 208, línte 14 – 20

*Tuigim é sin. Ach shocraigh tú freisin éileamh a dhéanamh i mí Deireadh Fómhair ar chothabháil do lá go raibh tú tar éis íocaíocht a fháil air cheana féin? Nach ea? F. Chím an botún sin anois.*<sup>37</sup>

33. Nuair a fiafraíodh de nach dtaifeadfadh sé na hamanna ar fhreastail sé ar imeachtaí, dúirt sé nach gcuirfeadh sé rud mar sin isteach sa dialann, cé gur díol suntais é gur thairfeadh sé am don lá atá á iniúchadh. *“Chuirfeá isteach sa dialann go raibh cruinniú agam i nGleann Cholm Cille mar shampla. Ní chuirfeá isteach cén t-am a d’fhág tú ar maidin, cén t-am a d’fhill tú tráthnóna ach an lá sin, bhí sé istigh agam gur fhill mé abhaile ag leathuair tar éis a trí. Bhí sé níos cóngaraí don trí a chlog, am éigin ach thart air sin. Ní raibh aon buntáiste,”* ar seisean.<sup>38</sup>
34. Nuair a cuireadh ceist air faoi cé acu ar thairfeadh sé amanna imeachtaí éagsúla nó nár thairfeadh, dúirt an Seanadóir nár thairfeadh sé ach am an chruinnithe agus na hamanna a raibh sé i láthair ag coinní agus nach gcuirfeadh sé sonraí isteach faoi na hamanna ar fhág sé iad agus ar fhill sé abhaile.<sup>39</sup> Mhaígh sé gur chuir se am taisteal le hamanna na gcruinnithe chun na hamanna ábhartha a ríomh. .<sup>40</sup>
35. Mar chosaint dó, luaigh an Seanadóir gur mó an costas a thabhaigh sé as breosla agus as caitheamh agus cuimilt a chairr chun freastal ar na cruinnithe de chuid Chomhpháirtíocht Spóirt Dhún na nGall ná na híocaíochtaí a fuair sé ina leith.<sup>41</sup> I dtaca leis na híocaíochtaí cothaithe don 31 Bealtaine 2006, chuir sé in iúl gur mó an costas a thabhaigh sé as freastal ar an imeacht seolta de chuid Chomhpháirtíocht Spóirt Dhún na nGall ná an méid a fuair sé as costais taistil.<sup>42</sup>
36. Scrúdaíodh iontaofacht chuimhne an tSeanadóir. D’áitigh an Seanadóir ar an gcéad dul síos, mar shampla, nár choimeád sé é féin ach ón gcuid chaitheamh aimsire de chomhdháil Dhún Dealgan. Ghlac sé leis, agus é á chroscheistiú, go raibh sé sin mcheart.<sup>43</sup> Mar atá tugtha faoi deara thuas, ba ag teacht salach ar a chéile a bhí na cuntais a thug sé ar imeachtaí an 10 Márta 2006 agus ar cé acu ab amhlaidh nó nárbh amhlaidh go ndeachaigh sé abhaile sular fhreastail sé ar an gcruinniú de chuid Chomhpháirtíocht Spóirt Dhún na nGall agus go ndeachaigh sé abhaile ina dhiaidh. D’áitigh an Seanadóir go ndearna sé é sin mar gheall ar chineál iomaíoch na polaitíochta.<sup>44</sup> D’fhianaigh an Seanadóir gur fhreastail sé ar choinne fisiteiripe 45 nóiméad an 10 Márta 2006,<sup>45</sup> rud nár luadh roimhe sin. Dúirt sé roimhe sin go raibh sé ag déileáil le ceisteanna leighis. D’áitigh an Seanadóir agus é á chroscheistiú go raibh sé ag déileáil le ceisteanna leighis do thoghthóirí ó ospidéal, ag iarraidh go bunúsach áiteanna daoine ar liostaí feithimh a fheabhsú. D’fhiafraigh Cathaoirleach an Choimisiúin de

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<sup>37</sup> ag lch 209, línte 13 – 24

<sup>38</sup> ag lch 205, línte 3 – 10

<sup>39</sup> ag lch 205, líne 21 go dtí deireadh an leathanaigh

<sup>40</sup> ag lch 206, línte 9 – 26

<sup>41</sup> ag lch 191, líne 2

<sup>42</sup> ag lch 207, línte 9 – 12

<sup>43</sup> ag lch 194, línte 4 – 15

<sup>44</sup> ag lgh 194 – 196

<sup>45</sup> ag lch 173 den tras-scríbhinn

conas a d'fhéadfadh na déileálacha sin bheith ceadmhach de bharr saincheisteanna rúndacht othar. Ba é an freagra a thug an Seanadóir dó ná go mbeadh ar thoghthóirí rúndacht a scaoileadh nó nach mbeadh rúndacht riachtanach ina lán cásanna.<sup>46</sup> Dúirt an Seanadóir nach raibh sé ag tagairt dá choinne leighis féin, rud nár luaigh sé roimhe sin, mar nár mheas sé gur bhain sé le hábhar.<sup>47</sup>

37. Agus é á chroscheistiú faoi cén fáth ar fheabhsaigh a chuimhne le himeacht ama agus nár éirigh sí níos measa, dúirt an Seanadóir gur labhair sé lena theaghlach, lena rúnaí, lena thraenálaí agus lena chóitseálaí agus a leithéid mar go raibh a *“ainm amuigh ansin”*.<sup>48</sup>
38. Dúirt an Seanadóir nach raibh Bluetooth aige agus go raibh air an carr a stopadh chun freagra a thabhairt ar ghlaonna teileafóin nuair a bhí sé ag tiomáint ('am marbh' mar a thug an t-abhcóide air) mar nach raibh an glacadh chomh maith ag an am sin is atá sé sa lá atá inniu ann.<sup>49</sup> Mhínigh sé go raibh air níos mó cuairteanna a thabhairt ar a Oifig chun ríomhphoist a rochtain agus a leithéid a dhéanamh mar nach raibh an teicneolaíocht chomh sofaisticiúil is atá sí faoi láthair. Dúirt sé nach raibh sé inghlactha ina phost iarraidh ar dhuine eile litir a shíniú thar a cheann.<sup>50</sup>

## COMHTHÉACS DLÍTHIÚIL NA SÁRUITHE LÍOMHNAITHE

39. I dtaca leis na trí ócáid sáraithe atá á n-imscrúdú, tá sé líomhnaithe gur sáraíodh trí fhoráil dhlíthiúla ar leith. I dtaca le gach ceann de na trí ócáid, tá sé líomhnaithe gur sháraigh an Seanadóir (i) alt 168 den Acht Rialtais Áitiúil, 2001, de dheasca gur theip air na caighdeáin chuí a choinneáil ó thaobh na macántachta, na hiompraíochta, agus an chúraim do leas an phobail agus é ag comhall a fheidhmeanna mar chomhalta de Chomhairle Contae Dhún na nGall;<sup>51</sup> (ii) alt 169(3) den Acht Rialtais Áitiúil, 2001, trí neamhaird a thabhairt ar fhorálacha den Chód Cleachtais do Chomhairleoirí toisc gur éiligh sé costais taistil agus chothaithe ar Chomhairle Contae Dhún na nGall agus ar Údarás na Gaeltachta<sup>52</sup> agus (iii) ós rud é gur *“duine sonraithe”* é de réir bhrí alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí, 2001, go ndearna sé gníomh sonraithe de réir bhrí alt 2 den Acht um Eitic in Oifigí Poiblí, 1995, nó sraith dá leithéid de ghníomhartha agus bhí a leithéid d'iompar ar neamhréir le comhall ceart fheidhmeanna chomhalta Chomhairle Contae Dhún na nGall agus chomhalta d'Údarás na Gaeltachta aige agus/nó le muinín an phobail i gcoitinne a choinneáil as a leithéid d'fheidhmiú, ar ní é a ngabhann tábhacht shuntasach phoiblí leis.<sup>53</sup>
40. Ní mór gur deimhin leis an gCoimisiún maidir le caighdeán sibhialta an chruthúnais, is é sin le rá gur deimhin leis de réir chóimheá na dóchúlachta go ndearnadh sárú agus é ag déanamh cinnidh ina leith. Agus é ag teacht ar a chinntí, ba cheart don Choimisiún breithniú cúramach

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<sup>46</sup> ag lch 199 den tras-scríbhinn

<sup>47</sup> ag lch 198 den tras-scríbhinn

<sup>48</sup> ag lch 203 den tras-scríbhinn

<sup>49</sup> ag lch 200 den tras-scríbhinn, línte 16 – 26

<sup>50</sup> ag lch 201 den tras-scríbhinn

<sup>51</sup> mar atá leagtha amach sna sáruithe darb uimhreacha 1, 2 agus 3

<sup>52</sup> mar atá leagtha amach sna sáruithe darb uimhreacha 4, 5 agus 6

<sup>53</sup> mar atá leagtha amach sna sáruithe darb uimhreacha 7, 8 agus 9

a dhéanamh ar an bhfianaise ar fad a tugadh ar aird, lena n-áirítear na doiciméid, an comhfhreagras ón Seanadóir, fianaise na bhfinnéithe agus a n-iompar. Ní hé amháin go bhfuil an Coimisiún i dteideal an fhianaise a iniúchadh agus í a thástáil le linn a mheasúnaithe, tá dualgas air é sin a dhéanamh.

41. Tugtar ar aird thuas nithe a bhfuil an chuma orthu gur neamhréitigh agus neamhréireachtaí féideartha iad i gcuntais an tSeanadóira. Ní airbheartaíonn na haighneachtaí seo go sonraítear iontu go huileghabhálach na nithe sin a d'fhéadfadh dul i gcion ar mheasúnú an Choimisiúin ar na míniúcháin a thug an Seanadóir. Ní bheartaíonn na haighneachtaí seo ach oiread ach béim a leagan ar nithe a d'fhéadfadh dul i gcion ar an gcúram a cuireadh ar an gCoimisiún an fhianaise a mheasúnú. Tá sé faoi bhreithiúnas saineolaíoch an Choimisiúin a chinneadh an bhfuil ceann ar bith de na nithe a thugtar ar aird, roinnt díobh nó gach ceann díobh oiriúnach dá bhreithnithe. Féadfaidh an Coimisiún nithe eile nach dtugtar ar aird anseo a mheas a bheith ábhartha dá mheasúnú ar na nithe atá faoi imscrúdú.
42. Is cosúil nach séanann an Seanadóir go ndearna sé na héilimh ábhartha. Is faoin gCoimisiún atá sé cinneadh a dhéanamh arbh ionann na héilimh a rinneadh agus na sárúithe atá liomhnaithe. . I gcás ina gcinneann sé go ndearnadh na sárúithe agus na gníomhartha atá liomhnaithe, ceanglaítear ar an gCoimisiún le halt 24 den Acht um Eitic in Oifigí Poiblí, 1995 (arna leasú), an méid seo a thaifeadadh ina thuarascáil: (a) an ndearnadh an sárú nó an gníomh de thaisme, go faillíoch, go meargánta nó d'aon turas, (b) sna himthosca uile, an sárú tromchúiseach nó mionsárú an sárú, agus (c) ar ghníomhaigh an Seanadóir de mheon macánta. Féadfaidh an Coimisiún féachaint ar aon nithe eile, más ann, is cuí leis.
43. Ina aighneachtaí tosaigh, d'fhéach an tUas. ó Braonáin le roinnt treorach ginearálta a thabhairt maidir leis na saintréithe ar leith a bhaineann le sárú nó gníomh a dhéantar de thaisme, go faillíoch, go meargánta nó d'aon turas.<sup>54</sup> Cé gur faoin gCoimisiún atá sé saintréith aon sárúithe a chinneadh, tá sé beartaithe go dtabharfar ar aird roinnt nithe a bhféadfadh an Coimisiún iad a mheas a bheith ábhartha do chinneadh den sórt sin.
44. Dúirt an Seanadóir go raibh sé eolach ar na rialacháin agus na hordacháin ab infheidhme maidir le héilimh chostais a dhéantar ar Chomhairle Contae Dhún na nGall. Dhearbhaigh sé an méid sin agus na héilimh á ndéanamh aige. D'fhéadfadh an Coimisiún a theacht ar an gconclúid gur cheart go mbeadh an Seanadóir eolach orthu sin ar aon chaoi ó bhí sé ina chomhairleoir contae. Ghlac an Seanadóir leis, agus é á chroscheistiú, go raibh an dualgas sin air.<sup>55</sup> Bhí an Seanadóir ina chomhairleoir ar feadh beagnach dhá bhliain faoin tréimhse i gceist agus ba cheart go mbeadh sé eolach faoi na hamanna ábhartha ar an bpróiseas trína bhfuair sé costais ó Chomhairle Contae Dhún na nGall. Dúirt an Seanadóir gurbh é an nós a bhí aige ná éilimh chostais a chuir faoi bhráid an Údaráis gach sé mhí, a bheag nó a mhór, in ainneoin na dtreoirilínthe a chuir an tÚdarás ar fáil tráth a thofa. Dúirt an Seanadóir gur choimeád sé dialann chun cabhrú leis a éilimh chostais a dhéanamh. Trí thagairt do na nithe sin roimhe seo amháin, d'fhéadfadh go mbeadh deacracht ag an gCoimisiún a rá gur de thaisme nó go faillíoch a rinneadh aon sárú nó aon ghníomh. Bheadh an Coimisiún in ann a

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<sup>54</sup> ag Ich 25 den tras-scríbhinn

<sup>55</sup> ag Ich 184, línte 11-22

theacht ar an gconclúid gurb é is dóichí nár bhreathnaigh an Seanadóir, nuair a bhí éileamh á dhéanamh aige ar chostais, ar an dialann a choinnigh sé, rud ba chúis leis an bhféidearthacht go mbeifí in ann a rá gur go meargánta a rinneadh na héilimh.

45. San fhianaise uaidh, is cosúil go ndeachaigh an Seanadóir níos faide fós. Dúirt sé gur chaith sé níos mó ar bhreosla agus ar chothabháil a fheithicle ná an méid a d'éiligh sé mar chostais agus dúirt sé freisin go raibh sé den tuairim go raibh sé i dteideal costas ón dá eagraíocht mar gur fhreastail sé ar imeachtaí ar an aon dáta amháin thar ceann eagraíochtaí difriúla. Choinnigh sé a sheasamh sna freagraí scríofa uaidh d'Oifigeach Fiosrúcháin an Choimisiúin, áit ar luaigh sé i dtaca leis an 10 Márta 2006: *“as you note I in fact made two return trips to Dundalk during the currency of the Conference, this being necessitated by my attendance at the Sports Partnership meeting, and only claimed expenses for one of those return trips. I feel that my actions were entirely appropriate in the circumstances.”*<sup>56</sup> Luaigh sé an méid seo freisin: *“I claimed and received expenses in respect of 334 miles but actually I travelled a total of 606 miles in order to fulfil my obligations as a public representative”*. Ina theannta sin, luaigh sé arís go raibh a éilimh cuí sna himthosca.<sup>57</sup> Níor fhreagair an Seanadóir na ceisteanna a cuireadh i roinnt cásanna eile.<sup>58</sup> Agus aird á tabhairt ar an méid sin roimhe seo, d'fhéadfadh an Coimisiún a theacht ar an gconclúid gur d'aon turas a ghníomhaigh an Seanadóir agus a éilimh á ndéanamh aige.
46. Agus é ag measúnú an sárú nó gníomh tromchúiseach nó mionsárú nó mionghníomh é sárú nó gníomh ar bith ar aimsigh an Coimisiún é, áitítear nach gné chinntitheach den tsaincheist an tsuim airgid atá i gceist. Cé gur féidir leis an gCoimisiún aird chuí a thabairt ar mhéid na gcostas ata i gceist, d'fhéadfadh sé breithniú a dhéanamh freisin ar thosca amhail cineál an tsáraithe, an líon uaireanta lenar bhain, aon chóras trína ndearnadh sárúithe, na míniúcháin a tugadh ina leith, dearcadh an tsáraitheora i leith a iompair um an dtaca sin, leibhéal an léargais a taispeánadh agus aon chúinse eile a mheas an Coimisiún a bheith ábhartha don mheasúnú ar an tsaincheist sin.
47. Baineann breithnithe den chineál céanna le hábhar maidir le measúnú an Choimisiúin ar cé acu a ghníomhaigh an Seanadóir de mheon macánta nó nár ghníomhaigh.

**Siobhán Ní Chúlacháin**  
**Luán ó Braonáin SC**

**An 20 Meitheamh 2016**

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<sup>56</sup> ag lch 16 den leabhrán doiciméad, F11

<sup>57</sup> ag lch 17 den leabhrán doiciméad, C&F 13, lch 17, C&F 18

<sup>58</sup> ag lch 24 den leabhrán doiciméad, C&F 27, lch 17, C&F 15

**Aighneachtaí scríofa arna ndéanamh ag abhcóidí don Seanadóir Ó Domhnaill**

## An Coimisiún um Chaighdeáin in Oifigí Poiblí

### Imscrúdú maidir le gearán i leith an tSeanadóra Brian Ó Domhnaill arna dhéanamh ag Comhairle Chontae Dhún na nGall

#### Aighneachtaí scríofa thar ceann an tSeanadóra Ó Domhnaill

##### Na sárúithe líomhnaithe:

Tá naoi sárú curtha i leith an tSeanadóra Ó Domhnaill ach is trí shárú líomhnaithe atá i gceist i ndáiríre ag éirí as trí eachtra ar leith ar féidir iad a leagan amach mar seo a leanas:

##### 1. An chéad eachtra “Comhdháil Dhún Dealgan”

Gur sháraigh sé ailt 6, 13, 18 agus 22 i gCúid II de Threoir an Aire Chomhshaoil LG49/2<sup>1</sup> arb ionainn a sárú sin agus sárú ar fhorálacha eile<sup>2</sup> sa mhéid agus gur éiligh sé costais taistil agus chothabhála ó Chomhairle Chontae Dhún na nGall as freastal ar Chomhdháil Bhliantúil na gComhairlí Contae agus Cathrach an 9-11 Márta 2006 i nDún Dealgan agus gur éiligh sé costais taistil agus chothabhála ó Údarás na Gaeltachta as freastal ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall i Leitir Ceanainn an 10 Márta 2006.

##### 2. An dara eachtra “Comhdháil Charraig Mhacaire Rois”

Gur sháraigh sé ailt 6, 18 agus 22 (níl alt 13 i gceist) i gCúid II de Threoir an Aire Chomhshaoil LG49/2 réamhráite arb ionainn a sárú sin agus sárú ar fhorálacha eile<sup>3</sup> sa mhéid agus gur éiligh sé costais taistil agus chothabhála ó Chomhairle Chontae Dhún na nGall as freastal ar Chomhdháil den Fhoras Riaracháin Phoiblí i gCarraig Mhacaire Rois an 26-27 Aibreán 2006 agus gur éiligh sé costais taistil (ní raibh cothabháil i gceist) ó Údarás na Gaeltachta as freastal ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall i Leitir Ceanainn an 27 Aibreán 2006.

##### 3. An tríú eachtra “Comhdháil Chairlinne”

Gur sháraigh sé ailt 6, 13, 18 agus 22 i gCúid II de Threoir an Aire Chomhshaoil LG49/2 arb ionainn a sárú sin agus sárú ar fhorálacha eile<sup>4</sup> sa mhéid agus gur éiligh sé costais taistil agus chothabhála ó Chomhairle Chontae Dhún na nGall as freastal ar Chomhdháil Turasóireachta

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<sup>1</sup> Arna ndéanamh i mí na Nollag 1993 de bhun airteagal 12 de IR 391/1993

<sup>2</sup> As a n-easraíonn sárú líomhnaithe ar alt 168 den Acht Rialtais Áitiúil 2001 (Sárú líomhnaithe 1); sárú líomhnaithe ar alt 169(3) den Acht Rialtais Áitiúil 2001 agus ailt 2.1, 2.2, 2.3 agus 8.1 den Cód Iompraíochta do Chomhairleoirí (Meitheamh 2004)(Sárú líomhnaithe 4); agus sárú líomhnaithe ar alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí 2001 mar dhuine sonraithe faoi alt sin a rinne gníomh sonraithe faoi alt 2 d’Acht 1995 (Sárú líomhnaithe 7).

<sup>3</sup> As a n-easraíonn sárú líomhnaithe ar alt 168 den Acht Rialtais Áitiúil 2001 (Sárú líomhnaithe 2); sárú líomhnaithe ar alt 169(3) den Acht Rialtais Áitiúil 2001 agus ailt 2.1, 2.2, 2.3 agus 8.1 den Cód Iompraíochta do Chomhairleoirí (Meitheamh 2004)(Sárú líomhnaithe 5); agus sárú líomhnaithe ar alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí 2001 mar dhuine sonraithe faoi alt sin a rinne gníomh sonraithe faoi alt 2 d’Acht 1995 (Sárú líomhnaithe 8).

<sup>4</sup> As a n-easraíonn sárú líomhnaithe ar alt 168 den Acht Rialtais Áitiúil 2001 (Sárú líomhnaithe 3); sárú líomhnaithe ar alt 169(3) den Acht Rialtais Áitiúil 2001 agus ailt 2.1, 2.2, 2.3 agus 8.1 den Cód Iompraíochta do Chomhairleoirí (Meitheamh 2004)(Sárú líomhnaithe 6); agus sárú líomhnaithe ar alt 4(6) den Acht um Chaighdeáin in Oifigí Poiblí 2001 mar dhuine sonraithe faoi alt sin a rinne gníomh sonraithe faoi alt 2 d’Acht 1995 (Sárú líomhnaithe 9).



Mara i gCairlinn an 30 Bealtaine-1 Meitheamh 2006 agus gur éiligh sé costais taistil agus chothabhála ó Údarás na Gaeltachta as freastal ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall ar an gClochán Liath an 31 Bealtaine 2006.

Is fearr plé leo ina gceann agus ina gceann.

#### **Eachtra Dhún Dealgan (Gearáin 1, 4, 7)**

I ndeireadh a thuairisce den 7 Samhain 2012, a bhfuil an t-imscrúdú seo bunaithe uirthi, leagann an tUasal Walsh, a bhí an uair sin ina oifigeach imscrúdaithe, in alt 10 “Achoimre” cad iad na sáruithe dar leis is ceart a imscrúdú.

Maidir le heachtra Dhún Dealgan go sonrach deir sé in alt 10.4:

*“If the Commission takes the view that payment of travel and subsistence allowances to Council members who attend conferences, seminars, etc., is conditional on them attending the full programme of events, unless there are exceptional circumstances that prevent the member doing so, and furnishing a report to the Council afterwards, then it seems that Senator Ó Domhnaill may not have been entitled to any payments from the Council in respect of the Dundalk, Carlingford and Armagh events and he might be liable to refund to the Council any fees paid by the Council. The amounts involved here are:*

*“€831.57- ACCC conference in Dundalk*

*“€830.63 – Carlingford conference*

*“€1.077.54 – Summer School in Armagh*

*“€2,739.74 – TOTAL (including conference fees)”*

Níor aontaigh an Coimisiún leis an leagan amach seo agus níl aon éileamh ná sárú líomhnaithe i leith an tSeanadóir as páirt-neamhfrestal ar na comhdhála sin – tráth ar fhrestail sé ar imeachtaí eile thar ceann Údarás na Gaeltachta. Níl éileamh ar aisíoc molta beag ná mór ag an Uasal Walsh mar gheall gur fhág an Seanadóir Ó Domhnaill Comhdháil Charraig Mhacaire Rois go luath chun freastal ar chruinniú de Pháirtnéireacht Spóirt Dhún na nGall.

Tá míniú le fáil ar an easaontú seo i ndlí-eolaíocht an Choimisiúin féin. San Imscrúdú ar ghearáin a rinne Comhairle Chontae Dhún na nGall i leith an iar-chomhairleora Larkin d’eisigh an Coimisiún tuairisc i mí na Nollag 2014. I measc na sáruithe a bhí curtha i leith an iar-chomhairleora bhí freastal neamh-iomlán ar chomhdháil. Dúirt an Coimisiún in alt 5.3:

*“In relation to alleged contraventions 4 to 6, whilst the Code of Conduct for Councillors and Section 142(5)(f) of the Local Government Act require a councillor attending a conference to submit a report to the local authority, Donegal County Council in a letter dated 9 August 2013 informed the Inquiry Officer that it was not “a compulsory practice” of the Council at that time to enforce the requirement and Councillor Larkin had not submitted reports in respect of the conferences. The letter stated that revised arrangements were introduced in March 2010 following the raising of the matter by the Local Government Auditor during the 2008 audit. The Commission concludes that in any given case, it is a matter in the first instance for the Council to assess whether there was proper attendance for the duration of a conference by a councillor as required by paragraph 8.2 of the Code and to enforce compliance with the obligation to report back to the Council in accordance with the Act. Against this background, the Commission is of the opinion that it would be inequitable to*

*adjudicate on Councillor Larkin in relation to his partial attendance at a conference when the regime for assessing a councillor's attendance and reporting thereon was not operated by the Council until 2010. In these circumstances, the alleged contraventions 4 to 6 are not established against Councillor Larkin."*

[aibhsiú curtha leis]

Cé go bhfuil difríochtaí móra idir cás Larkin agus an cás láithreach, baineann an dá cheann acu le Comhairle Chontae Dhún na nGall sa tréimhse roimh 2010 agus seasann an cinneadh

*"that it would be inequitable to adjudicate...in relation to his partial attendance at a conference when the regime for assessing a councillor's attendance and reporting thereon was not operated by the Council until 2010."*

Fágann sé sin go raibh an Seanadóir Ó Domhnaill saor le himeacht ar feadh tamaill ó chomhdháil a raibh sé ag freastal uirthi thar ceann na Comhairle Contae chun freastal ar ghnóthaí thar ceann an Údaráis má shíl sé go raibh an rogha sin fóinteach don phobal a raibh sé mar ionadaí orthu.

Míníonn sé sin an chúis nach leantar den ghearán faoi pháirt-neamhfheastal an tSeanadóir ar Scoil Samhraidh Idirnáisiúnta John Hewitt ar feadh tamaill (roinnt uaireanta a'chloig ar an Aoine an 27 Iúil sara fhill sé níos déanaí an lá sin) chun freastal ar chruinniú de Bhord an Údaráis, cruinniú nár éiligh sé costais ar bith ina thaobh. Bhí an cruinniú i mbaile dúchais an tSeanadóir.

Ina theannta sin míníonn sé cinneadh an Choimisiúin gan aisíocaíocht iomlán a éileamh as páirt-neamhfheastal ar na trí chomhdháil faoi chaibidil anseo: Dún Dealgan, Carraig Mhacaire Rois agus Cairlinn.

Maidir leis Comhdháil Dhún Dealgan go sonrath deir Tuarascáil an Uasail Walsh in alt 10.1:

*"As originally presented, Senator Ó Domhnaill would not have been entitled to any of the an tÚdarás travel and subsistence allowance claims as these claims were in respect of periods for which Senator Ó Domhnaill had already submitted, and was paid, travel and subsistence allowances by Donegal County Council. After the Council raised queries with Senator Ó Domhnaill about the apparent conflicts in his claims, he gave explanations that changed some of the details on the claim forms. These revised details show that many journeys were made via his home. If the Commission takes the view that the original claim forms contain the correct details Senator Ó Domhnaill was not entitled to payments from an tÚdarás as follows:*

*"€93.27 – in respect of the DSP meeting on 10 March 2006"*

*"€76.95 – in respect of the DSP meeting on 27 April 2006"*

*"€76.95 – in respect of the Dungloe event on 27 April 2006"*

***"€253.54 – TOTAL"***

Is fearr plé leo seo ina gceann agus ina gceann.

Ag éirí as cinneadh agus dlí-eolaíocht an Choimisiúin seo i gcás Larkin, bhí an Seanadóir Ó Domhnaill saor le himeacht ar feadh tamaill ó chomhdháil Dhún Dealgan chun freastal ar chruinniú de Pháirtneireacht Spóirt Dhún na nGall thar ceann an Údaráis má shíl sé go raibh an rogha sin fóinteach don phobal a raibh sé mar ionadaí orthu, rud a rinne sé.

Tá dhá chuid ag baint leis an éileamh costais sin ar an Údarás a bhfuil deacracht leis dar le Tuairisc Walsh: €76.95 míleáiste agus €16.32 cothabháil<sup>5</sup>.

Ó tharla go mbaineann an t-éileamh : €76.95 ar mhíleáiste le turas óna theach agus óna oifig ar an bhFál Carrach/Gort a' Choirce agus ar ais arís ar an 10 Márta 2006 baineann sé le lá éagsúil agus turas éagsúil seachas an dá thuras ag éirí as Chomhdháil Dhún Dealgan ar íoc an Chomhairle Chontae míleáiste ina dtaobh: An Fál Carrach go Dún Dealgan ar an 9 Márta agus Dún Dealgan go dtí an Fál Carrach ar an 11 Márta. Níl éileamh dúbailte i gceist anseo ach dá éileamh éagsúla ar dhá chomhlacht phoiblí éagsúla as turasanna éagsúla ar laethanta éagsúla agus de bhun Cinneadh an Choimisiúin i gcás Larkin, bhí lán-chead ag an Seanadóir Ó Domhnaill an turas óna oifig ar an bhFál Carrach/Gort a' Choirce chuig Leitir Ceanainn agus ar ais arís ar an 10 Márta a dhéanamh.

Ní fíor do Thuairisc Walsh nuair a deir sé *"he gave explanations that changed some of the details on the claim forms"* maidir leis an turas seo. Tá firinne lom na dturasanna le fáil sna foirmeacha éilimh:

- Éilíonn foirm éilimh costaisí na Comhairle Contae<sup>6</sup> gur imigh sé ón bhFál Carrach ag 1pm an 9 Márta 2006 agus gur fhill sé ag 4:30pm an 11 Márta 2006 agus íocadh costais leis dá réir.
- Éilíonn foirm éilimh costaisí an Údaráis<sup>7</sup> gur imigh sé ón bhFál Carrach ag 3.30pm an 10 Márta 2006 agus gur fhill sé ag 9:00pm an lá céanna agus íocadh costais leis dá réir.

Leagann Tuarascáil Walsh am-líne an-úsáideach amach in alt 9.1.2<sup>8</sup>. Is leor imeachtaí an Aoine an 10 Márta a leagan amach anseo toisc gur leo a bhaineann an chonspóid:

*"Friday; 10 March*

*10:00am - morning session commences*

*1.00pm – he left the conference to return to Letterkenny for the DSP meeting at 5pm (see Appendix A, first bullet point on page 7).*

*3.30pm – he left home to attend the DSP meeting – per his an tÚdarás claim form – Appendix A1, page 3 (although it seems that he went to this meeting directly from Dundalk and went home afterwards.)*

*5.00pm – DSP meeting commenced – see Appendix D, page 14*

*8.00pm – DSP meeting finished (Appendix A10, paragraph 1) and he went home from the DSP meeting – per claim form.*

*9.00pm – arrived home from the DSP meeting – per claim form*

*10.30pm – left Falcarragh to return to Dundalk*

Éiríonn conspóid as mí-léamh an Uasail Walsh ar na foirmeach éilimh. In ainneoin gurb é an t-aon léamh ar thaisteal a thagann leis na foirmeacha éilimh ná gur imigh an Seanadóir Ó Domhnaill as Dún Dealgan (c. 1pm Dé hAoine) abhaile go dtí an Fál Carrach roimh an gcruinniú de Pháirtnéireacht Spóirt Dhún na nGall agus gur imigh sé óna theach c.3:30 chun freastal ar an gcruinniú sin i Leitir Ceanainn, éilíonn Tuarascáil Walsh gur imigh an Seanadóir ó Dhún Dealgan c.1pm díreach chuig Leitir Ceanainn le haghaidh cruinniú ag 5pm. Níl ciall leis an leagan amach sin ná níl fianaise lena aghaidh.

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<sup>5</sup> Leabhar Doiciméidí, lch 110.

<sup>6</sup> Leabhrán na Comhairle Contae lch 9.

<sup>7</sup> Leabhrán an Údaráis, lch 1.

<sup>8</sup> An Leabhar Doiciméidí, lch 109-110

Sin turas 2:56h dar le léarscáil an AA Route Planner a chuir an tUasal Walsh i bhfianaise, cé gur ghlac an tUasal Walsh faoi chros-cheistiú go bhféadfaí é a dhéanamh i 2:30h<sup>9</sup>. Ina theannta sin mar fhreagra ar an gcéad cheist a chuir an tUasal Walsh air i gcomhair a Thuarascála agus mar fhreagra ar: *“Did you wait for lunch on Friday?”* d’fhreagair an Seanadóir: *“No, I did not wait for lunch”*. (Tuarascáil Walsh, alt 9.1.20 ar lch 15.)<sup>10</sup>

Dar le Clár na Comhdhála<sup>11</sup> thosaigh an lón ag 12:30pm. Is fíor gur dhúirt an Seanadóir i litir uaidh chuig an gComhairle Chontae den 21 Márta 2012<sup>12</sup> gur imigh sé ó Dhún Dealgan ag 1pm, ach is é is dóchaí gur idir 12:30pm agus 1pm is ea a d’imigh sé. Fágann sé sin gur bhain an Seanadóir Leitir Ceanainn amach timpeall 3pm, rud a thabharfadh deis dó leanúint ar aghaidh abhaile chuig an mbaile agus an oifig aige chun freastal ar ghnóthaí toghlaigh agus a lucht vótála sara gcaithfeadh sé filleadh ar Leitir Ceanainn don chruinniú ag 5pm.

Dar le léarscáil AA Route Planner an Uasail Walsh, tógann sé 38 nóiméad dul ó Leitir Ceanainn go Fál Carrach ach ghéill sé le linn croscheistithe go bhféadfaí an turas a dhéanamh idir 25 agus 30 nóiméad<sup>13</sup>.

Faoi chroscheistiú, ghlac an tUasal Walsh nár iontach leis dá n-imeodh ball den Oireachtas abhaile ó Theach Laighean chuig Baile Phib roimh aghaidh a thabhairt ar chruinniú faoin tuath toisc an teach cónaithe a bheith in aice lámhe ó thaobh Theach Laighean de. Ghlac sé leis go bhféadfadh an meon céanna a bheith ag fear tuaithe faoin turas idir Leitir Ceanainn agus an Fál Carrach ó tharla an méid céanna ama a bheith i gceist leis an dá thuras<sup>14</sup>.

Pé scéal é, is é an leagan amach a bhí i gcónaí ag an Seanadóir ó chéad-rinne sé na héilimh ar chostais gur imigh sé as Dún Dealgan abhaile go dtí an Fál Carrach roimh an gcruinniú de Pháirtnéireacht Spóirt Dhún na nGall agus gur imigh sé óna theach c.3:30 chun freastal ar an gcruinniú sin i Leitir Ceanainn agus go ndearna sé turas eile abhaile tar éis an chruinnithe (rud a nglacann an tUasal Walsh leis) gur bhain sé an baile amach timpeall 9pm chun plé le gnóthaí oifige agus pearsanta sarar thug sé aghaidh ar ais arís ar Dhún Dealgan ag 10:30 istóiche.

Is iad na foirmeacha éilimh an fhianaise is fearr agus is cóngaraí don eachtra ó thaobh ama de: Rinneadh éileamh ar an gComhairle Chontae an mhí chéanna an 20 Márta 2006. Rinneadh éileamh ar an Údarás, mar ba nós leis an Seanadóir seacht mí níos déanaí. Ní bhréagnaíonn aon fhoinsé eile an leagan amach sin agus sin é an fhianaise a thug an Seanadóir faoi mhóid don Choimisiún i rith an imscrúdaithe seo, fianaise gan bhréagnú.

Mhínigh an Seanadóir ina chuid fianaise ó bhéal go raibh an-phráinn le filleadh ar an oifig chomh minic agus ab fhéidir chun plé le hiarratais ón bpobal agus go raibh an-iomaíocht ann, chun é a chur go lom, chun an pobal a shásamh ar mhaithe le vótaí a bhailiú.

Mhínigh sé go sonrath ina chuid fianaise maidir leis an lá sin gur bhailigh sé postas agus gur pléigh sé le gnóthaí toghlaigh agus an tslí ar chuir sé an dá thuras abhaile in oiriúint don ghnó sin agus an gnó sin in oiriúint don dá thuras abhaile<sup>15</sup>.

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<sup>9</sup> Trascríbhinn 146: 6 et seq

<sup>10</sup> Leabhar Doiciméidí, lch 114

<sup>11</sup> Leabhrán na Comhairle Contae, lch 2

<sup>12</sup> Leabhar Doiciméidí, lch 84: alt 1(i) *“I absented myself from the conference for the lunch period of the 10th day of March, 2006, which was scheduled between 1.00pm and 2.30pm....”*

<sup>13</sup> Trascríbhinn 136: 19 et seq

<sup>14</sup> Trascríbhinn 137: 3 et seq

<sup>15</sup> Trascríbhinn 173: 12 et seq

Mhínigh sé freisin an cóir leighis a bhíodhas á chur air i gcomhthéacs a chuid aclaíochta iomaíche. Mhínigh sé go sonrath an seisiún fisiteiripe c. 45 nóiméad a fuair sé sa bhaile ar an bhFál Carrach tar éis an chruinnithe de Pháirtnéireacht Spóirt Dhún na nGall an 10 Márta 2006 sarar thug sé aghaidh arís ar Dhún Dealgan<sup>16</sup>.

Cuireann dhá litir ón Seanadóir chuig an gComhairle Chontae den 15 Nollaig 2011<sup>17</sup> agus den 21 Márta 2012<sup>18</sup> an tUasal Walsh amú beagán mar nach ndéanann sé iarracht iad a phósadh leis an gcuid eile den fhianaise. Deir an Seanadóir gur imigh sé ón gcomhdháil i nDún Deaglan le dul chuig an gcruinniú de Pháirtnéireacht Spóirt Dhún na nGall. Is fíor sin. Ní fhágann sé as an áireamh go ndeachaidh sé chuig an gcruinniú via a bhaile agus a oifig ar an bhFál Carrach/Gort a' Choirce. Mar a chéile maidir leis na ceisteanna agus na freagraí ag alt 9.1.20 de Thuarascáil Walsh a leagann an tUasal Walsh béim orthu: ceisteanna agus freagraí 6 agus 15.

Mar aon leis an dá litir ní bhréagnaíonn na freagraí fianaise sheasta an tSeanadóir gur imigh sé ó Dhún Dealgan (c. 12:30-1pm) chuig an gcruinniú i Leitir Ceanainn ag 5pm via a theach agus a oifig ar an bhFál Carrach/Gort a' Choirce.

Béimníonn an Seanadóir i gcónaí nár éiligh sé ach costais taistil óna theach cónaithe chuig IT Leitir Ceanainn agus ar ais arís in ainneoin é a bheith as póca as an turas fillte ó Dhún Dealgan chuig an bhFál Carrach agus ar ais arís (nach raibh costais ag dul dó dá bharr, ar ndóigh). Cosnaíonn an Seanadóir i gcónaí feidhm agus tábhacht Pháirtnéireacht Spóirt Dhún na nGall. Labhraíonn na foirmeacha éileamh mar a cuireadh isteach iad ar a son féin agus ní léir aon soiléiriú a bheith ag teastáil.

Pléann sé sin leis an méid atá in alt 10.2 de Thuarascáil Walsh:

*“10.2 In any event, and despite the general explanations offered in relation to his travel arrangements, no explanation has been offered in relation to his attendance at the DSP meeting on 10 March 2006. Accordingly, it would seem that he was not entitled to the travel allowance of €76.95 and the subsistence allowance of €16.32 paid by an tÚdarás in respect of that meeting. Total €93.27”*

Ar ndóigh is léir ón bhfoirm éilimh ar chostais ar Údarás na Gaeltachta cén bunús a bhí leis. Níor bréagnaíodh riamh an t-éileamh sin. Ní nach ionadh ní raibh riamh agus níl aon fhadhb ag Údarás leis an éileamh ná leis na costais a d'íoc siad i leith an chruinnithe seo de Pháirtnéireacht Spóirt Dhún na nGall. Lá na héisteachta ó bhéal an 9 Bealtaine 2016 thug an tUasal Ghearóid Breathnach, stiúrthóir seirbhísí corparáideacha fianaise thar ceann an Údaráis agus dheimhnigh sé nach raibh fadhb ar bith ag Údarás na Gaeltachta le héilimh an tSeanadóir maidir le costais i leith an chruinnithe ar an 10 Márta nó i leith éileamh costais ar bith a rinne an Seanadóir<sup>19</sup>.

I bhfianaise na fianaise go léir, d'fhéadfadh ceist a bheith ann faoin gcothabháil €16.32 a d'íoc an tÚdarás don 10 Márta 2006 agus liúntas thar oíche faighte ag an Seanadóir ón gComhairle Chontae don 10 Márta cheana ach aighnítear gur mar thaisme is fearr é sin a mhiniú agus iarratas á dhéanamh seacht mí tar éis na heachtra.

Aighnítear freisin gur ceist í don Údarás ar an gcéad dul síos agus gur ábhar iontais é go ndeachthas ar aghaidh leis an imscrúdú gan gearán nó údarú ón gcomhlacht poiblí a mhaítear a bheith thíos leis.

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<sup>16</sup> Trascríbhinn Fianaise 173:23

<sup>17</sup> Leabhar Doiciméidí, lch 66 alt 1.

<sup>18</sup> Leabhar Doiciméidí, lch 84-85

<sup>19</sup> Trascríbhinn, lch 165.

### **Eachtra Charraig Mhacaire Rois (Gearáin 2, 5, 8)**

Eascaíonn an sárú líomhnaithe anseo as botún macánta ar an bhfoirm éileamh chuig an gComhairle Chontae<sup>20</sup>. Tugtar am fillte ar an teach cónaithe mar 8pm nuair is ceart do 3pm a bheith scríofa. As seo eascaíonn ró-íocaíocht cothabhála €16.32 ó Chomhairle Chontae Dhún na nGall. Shoiléirigh an Seanadóir Ó Domhnaill an dearmad seo an chéad uair a scríobh an Chomhairle Chontae chuige ag éirí as an ngearán anaithind a chuir tús leis an bpróiseas seo go léir.

Sa litir thuasluaite a scríobh an Seanadóir chuig an gComhairle Chontae den 15 Nollaig 2011<sup>21</sup>, an chéad deis a bhí aige aghaidh a thabhairt ar an tsain-cheist seo ón gComhairle, soiléiríonn sé in alt 3 ar an gcéad leathanach agus é ag freagairt na gceisteanna san ord inar cuireadh iad mar seo a leanas: *“The return home time from Carrickmacross on 27th April [2006] should be 3pm and not 8pm and this was a genuine error”* agus míníonn sé an gnó oifigiúil a rinne sé maidir le postas srl. sarar thug sé aghaidh ar IT Leitir Ceanainn don chruinniú de Pháirtnéireacht Spóirt Dhún na nGall ag 5pm dar leis an bhfoirm éilimh ar chostais ó Údarás na Gaeltachta<sup>22</sup>.

Tá mionbhotúin ar an bhfoirm éilimh seo agus thug an Seanadóir míniú agus ceartú a luaithe agus a tugadh ar aird do iad. Arís ina litir chuig an gComhairle Chontae den 15 Nollaig 2011<sup>23</sup>, an chéad deis a bhí aige aghaidh a thabhairt ar an tsain-cheist seo ón gComhairle, soiléiríonn sé in alt 3 gur ar an 27 Aibreán 2006 a bhí an cruinniú seachas an 24 Aibreán mar a bhí scríofa agus gur thug sé aghaidh ar an gcruinniú den Pháirtnéireacht Spóirt ag 4:30pm seachas ag 5pm.

Níorbh aon bhuntáiste don Seanadóir na botúin seo i bhfoirm an Údaráis. Ar an 24 Aibreán 2006 rinne sé freastal ar chomhdháil maidir le drámhaíl sna Dúnaibh i gContae Dhún na nGall óna 5pm an lá sin, rud a dhúisigh gearán ón duine anaithnid ach ar chinn an chomhairle chontae a bheith gan bhunús ó tharla an cruinniú den Pháirtnéireacht Spóirt a bheith ar siúl an 27 Aibreán 2006 seachas an 24ú mar a scríobh an Seanadóir ar dtús trí dhearmad<sup>24</sup>.

D’fhág an Seanadóir an Chomhdháil ar an gCarraig ag 12:40pm agus chaill sé 20 nóiméad de chaint a thosaigh ag 12:15pm mar aon le seisiún ceisteanna agus freagraí (15 nóiméad) agus lón na Comhdhála<sup>25</sup>. Ní mholann Tuarascáil Walsh go bhféadfaí iomlán na gcostas don Chomhdháil seo a aisghabháil ón Seanadóir as an bpáirt-neamhfheastal seo<sup>26</sup>. Molann sé áfach aisghabháil don Údarás in alt 10.1:

*“€76.95 – in respect of the DSP meeting on 27 April 2006.*

Ní léir aon bhunús a bheith leis seo. Ní raibh riamh agus níl aon fhadhb ag Údarás le an éileamh ná leis na costais a d’íoc siad i leith an chruinnithe seo de Pháirtnéireacht Spóirt Dhún na nGall. Costais taistil amháin atá i gceist leis an eachtra seo.

Is léir go raibh dhá chuairt éagsúla ar bun anseo de réir an eolais bhreise a tugadh:

- Turas (1) Dé Céadaoin 26 Aibreán 2006 ag 5pm imeacht ón bhFál Carrach chuig Carraig Mhacaire Rois agus ar ais abhaile 3pm an lá dár gcionn Déadaoin 27 Aibreán 2006.
- Turas (2): Déadaoin 27 Aibreán 2006 Imeacht as an bhFál Carrach ag 4:30pm go Leitir Ceanainn agus fillleadh 9pm an tráthnóna céanna.

<sup>20</sup> Leabhrán na Comhairle Contae, lch 21

<sup>21</sup> Leabhar Doiciméidí lch 66 et seq.

<sup>22</sup> Leabhrán Údarás na Gaeltachta, lch 3.

<sup>23</sup> Leabhar Doiciméidí lch 66 et seq.

<sup>24</sup> Leabhar Doiciméidí lch 86, alt 2

<sup>25</sup> Leabhar Doiciméidí lch 41

<sup>26</sup> Leabhar Doiciméidí lch 128.

In alt 10.3 de Thuarascáil Walsh cuirtear é seo go gonta:

*“The result of changing the time of his return home from the training seminar in Carrickmacross on 27 April 2006, from what he stated in the claim form, would seem to be that Senator Ó Domhnaill was not entitled to the payment of the 3 hour subsistence allowance of €16.32 paid by Donegal County Council.”<sup>27</sup>*

Ba léir don Chomhairle Chontae an ró-íocaíocht seo a bheith déanta ó shoiléirigh an Seanadóir an am-líne ina litir den 15 Nollaig 2011<sup>28</sup> ach níor thóg siad céim ar bith lena aisghábháil in ainneoin an chumhacht sin a bheith acu<sup>29</sup>.

Is pointe suimiúil teicniúil é nach cosúil go gcuimsíonn ailt 6, 18 agus 22 i gCúid II de Threoir an Aire Chomhshaoil LG49/2 a líomhnaítear gur sháraigh an Seanadóir iad maidir leis an eachtra seo, nach gcuimsíonn siad ró-íocaíocht den saghas seo.

Maidir le filleadh ar an bhFál Carrach tar éis an chruinnithe den Pháirtnéireacht Spóirt agus sarar thug sé aghaidh ar chruinniú de Bhord Údarás na Gaeltachta i gCiarraí an lá ina dhiaidh, mhínigh an Seanadóir go sonrach an seisiún fisiteiripe c. 45 nóiméad a fuair sé sa bhaile ar an bhFál Carrach timpeall 9:30pm tráth a raibh teacht ar an bhfisiteiripeoir/gcóitseálaí, rud a bhí riachtanach agus gortú á iompar aige agus rás tábhachtach ag teannadh leis sa Mheitheamh<sup>30</sup>.

### **Eachtra Chairlinne (Gearáin 3, 6, 9)**

Eascaíonn an sárú líomhnaithe anseo as cinneadh an tSeanadóir gan fhreastal ar chuid an tráthnóna den chomhdháil seo ar thuarasóireacht mhara an 31 Bealtaine 2006. Chaill sé amach de réir chláir na comhdhála<sup>31</sup> ar an méid seo a leanas:

*“3.30-3.50      Speaker’s Panel Q&A*

*“4.00-5.00      A Visit to the Carlingford Oyster Company  
With Guinness, oysters & mussels served on site.*

*“6.45-10.30     Sailing & Dinner on Tall Ship ‘Artemis’  
Depart Warrenpoint”*

Ó tharla an cead a bheith aige imeacht agus freastal ar sheoladh de chuid Pháirtnéireacht Spóirt Dhún na nGall a raibh sé fós an uair sin ina chathaoirleach air seachas fanacht thoir do na seisiún seo is deacair tacú leis an tuairim i dTuarascáil Walsh go bhféadfaí aisíocaíocht ar iomlán na gcostas a éileamh air maidir leis an gComhairle Chontae.<sup>32</sup>

Ardaítear an cheist faoi na costais a fuarthas ón Údarás ag alt 10.1. Ó tharla go mbaineann an t-éileamh : €67 ar mhíleáiste le haghaidh turas óna theach agus óna oifig ar an bhFál Carrach/Gort a’ Choirce go dtí an Clochán Liath agus ar ais arís ar an 31 Bealtaine 2006 – baineann sé le lá éagsúil agus turas éagsúil seachas an dá thuras ag éirí as Chomhdháil Chairlinne ar íoc an Chomhairle Chontae míleáiste ina dtaobh: An Fál Carrach go Cairlinn ar an 30 Bealtaine agus Cairlinn go dtí an Fál Carrach ar an 1 Meitheamh.

<sup>27</sup> Cf. Tuarascáil Walsh alt 9.2.5 don tuairim chéanna.

<sup>28</sup> Leabhar Doiciméidí, Ich 66 alt 1.

<sup>29</sup> Alt 6 i gCúid III de Threoir an Aire Chomhshaoil LG49/2

<sup>30</sup> Trascríbhinn Fianaise 177:26 et seq.

<sup>31</sup> Leabhrán na Comhairle Contae, Ich 29, Oscailt 16.

<sup>32</sup> Tuairisc Walsh alt 10.4 Leabhar Doiciméidí, Ich 128.

Níl éileamh dúbailte i gceist anseo ach dá éileamh éagsúla ar dhá chomhlacht poiblí éagsúla as turasanna éagsúla ar bhóithre éagsúla ar laethanta éagsúla agus de bhun Cinneadh an Choimisiúin seo i gcás Larkin, bhí lán-chead ag an Seanadóir Ó Domhnaill an turas óna oifig ar an bhFál Carrach/Gort a' Choirce chuig an gClochán Liath agus ar ais arís ar an 31 Bealtaine a dhéanamh.

Ardaíodh an cheist le linn fhianaise an Uasal Walsh ag an éisteacht poiblí an 9 Bealtaine 2016 ar an mbóthar a thug an Seanadóir air féin abhaile agus ar aghaidh chuig an gClochán Liath: an N56 seachas dul thar na sléibhte.

Is ar a chostas féin a d'imigh an Seanadóir abhaile an 31 Bealtaine agus cead aige an bóthar is fearr agus is sábháilte a roghnú chuige. Bhí an cead céanna aige an bóthar náisiúnta sin a roghnú agus é ag filleadh ar a chostas féin ón bhFál Carrach chuig Cairlín<sup>33</sup>.

I bhfianaise na fianaise go léir, d'fhéadfadh ceist a bheith ann faoin gcothabháil €16.32 a d'íoc an tÚdarás don 31 Bealtaine 2006 agus liúntas thar oíche faighte ag an Seanadóir ón gComhairle Chontae don 31 Bealtaine cheana ach aighnítear gur mar thaisme is fearr é sin a mhiniú agus iarratas á dhéanamh cúig mhí tar éis na heachtra<sup>34</sup>.

Lá na héisteachta ó bhéal an 9 Bealtaine 2016 thug an tUasal Gearóid Breatnach fianaise thar ceann an Údaráis agus dheimhnigh sé nach raibh fadhb ar bith ag Údarás na Gaeltachta le héilimh an tSeanadóir maidir le costais i leith an chruinnithe ar an 31 Bealtaine nó i leith éilimh chostais ar bith a rinne an Seanadóir.

Aighnítear freisin gur ceist í don Údarás ar an gcéad dul síos agus gur ábhar iontais é go ndeachthas ar aghaidh leis an imscrúdú gan gearán nó údarú ón gcomhlacht poiblí a mhaítear a bheith thíos leis.

Tá arís ar ais botúin ar fhoirm éilimh na Comhairle Contae<sup>35</sup>. Tugadh dáta an éilimh mar an 13/4/2006 nuair ba chóir an dáta an 13/6/2006 a bheith tugtha. Is botún é seo a cheartaigh an Seanadóir ina litir thuasluaite chuig an gComhairle Chontae den 15 Nollaig 2011<sup>36</sup>, an chéad deis a bhí aige aghaidh a thabhairt ar an tsain-cheist seo ón gComhairle. Sa litir chéanna cheartaigh sé an dara botún sa bhfoirm éilimh seo .i. gur fhill sé 2pm an 1 Meitheamh 2006 seachas 2pm an 2 Meitheamh 2006 mar atá ar an bhfoirm. Ní éiríonn aon ghearán ó cheachtar den dá bhotún seo agus is cosúil go nglactar le bona fides an tSeanadóir ina dtaobh.

Dúisíodh ceisteanna faoi shocruithe taistil an tSeanadóir taobh amuigh de na sárúithe líomhnaithe seo. Ba chosúil gur dúisíodh iad chun inchreidteacht an tSeanadóir a thástáil agus bhí deis ag an abhcóide sin a bhí ag cur na sárúithe líomhnaithe chun cinn an tástáil sin a dhéanamh agus níor cuireadh isteach air. Aighnítear gur finné iontaofa é an Seanadóir.

## **Tátal**

Aighnítear nach dtagann an fhianaise a cuireadh os comhair an Choimisiúin le duine a raibh sé i gceist aige buntáiste a bhreith ar chóras costais dá eagraíocht ar leith a raibh sé ina mball díobh.

Bhí saoirse agus cead aige bheith as láthair ó chuid de chomhdhála a ndearna sé freastal orthu chun freastal ar ghnóthaí eile mar ionadaí poiblí agus é diongbháilte den tuairim, mar a thug sé le fios ina chuid fianaise don Choimisiún, gurbh fhearr a chuid ama a chaitheamh leis na gnóthaí sin.

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<sup>33</sup> Trascríbhinn 118 et seq

<sup>34</sup> Leabhrán an Údaráis, lch 6.

<sup>35</sup> Leabharán na Comhairle Contae, lch 37.

<sup>36</sup> Leabhar Doiciméidí lch 66 et seq.



Go deimhin bhí oiread costais - idir artola agus eile - ag baint le filleadh abhaile go bhféadfadh sé freastal mar is ceart ar ghnóthaí na Páirtnéireachta Spóirt gur mhó iad ná aon éileamh ar chostais as taisteal ón mbaile chuig imeachtaí na Páirtnéireachta Spóirt.

Tugadh an-léargas dúinn ar shaol gnóthach an ionadaí poiblí tuaithe i gceantar iomaíoch a éilíonn caighdeán ard seirbhíse óna chuid ionadaithe poiblí – galar Éireannach b'fhéidir. B'fhacthas a brú filleadh ar an oifig/baile agus tú in aice láimhe chun plé le gnóthaí toghlaigh chun tosaigh ar na hiomaitheoirí mar aon leis an mbrú fisiciúil ar an ionadaí poiblí óg atá ag iarraidh fanacht aclaí agus leanacht a bheith páirteach i gcúrsaí spóirt ag an am céanna agus na heilimh áirithe chóir leighis a eascraíonn as sin.

Is fuarasta a thuiscint conas a rachfaí amú de bheagán ar fhoirmeacha éilimh san atmasféir ard-bhrú seo ach ní hionainn sin agus an chamastaíl a chuirtear i leith an tSeanadóira anseo. Léiríonn na dearmaid nach raibh impleachtaí leo, olc ná maith, nach bhfuil an saol cosúil le saotharlann agus go dtarlaíonn a leithéid de thaisme an t-am ar fad ar fud na cruinne.

Mar a dúirt an t-abhcóide sinsir a chur na sárúithe líomhnaithe i láthair ní hé méad nó laghad na suimeanna i gceist atá tábhachtach ach an meon, macánta nó eile, taobh thiar de (*an mens rea*<sup>37</sup>). Aighnítear nach mbeadh sé cothromasach agus an scéal amhlaidh i bhfianaise na fianaise go léir breith nó cinneadh diúltach a thabhairt i leith an tSeanadóira Ó Domhnaill.

Ó tharla an Seanadóir Ó Domhnaill ina bhall, an uair sin, den dá chomhlacht phoiblí .i. Údarás na Gaeltachta agus Comhairle Contae Dhún na nGall, b'éigean dó plé le coimhlint ar bith idir socruithe a dhéanadh an dá eagraíocht faoi seach. Baineann gach sárú líomhnaithe le cruinnithe thar cheann an dá eagraíocht a tháinig salach ar a chéile agus an tUasal Ó Domhnaill i dteideal an dá thrá a fhreastal.

De réir na fianaise a thug an Seanadóir Ó Domhnaill don Choimisiún bhain ciall agus réasún le gach cinneadh a rinne se nuair a tharla coimhlint idir cruinnithe dá leithéid, go háirithe agus é ina chathaoirleach ar Pháirtnéireacht Spóirt Dhún na nGall. Níor bréagnaíodh míniú ar bith a thug sé maidir leis na roghanna éagsúla sin.

Níl aon ghearán déanta ná á dhéanamh ag ceann amháin den dá eagraíocht i gceist .i. Údarás na Gaeltachta. Féach fianaise gan bhréagnú Ghearóid Breathnach (*supra*).

Is ceart an foirceadal *de minimus non curat lex* a chur i bhfeidhm maidir le na héilimh chothabhála €16.32 ó tharla an mhoill a bhain leis na héilimh a chur isteach agus gan aon ghearán a bheith déanta ag Údarás na Gaeltachta ina thaobh agus gan aon iarratas ar aisíocaíocht a bheith déanta ag Comhairle Contae Dhún na nGall, rud is ceadmhach dóibh a dhéanamh fós.

Tá dualgas dearfach ar an gCoimisiún seo cáil an tSeanadóira mar ionadaí poiblí a shlánú i bhfianaise na poiblíochta a bhain leis an éisteacht os a chomhair a shíolraigh i ndáiríre i dtús ama ó ghearán gan ainm, rud ar ghlac an tUasal Walsh leis<sup>38</sup>.

Freisin ó thaobh chostais na héisteacha de, aighnítear gur cuí faoi na himtosca go léir, gur cuí go n-aisghábhálfadh an Seanadóir a chuid costas agus go ndéanfaí iad a fhomhas ceal iad a aontú.

**Dáithí Mac Cárthaigh BL**  
**Séamas Ó Tuathail AS**

**Arna shíniú**

**Seán Ó Canainn, Atornae le Dlí, Gort a' Choirce, Leitir Ceanainn, Co. Dhún na nGall.**

<sup>37</sup> Trascríbhinn 25:3

<sup>38</sup> Trascríbhinn lgh 107-08.