

STATEMENT OF MR JUSTICE SEAMUS WOULFE
OIREACHTAS GOLF SOCIETY OUTING – AUGUST 2020

Background

During my term of office as Attorney General (between June 2017 and June 2020), I was invited to play as a guest in some of the Oireachtas Golf Society outings which are held from time to time. My understanding was that the Society's membership consisted of members and past members of the Oireachtas, along with some Oireachtas staff members, and that family members and guests from all walks of life were invited. My sense was and is that the Oireachtas Golf Society outings are purely social and recreational events which transcend politics. The outings are not political events, let alone party political or partisan political events. The Ceann Comhairle has stated that the Society was never funded by the Oireachtas.

On the first occasion that I was invited, in 2018, the invitation came informally, by way of a telephone call from former Leas Cathaoirleach of the Seanad, Paul Coghlan, with whom I have become personally friendly in recent years. On that first occasion, I was ultimately unavailable to attend the outing.

The second occasion on which I was invited was the outing at Powerscourt Golf Club in August 2019. Again, my invitation came informally from Paul Coghlan, either by way of a telephone call or when I met him around the precincts of Leinster House. On this occasion, I was able to attend, and I played in the 18-hole competition. Among the participants who also attended, and who I met, were a serving judge and a retired judge. My information now is that several judges have played in the event over the years. I stayed on afterwards for dinner that evening, which was a dinner attended by many, but not all, of the competitors. My general experience of golf society outings, and golf classics (which are similar), is that sometimes participants eat with their own playing partners when they come into the clubhouse after their round of golf, and sometimes participants eat as a group after all of the golf has been completed. Eating as a group is not always popular with all participants, as it can mean a lot of hanging around in the clubhouse for those who play in the earlier timeslots, or alternatively those people having to go away and come back later. In that scenario, some participants do not return for the group dinner.

When participating in the outing in Powerscourt in August 2019, I became aware of some of the organising committee of the Oireachtas Golf Society. The dominant force by far appeared to be the President of the Society, former leader of the Seanad Donie Cassidy. The Powerscourt event was highly organised, from the moment I arrived that morning at the golf club and met Donie Cassidy at the registration desk, to the moment I left that night after the dinner concluded. Other organisers of the club appeared to include Deputy Noel Grealish and the 'Captain of the Guard', John Flaherty. (The Captain of the Guard is second in command of the Leinster House complex and organisation). I was also under the impression that Senator Paul Coghlan was involved in the organising committee, but ultimately at the last minute he was unable to attend the Powerscourt outing for personal reasons.

During the course of the speeches at the August 2019 dinner it was mentioned that the following year, 2020, would be the 50th Anniversary of the Oireachtas Golf Society and that the summer outing in 2020 would be a two-day event in Ballyconneely Golf Club. A couple of people at the dinner suggested to me that I might attend that 50th Anniversary event the following year, and I made a mental note of keeping it in mind (if invited), depending upon family holiday plans the following August.

Lead up to the August 2020 Event

At some time during the first half of 2020, while I was still serving as Attorney General, I received an informal verbal invitation from Paul Coghlan to the August 2020 outing in Ballyconneely. My recollection is that I said I would get back to him. The next occasion on which I discussed the event was with Deputy Noel Grealish in May/June 2020, when I met him while walking around the lawn in Leinster House. I recall that Deputy Grealish confirmed that, as matters stood, the event was still scheduled to go ahead, notwithstanding the Covid-19 pandemic as sporting activities such as golf had recommenced.

I was appointed a Supreme Court Judge on Thursday the 23rd July 2020. I played in the Bar Golf Society outing in Baltray, County Louth on Saturday the 25th July 2020, with a large group of Barristers and Judges. At this outing, I met Mairéad Coghlan BL, who is the daughter of Paul Coghlan, and this probably triggered a thought in my head about the outstanding invitation to the Oireachtas Golf Society outing. I might add that this was the first Golf Society outing that I had played in since the easing of Covid -19 pandemic restrictions, and on this occasion

we ate in a small group as we came off the golf course, rather than eating together later on as a bigger group.

After I was appointed a Supreme Court Judge on the 23rd July I was not familiar with internal judicial protocols, if any, to be observed in respect of invitations to events generally. Following my appointment, I had received some briefing materials, but these concerned logistical issues such as car-parking and office space only.

I therefore raised the matter of the golf outing with the Chief Justice after a Supreme Court Judges' lunch on Wednesday 29th July. I indicated to the Chief Justice that it was a non-party political event and that I did not see a problem with me attending, but that as a new Judge, I wanted to check with him. He indicated to me that he saw 'no problem' with me attending the event, or words to that effect.

Following this exchange, I discussed the matter with my wife and told her what the Chief Justice had said to me. We agreed in principle that I would attend the event (which at that stage I was aware was taking place roughly in the third week in August), and I called Paul Coghlan to confirm the exact dates of the event. I subsequently agreed with my wife that we would bring two cars on our family holiday to Donegal in August and that I would travel to Ballyconneely and play in the second day of the golf outing, on Wednesday 19th August 2020. I subsequently rang Paul Coghlan to confirm that I would play on the second day of the outing, and I recall that he told me that a room might be available in the Station House Hotel in Clifden. Thereafter, I booked a room for two nights (18th and 19th August 2020) in the Station House Hotel.

At no time did I receive a formal written invitation to the Oireachtas Golf Society outing, which I now understand may have made reference to a dinner, and I have never had sight of any such invitation. I was not aware whether there would be a formal group dinner, or whether participants would dine separately with their playing partners directly after their round of golf.

Events of Tuesday 18th/Wednesday 19th August 2020

As of Tuesday 18th August, I was on the second week of a family holiday in North Donegal. I left there at around midday and I arrived at the Station House Hotel in Clifden at approximately 6.00pm. I was then in contact with Paul Coghlan (I do not recall who initiated that contact),

who invited me to dinner in another hotel in Clifden. I had dinner at that hotel, and had two drinks in the bar there afterwards, before walking back to the Station House Hotel.

On the morning of Wednesday 19th August, I had breakfast on my own in the hotel, I learned that my tee time for golf was 1.20 pm, and I arranged to meet one of my four ball for a cup of tea in the golf club in Ballyconneely beforehand. I left the hotel around midday. At the stage I was not aware what arrangements (if any) were in place for after the game of golf.

On arrival at the clubhouse in Ballyconneely I went upstairs to the bar, where I expected to register. At the registration desk I met Donie Cassidy and Deputy Noel Grealish. Paul Coghlan was also in the vicinity of the registration desk. I was asked for and paid a fee for the outing, and I was told that the total fee included dinner. I was given a docket or a voucher for dinner and was told that the dinner would be in the Station House Hotel at 9pm.

As I heard this, I moved away from the registration desk to allow other people to register. I am almost certain that it was at this point that I asked Paul Coghlan about the dinner being a group dinner that night. When I queried Paul about the group dinner, he reassured me strongly that Donie Cassidy and the organising committee had consulted extensively with the authorities, and had ensured that everything would be in compliance with the rules and the public health guidelines. The individuals involved in running the Oireachtas Golf Society were all people of great experience and highly regarded. In particular, I knew that Donie Cassidy was also a very successful businessman, in the hotel and hospitality sector itself. In that regard, I was aware from my time as Attorney General that the rules contained in the relevant statutory instruments, such as those regarding the organising of a social event, permitted numbers etc, were often fleshed out between a particular sector (e.g. the hospitality sector), and the sector's representative body and Governmental authorities, by way of a protocol or guidelines.

What was conveyed to me by Paul Coghlan was consistent with the general desire at the time for hotels and restaurants to open and carry on business to the greatest extent possible, while complying with all relevant regulations and guidelines.

In the light of all of this I had no reason to doubt that everything about the dinner had in fact been arranged to be in compliance with the public health guidelines, as represented to me.

At around the same time, either Paul Coughlan or one of my playing partners, who we joined at a nearby table, mentioned that the dinner had been moved from the golf club to the hotel in order to ensure compliance with the public health guidelines. This further underlined to me that the organisers were taking all necessary steps to ensure that the event complied with regulations and public health guidelines, and I had now received express assurances that the event would be compliant.

After this discussion the issue of the dinner went out of my mind. I had a cup of tea and then went out to play golf with the three other members of my fourball, commencing at around 1.20pm. The other members of my fourball were former Senator Lorraine Higgins, former TD Gerry Reynolds, and a gentleman named Tony Walsh who I did not know. The weather forecast had not been good for the day, and in the end we came in after the ninth hole as it seemed as if it was about to rain heavily, in addition to the conditions being windy. We went upstairs and had a bite of lunch in the bar. Three of us arranged to meet for a drink in the Station House Hotel before the dinner. I went back to the hotel and went to my room and rested.

The Night of Wednesday 19th August

On the night of Wednesday 19th August, I went downstairs around 8.15pm and met one of my playing partners for a drink. I don't think that the other playing partner, who was to join us, ended up joining us after all. After some time, we were called in for dinner (I think by Paul Coughlan). There was no sense of a large group assembling either in the bar or in the lobby area.

On entering the dining room, I was immediately told by someone (Paul Coughlan, I believe), that I was at a particular table. I think that this was Table 5. I never saw a table plan, and I don't know whether one was posted up anywhere in the room or not. The room was not a big room, and my recollection is that there were between six and eight tables in it. I did not count the number of people in the room, though I now understand from media reports that there apparently were 45 people there. That number is broadly consistent with my memory of the room.

The rest of the people at my table arrived, making a total of eight people, including two married couples.

During the dinner, I was not aware, and had no reason to believe, that the dinner or event consisted of any diners (or tables of diners) other than those that I could see in the room. I was not conscious of another room of diners in the hotel, or any other room connected with the Oireachtas Golf Society. All of the main people whom I associated the Oireachtas Golf Society event with, or with whom I had had substantial interactions on that day or the previous evening, appeared to be in the same room as me. I could not hear any noise coming from any adjoining room, nor was I conscious of any adjoining room.

I was sitting facing the front wall of the room, where the top table was and where the speeches were made.

Throughout the dinner I had no reason to believe that the Oireachtas Golf Society dinner was anything different (or larger) than what was occurring in the room in which I was dining. At no time was I aware that there was a second group of diners from the Oireachtas Golf Society in an adjoining room, behind the wall (which I now understand is a retractable wall) directly behind me.

At the end of the dinner, there were speeches and a prizegiving. During the prizegiving, at least one person who was called to receive a prize approached the front of the room from my left side. This did not register any concern on my part at the time, and I don't recall applying my mind to where he was coming from. I now appreciate that he may have been dining in a second room, behind the retractable wall.

Immediately after the speeches and the prizegiving had finished, I left the dining room and proceeded out into the hotel lobby/reception area. I had two after-dinner drinks in the hotel bar area, and then left and then went upstairs to bed.

The next morning (Thursday), I had breakfast alone, checked out of the hotel, and drove back to Donegal.

Mr Justice Seamus Woulfe

4th September 2020