

Witness Name: Sheena Lally

Statement No.: WITN7637001

Exhibits: WITN7637002,

WITN7637003

Dated: 30th March 2023

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF SHEENA LALLY

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated the 18th November 2022, a supplemental request dated the 23rd November 2022 and a further supplemental request dated the 9th December 2022.

I, Sheena Lally, will say as follows:

Section 1: Introduction

Please set out your name, address, date of birth and any professional qualifications relevant to the role you currently discharge.

1. My name is Sheena Lally, my date of birth is the GRO-C 1975 and my business address is The Hepatitis C and HIV Compensation Tribunal, 31-35 Bow Street, Smithfield, Dublin 7. I qualified as a Solicitor in 2002 from the Law Society of Ireland. Following qualification, I worked in private general practice for 4 years before joining the Courts Service in 2006, where I worked as a Senior Solicitor in the Office of the General Solicitor for Minors and Wards of Court for 13 years, specialising in litigation on behalf of the Wards before the Superior Courts. I took secondment from this role to take up the post of Tribunal Secretary in the Hepatitis C and HIV Compensation Tribunal in November 2019 and hold that position to date.

Section 2: Roles and Responsibilities

Please describe, in broad terms your role and responsibilities as Tribunal Secretary at the Hepatitis C and HIV Compensation Tribunal (“the Tribunal”).

2. The Secretary to the Hepatitis C and HIV Compensation Tribunal reports to the Chairperson of the Tribunal, and has responsibility for the overall efficient running of the Tribunal, and the main duties of the post are, inter alia, as follows:

- Ensuring that the office is managed efficiently and that all visitors to the Tribunal and the Chairperson, Members and staff of the Tribunal are treated with dignity and respect.
- Ensuring that applicants have confidence in the integrity and confidentiality of the Tribunal process and that this is preserved throughout all data procedures.
- Acting as a Registrar for Tribunal Hearings.
- Providing a support service to the Tribunal Chairperson and Members.
- Liaising with an Applicant's Legal Teams.
- Liaising with Expert Witnesses, State Bodies, and Institutions.
- Engaging independent Medical Professionals to provide independent medical reports when the need arises.
- Engaging Counsel via the Chief State Solicitor's Office on behalf of the Tribunal when presented with particularly complex cases.
- Arranging call-over dates to ensure that claims are brought to hearing in a timely manner.
- Ensuring that acceptance and appeal payments are paid within the time limits.
- Ensuring that IT System requirements are maintained.
- Ensuring best practice regarding GDPR and ensuring absolute confidentiality for all Claimants, the Chairperson, Tribunal Members and Staff.
- Preparing the Annual Report.
- Dealing with queries from Applicants and their legal representatives as regards the Tribunal's processes and procedures having regard to data protection and the Solicitor /client relationship.

Please also describe, in broad terms, the roles and responsibilities of the current Tribunal Members.

3. The role of the Tribunal Members is to receive papers, to read them, and to consider the cases put forward by applicants. The consideration covers the written reports/papers submitted and the oral evidence adduced under the Statute. It is the assigned Members responsibility to make an award, once causation has been established, in accordance with the statutory provisions of the Hepatitis C Compensation Tribunal (Principal) Act 1997¹ (as amended) under precedents set down by the Superior Courts. The award should follow precedent of appropriate compensation levels for the injuries sustained. Where claimed, awards for special damages are made.
4. In response to a question at page 37 of the [transcript](#), Line 13 as to who sits on the tribunal, Mr. O'Mahony advised at Line 17, page 37 that "*they tend to be barristers, all of them*". Just to clarify for the record, while the current Tribunal currently has 8 barristers, including the Chairperson appointed to it, it does also include 1 Solicitor and both Solicitors and Barristers are eligible for appointment to Membership of the Tribunal.

Section 3:

When a claim is made to the Tribunal in respect of care that an individual has provided gratuitously to a person who was infected, what approach does the Tribunal take (broadly) to the assessment of the cost of that care? (See pages 36-37 of Mr O'Mahony's evidence where the question was asked but Mr O'Mahony was not able to answer it.)

5. Under Section 4(1) of the Hepatitis C Compensation Tribunal Act 1997 (as amended):
"the following persons may make a claim for compensation to the Tribunal

¹ <https://www.irishstatutebook.ie/eli/1997/act/34/enacted/en/html>

..(d) any person who is responsible for the care of a person referred to in paragraph (a) (b) or (c) and who has incurred or will incur financial loss or expenses as a direct result of providing such care arising from the person being cared for having contracted Hepatitis C “and also

(i) Any person who is responsible for the care of a person referred to in paragraph (f) or (g) and who has incurred or will incur financial loss or expenses as a direct result of providing such care arising from the person being cared for having contracted HIV”.

6. The Tribunal makes awards to such applicants on the basis of actuarial or other evidence provided by employers, accountants, and actuaries in respect of the financial loss and expenses incurred by an applicant as a result of having to care for a person infected with Hepatitis C and /or HIV as a result of infected blood products. Monies received as a result of the primary applicant being in receipt of a Health Amendment Act (hereinafter referred to as HAA card) and home help hours may be taken into account when making an award, although Social welfare payments such as a Carers allowance cannot.
7. Primary applicants suffering from Hepatitis C who have access to a HAA card are entitled to claim care costs under this HAA Card Scheme, which is separate from the Tribunal and pursuant to the decision made by the High Court in 2007/12 KD –v- Minister for Health (unreported) the Tribunal cannot award future care costs to a Claimant when there is a statutory scheme available to discharge such care costs. As primary applicants suffering only from HIV do not have access to the HAA card scheme, future care costs can be awarded to such primary applicants to enable them discharge the costs of such care.
8. On the other hand Section 5 (2) (a) (a) of the Hepatitis C Compensation Tribunal Act 1997 Principal Act, as amended, *(inserted by Section 5(a) of the Hepatitis C Compensation Tribunal (Amendment) Act 2002)* allows secondary claimants to make retrospective care claims as special damages in a dependency claim following the death of a primary applicant as a result of Hepatitis C or HIV, regardless of the provision of a HAA card, although the

existence of same and any payments made in respect of this can be taken into account when the Tribunal makes an assessment of the compensation which may be due in this regard.

Section 4:

The Inquiry understands that the individual awards made by the Tribunal are not published. However, please can you:

- a. set out the range of awards (from lowest to highest) made by the Tribunal to people who were infected;**
 - b. set out the range of awards (from lowest to highest) made by the Tribunal in claims made by secondary victims (i.e. family members, spouses/partners, carers);**
 - c. set out the average amount of a final award made by the Tribunal to people who were infected; and**
 - d. set out the average amount of a final award made by the Tribunal to secondary victims.**
9. The Tribunal has historically been reluctant to give details on individual awards primarily to protect the identity of applicants. At the beginning of the Tribunal process it was felt that if the categories were differentiated between, it might be possible for individual applicants and their awards to be identified. The Tribunal publishes the number of total awards (not divided into the different categories of applicants) that have been made and paid in each calendar year in its annual report.
10. The Tribunal publishes details in its annual report each year of awards made and paid. The differential arises as some awards are not paid in the same calendar year in which they are awarded. This could be due to the fact that the award is made in December and the Claimant has not agreed to accept it until the New Year, or a Court application might be required in the case of Minor dependents or other instances.

11. The Tribunal's Annual report includes figures on the number of awards made and paid, the total amount made and paid, and the average award amount made each year. The figures for the past 19 years are presented in the tables below:

12. The below table shows the details of the awards *made* between 2002 and 2020 as recorded in the Tribunal's annual reports.

| Year | Number of Awards Made | Total Award Amount made | Average Award Amount made |
|-------------|------------------------------|--------------------------------|----------------------------------|
| 2020 | 35 | €6,479,207.00 | €185,120.00 |
| 2019 | 30 | €7,301,974.23 | €243,399.14 |
| 2018 | 36 | €9,822,560.51 | €272,848.90 |
| 2017 | 70 | €15,693,124.20 | €224,187.48 |
| 2016 | 36 | €15,585,666.11 | €432,935.17 |
| 2015 | 60 | €14,308,601.65 | €238,467.69 |
| 2014 | 74 | €13,224,227.79 | €178,705.78 |
| 2013 | 81 | €15,789,726.32 | €194,934.90 |
| 2012 | 67 | €11,807,892.45 | €176,237.20 |
| 2011 | 122 | €17,496,540.93 | €143,414.26 |
| 2010 | 106 | €23,855,308.00 | €225,050.00 |
| 2009 | 171 | €28,872,246.31 | €168,843.54 |
| 2008 | 134 | €30,410,581.88 | €226,944.64 |
| 2007 | 170 | €48,811,792.28 | €287,128.18 |
| 2006 | 292 | €36,093,777.84 | €123,608.83 |
| 2005 | 304 | €43,668,890.58 | €143,647.66 |
| 2004 | 241 | €34,548,943.27 | €143,356.61 |
| 2003 | 138 | €30,987,196.54 | €224,544.91 |
| 2002 | 65 | €20,356,758.67 | €313,180.00 |

13. The below table shows the details of the awards *paid* between 2002 and 2020 as recorded in the Tribunal's annual reports.

| Year | Number of Awards Paid | Total Award Amount Paid | Average Award Amount Paid |
|-------------|------------------------------|--------------------------------|----------------------------------|
| 2020 | 38 | €5,828,690.00 | €153,386.58 |
| 2019 | 28 | €8,045,988.00 | €287,356.71 |

| | | | |
|------|-----|----------------|-------------|
| 2018 | 52 | €10,754,172.00 | €206,811.00 |
| 2017 | 62 | €13,114,428.00 | €211,523.03 |
| 2016 | 28 | €14,892,384.00 | €531,870.86 |
| 2015 | 59 | €15,700,074.00 | €266,102.95 |
| 2014 | 75 | €16,370,641.00 | €218,275.21 |
| 2013 | 77 | €16,298,493.00 | €211,668.74 |
| 2012 | 79 | €15,091,916.00 | €191,036.91 |
| 2011 | 114 | €17,066,854.00 | €149,709.25 |
| 2010 | 117 | €30,496,254.00 | €260,651.74 |
| 2009 | 158 | €32,244,590.00 | €204,079.68 |
| 2008 | 143 | €39,349,934.00 | €275,174.36 |
| 2007 | 193 | €57,782,743.00 | €299,392.45 |
| 2006 | 290 | €46,543,469.00 | €160,494.72 |
| 2005 | 287 | €42,186,950.82 | €146,992.86 |
| 2004 | 243 | €39,384,189.00 | €162,074.85 |
| 2003 | 108 | €27,964,437.00 | €258,929.97 |
| 2002 | 62 | €18,541,096.00 | €299,049.93 |

14. Please also see below the *range of awards* made as recorded in our Annual Reports between 2002 and 2020.

| Year | Range of Awards Made |
|-------------|-----------------------------|
| 2020 | €44,443.00 to €781,782.00 |
| 2019 | €40,000.00 to €970,000.00 |
| 2018 | €35,000.00 to €1,163,131.00 |
| 2017 | €15,000.00 to €1,040,000.00 |
| 2016 | €30,517.17 to €2,960,520.95 |
| 2015 | €30,423.82 to €2,929,728.29 |
| 2014 | €4,375.00 to €1,150,000.00 |
| 2013 | €3,628.57 to €1,880,400.00 |
| 2012 | €1,200.00 to €1,608,568.00 |
| 2011 | €1,740.00 to €1,094,740.00 |
| 2010 | €5,000.00 to €1,435,000.00 |
| 2009 | €6,350.00 to €1,870,894.00 |
| 2008 | €20,000.00 to €1,010,789.00 |
| 2007 | €15,000.00 to €5,286,737.00 |
| 2006 | €980.00 to €911,530.00 |
| 2005 | €14,000.00 to €1,624,383.00 |
| 2004 | €5,000.00 to €1,798,376.00 |
| 2003 | €5,000.00 to €2,005,000.00 |
| 2002 | €650.00 to €1,380,000.00 |

Section 5:

Please provide any comments regarding Mr O'Mahony's statement and/or evidence that you wish to provide on matters relating to the Tribunal.

a. Department of Health Involvement in Tribunal:

15. The comments by Mr O'Mahony during his testimony on (page 41 line 5 – page 42 line 9) alluding to the Department's involvement in Tribunal hearings are incorrect. From the inception of this Tribunal the Department has been specifically excluded.
16. The assertion that the Department of Health are represented at every hearing needs to be corrected as a matter of urgency. This urgency is centred on the fact that the Tribunal does not wish that any applicant who appears before us or is due to appear hears and forms an incorrect impression to their detriment. The Tribunal welcomes this opportunity to formally correct the record and remove these assertions from the public record. Further the Tribunal refers the Inquiry onto the Department of Health to ascertain their actual involvement in any Appeals.

b. Interim Payments:

17. On pages 49 lines 11-19 of the transcript of his oral testimony Mr O'Mahony highlights that one change he would implement if given the opportunity would be to make interim payments.
18. It is not correct to say that there have been no interim payments. The Tribunal has historically made interim payments in exceptional circumstances, on request by applicants although there is no statutory provision for doing so.

c. Settlements:

19. In response to a question put by Sir Brian Langstaff at Lines 17 page 43 -Line 6 page 44, on whether there existed any settlement process, Mr.

O'Mahony answered at Line 7 "No" and again at Line 10 " *No, not that I'm aware of, no, I haven't heard of that at all*".

20. This is incorrect.

21. Pursuant to Section 8 of the Hepatitis C Compensation Tribunal Act 1997 Act as amended:

- (1) The Minister may make arrangements to provide for the settlement of claims in respect of general and special damages by a claimant.*
- (2) Any documents or papers submitted to the Tribunal in respect of a claim where a settlement is being negotiated under this section may be seen by persons involved in the settlement who shall not disclose the information contained in such documents or papers other than to any person involved in the settlement.*

22. The Settlement Procedure is set out at Appendix III (**WITN7637002**) of our Annual Report² each year which Reports are available on our website.

23. This website also clearly advises as part of our FAQs :

"Is there a procedure whereby my claim can be settled?

Yes. Settlement arrangements are in operation. These are available in the Annual Report, which may be viewed on this site".

d. HAA Card:

24. At page 52 of his testimony, in response to a question in regard to the HAA card at Line 7-8: *"Now this is limited to Hepatitis C. It doesn't encompass HIV?",* at Lines 12-16 of the Transcript Mr. O'Mahony says *"It does cover HIV as well, through blood and blood products. So if an individual has been infected with HIV through blood and blood products but had not been co-infected with hepatitis C, they would still get a HAA Card".*

25. It is not correct to say that all HIV victims who were infected as a result of infected blood products have the benefit of the HAA card. The scheme was never extended to those victims. It is only HIV victims who are co-infected with Hepatitis C who are able to have the benefit of the card, and this is as a result of their Hepatitis C status.

² <https://www.hepccomptrib.com/index.php?page=7>

e. Publication of Decisions of High Court:

26. In response to a question at page 81 of the transcript, Line 2 on whether the High Court Judgements would be publicly available, Mr. O'Mahony advised at Line 4, page 81 *"Not that I'm aware of, no"*.

27. Just to clarify for the record, while the Tribunal's own decisions are not publicly available – although available to a Court on appeal- judgements made by the Superior Courts in respect of a Tribunal appeal can be available in redacted form and could be reported on without the identification of the Applicant.

f. Delay:

28. On page 32 of his written statement at paragraph 74, Mr O'Mahony, in answer to question 23, which queried if there have been any problems with either the terms of the Compensation Tribunal and its operation of which he was aware, Mr O'Mahony answered that *"the process has been very long and drawn out for some claimants"*.

29. Also at page 45 Lines 11-13 of the transcript Mr. O'Mahony advises that while *"the process has been very good for the vast majority of people but some cases have taken several years to get on for hearing"*. Also at page 46 of the transcript of his oral evidence, at lines 14-16, Mr. O'Mahony advised that *"the dissatisfaction, where I've heard it expressed, relates to the length of time that the process has taken for some individuals"*.

30. This indeed has been the experience of the Tribunal and it has received complaints from some applicants on the delay. The passage of time between the wrongful event either infection from infected product or the death of a loved one has in some cases been in excess of 30 years.

31. The Tribunal in its judgements has referenced the delay as it is of the view that the passage of time can have a bearing on the fact-finding process. The Tribunal is actively seeking cases to be brought on. The Tribunal, once it receives all papers required to be considered, can assign a hearing within a matter of weeks.

32. The Tribunal began a practice of calling over cases in and around 2008 in an effort to bring cases on before it and Call-overs are held with all Solicitors with active cases before the Tribunal several times a year. This has the advantage of ascertaining the unique matters in each case which practitioners are facing and allows the Tribunal to offer what help it can to assist. On complaints being received in the office, we have tried to reassure callers that we are ready to accept papers for their hearings at any time and have referred them back to their legal representatives and support groups.

g. Operation of Tribunal during the COVID pandemic:

33. On pages 32-33 of his written statement at paragraph 75, Mr O'Mahony references remote hearings during the pandemic and states that *'the Tribunal has become somewhat more adversarial and has been limiting the amount of expert testimony they will hear in some cases'*.

34. Also, at page 39, Lines 17-22 of the transcript, Mr. O'Mahony in his direct oral evidence to the Blood Inquiry also says *"Now in the last couple of years, now the vast majority of the cases, primary cases, have been heard. My understanding is that in the last year or two during Covid, especially it's become a little more adversarial, they are trying to limit the number of witnesses"*.

35. In answer to this statement some background facts must be set out.

36. Until 2020 the Tribunal had no facility to provide remote access to its hearings. Section 3 subsection (12) of the Principal Act 1997 (as amended) states *'The Tribunal hearings shall conduct its hearings otherwise than in public'*. This was to protect the confidentiality of the proceedings and the identities of victims.

37. When lockdown commenced in March 2020 and with no remote access available, the Chairperson directed me to commence the process of procuring this facility and she also began a process of prior consultation with all interested parties including legal representatives regularly coming before the Tribunal for the various interest groups and the legal representative for the Irish Haemophilia Society. She requested government support for the move and an application by the Tribunal for designation to conduct remote hearings was made. This designation was provided for under Section 31 of the Civil

Law and Criminal Law (Miscellaneous Provisions) Act 2020³ and commenced by S.I No 428/2020 Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Sections 29 and 30) (Hepatitis C and HIV Compensation Tribunal) (Designation) Order 2020⁴.

Following the enactment of the legislation in October 2020, the Tribunal was able to provide remote access for hearings to Applicants in October 2020.

38. Prior to this, discussions were ongoing as to how physical hearings could be conducted in the Tribunal offices at Bow Street in Dublin during the pandemic where physical space is limited. Extensive correspondence was exchanged with the various interested parties on how physical hearings could be facilitated and all areas were under review to allow physical hearings to continue and compensation be awarded to claimants. The Office of Public Works was engaged by me to carry out alterations to the hearing room which included the placement of plastic screens in front of witnesses, legal representatives, members of the Tribunal, the stenographer and the secretary of the Tribunal assigned to the case. Detailed written protocols on our practices during the pandemic were drawn up and published on our website and also distributed to all persons applying to come before the Tribunal for hearing.

39. Many of the applicants coming before the Tribunal are immunosuppressed and the age profile of some legal representatives and experts were over 60. The health and safety of all persons attending the Tribunal was a priority. The Tribunal began to examine how the physical presence of some witnesses in the building could be contained.

40. Under the Hepatitis C Compensation Tribunal Act 1997 the following sections are relevant to the conduct of hearings and the Tribunal's powers and obligations:

Section 4 (10)

Oral evidence may be given to the Tribunal –

(a) by a claimant or her or his medical practitioner or both, or

(b) by any other person with the permission of or at the request of the Tribunal.

41. Section 4 (11) :

A claimant may require

(a) the attendance of any person to attend at a hearing of the Tribunal to give evidence in relation to the claimant's claim, or

³ <https://www.irishstatutebook.ie/eli/2020/act/13/section/31/enacted/en/html>

⁴ <https://www.irishstatutebook.ie/eli/2020/si/428/made/en/print>

- (b) any person to produce to the claimant any document in relation to the claimant's claim.*

42. Section 4 (12):

A claimant may adduce before the Tribunal written medical or other relevant written expert advice on her or his behalf.

43. I also refer to the Hepatitis C Compensation Tribunal Act Regulations, 1997 and in particular Section 2 (3)⁵ which provides as follows:

- (1) A claimant shall, not later than 6 weeks before the date fixed by the Tribunal for the hearing of her or his claim, submit in writing medical or other relevant reports, on which a claimant intends to rely. The Tribunal may, at its discretion, accept such reports within a shorter time.*
- (2) Items of special damage shall be vouched by the Claimant to the Tribunal not later than 6 weeks before the date fixed by the Tribunal for the hearing of her or his claim. The Tribunal may at its discretion, accept such vouching within a shorter time.*
- (3) If, in the opinion of the Tribunal, a claimant fails to comply with paragraph (1) or (2) of this Regulation or a claimant's case is presented at excessive length, the Tribunal may reduce the amount in respect of costs or expenses which might otherwise be awarded to such claimant by such amount as the Tribunal, in its sole discretion, may decide.*

44. Also of relevance are:

Section 3 (10):

- (a) The Tribunal may in its own behalf or at the request of a claimant where a person has failed to comply with a requirement of the claimant under section 4(11), by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in relation to any matter referred to the Tribunal under this Act or to produce any documents in her or his possession, custody or control which relate to any such matter.*
- (b) A notice under paragraph (a) may be given by either delivering it to the person to whom it relates or by sending it by post in a prepaid registered letter addressed to such person at the address at which she or he ordinarily resides or carries on any trade, business or profession.*
- (c) A person to whom a notice under paragraph (a) has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to*

⁵ <https://www.irishstatutebook.ie/eli/1997/si/440/made/en/print>

produce any document to which the notice relates shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding £500.

45. Section 3.10A:

Where a person refuses or fails to comply with or disobeys a requirement of the Tribunal, the High Court may, on application to it in a summary manner in that behalf by the Tribunal, order the person to comply with the requirement and make such other (if any) order as it considers necessary and just to enable the requirement to have full effect.

46. Section 3(11):

Subject to this Act, the Tribunal shall determine its own procedures, and in so doing, shall as far as is practicable, adopt procedures which are informal.

47. Section 3 (15):

In considering and assessing a claim before it, the Tribunal shall rely primarily on written medical or other written reports and shall make such reports (other than reports submitted by the claimant) available to the claimant concerned at her or his request.

48. It became apparent in preliminary discussions during the pandemic of the possibility that physical hearings could last over a number of days to facilitate the physical presence at the Tribunal offices of expert witnesses giving oral testimony in addition to written reports they already submitted. The government guidelines in place at the time restricted the numbers of people that were permitted in confined spaces. The Tribunal was obliged to review its operation to see how it could best proceed with a view to facilitating applicants in having their cases heard by the Tribunal at this time in as safe a manner as possible.

49. In an effort to progress matters, the Tribunal organised case management hearings for proposed hearings which were conducted over many hours in September 2020. At this point the facility for remote hearing had just been introduced.

50. Following the introduction of remote hearings, there were technical challenges to the effective running of the Tribunal's online hearings where large numbers of witnesses were required to join online. The Tribunal engaged with all persons in the days prior to a hearing to assist in preliminary tests to minimise disruption on the assigned hearing date. Even with this facility, there were breakdowns in communication during remote hearings.

51. As a result of these issues, the Tribunal commenced indicating in advance of a hearing what witnesses it wished to give oral testimony before it. At no time did it limit the amount of expert testimony it would consider. All written expert evidence filed on behalf of an Applicant was and is considered. The Members of the Tribunal read the papers in advance and the submission of papers for their consideration is specifically addressed at S2(3) (1) of SI 440/1997 Hepatitis C Compensation Tribunal Act Regulations, 1997 previously referenced. The Tribunal in its judgements in recent years has indicated that the oral evidence of an applicant's treating doctor is important and continues to encourage applicants to adduce the oral evidence of their medical practitioners in accordance with Section 4(10) of the Principal Act 1997 (as amended).
52. The Tribunal indicated that it would consider the written reports as usual and invited any expert to add to their written reports if they so wished in the absence of providing oral evidence at a hearing.
53. All decisions of the Tribunal are subject to judicial review as well as ordinary appeal to the High Court pursuant to Section 5 (15) of the Principal Act 1997 (as amended). As averred to by Mr O'Mahony in his statement the costs of appeals successfully brought by applicants have in the past been borne by the State. The Tribunal welcomes the input of the High Court particularly on its interpretation of its own statutory powers.
54. This is detail of what transpired during the pandemic. The Tribunal continues to hear the oral testimony of the applicant and the applicant's medical practitioner where possible and continues to exercise its discretion under Section 4 (10) (b) of the Principal Act (as amended) regarding the oral testimony of expert witnesses called. It attaches for ease of reference a circular regarding the hearing of oral testimony (**WITN7637003**).
55. The comments made by Mr O'Mahony have been passed on to the Tribunal Members.

Section 6: Other issues

56. The Tribunal remains concerned regarding the delay referenced by Mr O'Mahony in his statement and testimony to the Inquiry and encourages all claimants to seek the compensation they are entitled to before the Tribunal.

57. On the perception that the Tribunal had become adversarial during COVID, I have outlined the significant challenges the Tribunal faced during COVID. We engaged openly and extensively with legal representatives of claimants to navigate a way through it. The Tribunal, (with the exception of a number of weeks) continued to hear cases through the pandemic and beyond. Out of necessity from a public health point of view and further to contain the costs as it is charged to do under the Regulations, it limited the oral testimony only of some expert witnesses.

58. The Tribunal thanks the Inquiry for the opportunity to deliver this statement and wishes the Inquiry and all those with a vested interest in its extensive work well into the future.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed

GRO-C

Dated

30/3/'2023