

PRN. 4196



DÁIL ÉIREANN

TUARASCÁIL

ón

gCoiste um Nós Imeachta agus Pribhléidí

maidir leis

an nGearán a rinne an tUasal Tom Reddy faoi Bhuan-Ordú 58



REPORT

OF THE

Committee on Procedure and Privileges

ON

Complaint made by Mr. Tom Reddy under Standing Order 58

Adopted by the Committee on 15th December, 2004.

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DÁIL ÉIREANN

An Coiste um Nós Imeachta agus Pribhléidí *Committee on Procedure and Privileges*

REPORT OF THE COMMITTEE ON PROCEDURE AND PRIVILEGES ON COMPLAINT MADE BY MR. TOM REDDY UNDER STANDING ORDER 58

1. The Committee has considered a complaint made by Mr. Tom Reddy, under Standing Order 58, which had been referred to the Committee by the Ceann Comhairle, concerning utterances made by Deputy Michael Ring on 21st January, 2004, in the course of his contribution to the debate on the Second Stage of the Public Service Management (Recruitment and Appointments) Bill 2003.
2. In its consideration of whether the utterances were in the nature of being defamatory and thereby may constitute *prima facie* an abuse of privilege, the Committee considered correspondence from both Deputy Ring and Mr. Reddy.
3. The Committee has decided that the utterances were in the nature of being defamatory and that *prima facie* an abuse of privilege has occurred. In making this finding, the Committee notes the following:
 - (a) that the complaint was brought to the attention of Deputy Ring both verbally and in writing on 4th February, 2004, with a view to him making an appropriate retraction on the record of the House,
 - (b) that Deputy Ring in his response to the matter on 1st March, 2004, stated it was his view that his comments did not constitute an abuse of privilege, as he did not actually identify the person by name in the course of his contribution on 21st January, 2004,
 - (c) that Deputy Ring was formally invited to attend before the Committee on 19th May, 2004, to put his case and he failed to respond to such invitation,
 - (d) that Deputy Bernard Durkan, Fine Gael Chief Whip, informed the Committee that Deputy Ring did in fact make a retraction in the House and he undertook to forward the text of same to the Committee - the text of such retraction was not produced,
 - (e) that Mr. Reddy's primary concern is that he is unable to respond to remarks made under privilege.
4. Pursuant to Standing Order 58, the Committee agreed that Mr. Reddy be afforded an opportunity to submit a statement or right of reply, to be agreed by the Committee, and which would be laid before the Dáil.
5. Pursuant to Standing Order 58(7), the Committee has decided, in the interests of all concerned, to report to the Dáil and that all the correspondence received in this matter, including the statement of reply submitted by Mr. Reddy, should be appended to its Report and thereby form part of the parliamentary record.
6. The Committee recommends, given the passage of time, that by promulgating the correspondence in this manner, in particular, the correspondence received from Deputy Ring and Mr. Reddy, any perceived imbalance is redressed.
7. In making this Report to the Dáil, the Committee recommends that no further action is required and regards the matter as being closed.

Dr. Rory O'Hanlon,
Ceann Comhairle and
Chairman of the Committee.

15th December, 2004.

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EXTRACT DÁIL DEBATE - 21ST JANUARY, 2004

**DEBATE ON THE SECOND STAGE OF THE
PUBLIC SERVICE MANAGEMENT (RECRUITMENT
AND APPOINTMENTS) BILL 2003.**

Houses of the Oireachtas

Mr. Ring: ① I have some questions which the Minister of State may have heard already. This is a coded Bill. It is all about jobs for the boys and girls, the Fianna Fáil and Progressive Democrats programme managers. It is all about bringing them into the Civil Service through the back door.

The Leas-Cheann Comhairle has been in public life for over 25 years and I wish him 25 more years in public life, but I will tell him about the job fixing I have seen in local authorities, jobs for the boys and girls. When county managers, assistant county managers or county secretaries retire, they work full-time travelling around the country to interview boards. The county manager in Mayo will phone the one in Kerry---

An Leas-Cheann Comhairle: ① I The Deputy should not identify people.

Mr. Ring: ① I will not identify people. County managers all over the country will phone each other.

Mr. Parlon: ① There is only one in each county.

Mr. Ring: ① I am not afraid to say what I have to say. That does not bother me.

These people are phoning each other and they are the Civil Service Commission, appointing people to jobs. If one goes through the Civil Service or local authorities one sees how many sons, daughters, brothers and sisters of people in the public service get in, having been fixed up by their friends in the Civil Service. The media sicken me sometimes. They look at politicians all the time but they do not look at what is going on in local authorities, health boards and the Civil Service. This is probably the most corrupt country in the world when it comes to jobs; I stand over that statement. My blood boils when I see how people are given jobs. I would like to be able to put down a parliamentary question seeking the names of those on interview boards. One would see the same people every time, as it is a full-time job for them with full-time travel but we are doing nothing about it.

This new Bill is for Fianna Fáil and the Progressive Democrats, who can now bring their boys and girls in the back door. They could not work with the Civil Service Commission because they were kept away from it, so now they want to bring in their own commission to sort out their own boys and girls. That is what is happening and it is a disgrace.

The Minister of State is now as bad as the rest of the Government. They think they are dictators. Russia went from a dictatorship to a democracy but Ireland has gone from a democracy to a dictatorship.

Mr. Parlon: ① The Deputy's party spokesman hailed the fairness of the Civil Service.

Mr. Ring: ① It is dictatorship at its worst and it is time people came onto the streets and took the Government out of office. The people are sick and tired of what is going on.

Mr. Parlon: ① What is the Deputy's alternative?

Mr. Ring: ① The Minister of State was not an alternative. The people of Laoighis-Offaly thought he was but he learned and was polluted fast by Fianna Fáil. He was in Parlon country but he learned fast from Fianna Fáil. His party was sent in as a watchdog but now he is a little poodle in Government.

Mr. Parlon: ① Deputy Ring is doing a lot of barking himself.

Mr. Ring: ① I could say something else but I do not want to use such language in the Dáil.

Mr. F. McGrath: ① Say it.

Mr. Ring: ① The Progressive Democrats are the poodles of Government and the Minister of State is the biggest poodle. The people thought they were sending in someone with a record in the IFA but he let them down. The people are waiting for him and for the Government.

On the Bill, I recently put down a parliamentary question to the Department of Social and Family Affairs. There is a person in that Department on a big salary who used to be a Fianna Fáil press secretary. I suppose he was no good for Fianna Fáil and could not do the job, so they got rid of him. They landed him into a big job in the Department of Social and Family Affairs, where the taxpayer is paying for him. When the Bill is passed one will probably find him in the Civil Service next. He will be there for life and when we come into Government in a few months that is the kind of situation we will inherit.

Mr. Parlon: ① The Deputy should read the legislation. That cannot happen under the Bill.

Ms Burton: ① That is not true. I showed the Minister of State how it is not true.

Mr. Parlon: ① I will show the Deputies when I respond.

Ms Burton: ① The Government is putting in a code of practice to deal with advisers. It is not law. A code of practice is not law.

An Leas-Cheann Comhairle: ① Order, please. Deputy Ring should continue but I advise him again that he should not mention anyone who could be identified by a description.

Mr. Ring: ① I take the Chair's advice but it is very hard not to do so because there are so many of them around. Everywhere one looks, in every corner and Department, there are programme managers, advisers and consultants. It is the fastest growing industry in the country.

I do not believe in this worrying Bill, which has been introduced in the wrong way. I do not have full confidence in what is happening and the system of appointing people to jobs should be examined. I agree with Deputy Connaughton that those who get jobs in the Civil Service should have the proper qualifications for those jobs. They should have the points, like those going to college, because for long enough we had places kept for the teacher's son and the doctor's son. We are now going to have a situation where there will be places in the Civil Service for the sons of members of Fianna Fáil and the Progressive Democrats. That is what is happening with the Bill. If one supports Fianna Fáil one will be sound. If one does not get into the Civil Service because one does not have the qualifications, they will get one in the back door as an adviser or programme manager. That is wrong and it makes people disillusioned. It is like the planning process.

Debate adjourned.

The Dáil adjourned at 4.30 p.m. until 10.30 a.m. on Thursday, 22 January 2004.

CORRESPONDENCE REFERRED TO IN PARAGRAPH 5 OF THE REPORT



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DEPARTMENT OF SOCIAL AND FAMILY AFFAIRS
PRESS OFFICE

→→ JOURNAL

0001

5th Floor
Department of
Social and Family Affairs
Store Street
Dublin 1

Dr Rory O'Hanlon
Ceann Comhairle
Dail Eireann
Leinster House
Kildare Street
Dublin 2

Re: Dail Debates
21st January 2004.

Dear Dr O'Hanlon,

I write to express my deep dismay and concern at the totally incorrect comments made by Fine Gael's Deputy Michael Ring in the Dail yesterday. I take grave exception to these remarks and view them very seriously.

Mr Ring TD clearly identified me, breaching tradition of the House. He then went on to denigrate my character, suggesting I was sacked from my previous post on and that I was appointed to my current position on some spurious grounds – all this in the context of his other remarks in the Irish Times today about corruption in the public service.

I write to you as I am not a member of the House and am unable to respond to the remarks made under privilege.

I would point out a number of facts in relation to Mr Ring's comments. My term as Press Director for Fianna Fail was a recognised success – so much so that after guiding the party's press office through numerous successful election campaigns, and most recently the General Election I was reappointed to the post. It was at the subsequent invitation of the Minister for Social and Family Affairs that I decided to move to my current post.

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I have made no representations to join the Civil Service – and in fact do not envisage any such application.

Mr Ring clearly identified me, as within a few minutes of his speech in the Chamber I was contacted on my mobile phone by a Political Correspondent who had heard Mr Ring's remarks.

I would greatly appreciate if you would take up this matter in the appropriate forum,

Yours sincerely,



Tom Reddy
Press Advisor

22/1/04

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2.11.04
B.L.A.

Mr. Ring: I have some questions which the Minister of State may have heard already. This is a coded Bill. It is all about jobs for the boys and girls, the Fianna Fáil and Progressive Democrats programme managers. It is all about bringing them into the Civil Service through the back door.

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Debate adjourned.

The Dáil adjourned at 4.30 p.m. until 10.30 a.m. on Thursday, 22 January 2004.
Section to follow:

Section MM follows.
Question Numbers:

An Coiste um Nós Imeachta agus Pribhléidí
Committee on Procedure and Privileges

D34/1/11

Mr. Tom Reddy,
Press Advisor,
5th Floor,
Department of Social and Family Affairs,
Store Street,
Dublin 1.

Dear Mr. Reddy,

I refer to your letter of 22nd January, 2004, regarding comments made by Deputy Michael Ring on 21st January, 2004, during the course of his contribution to the debate on the Second Stage of the Public Service Management Bill 2003.

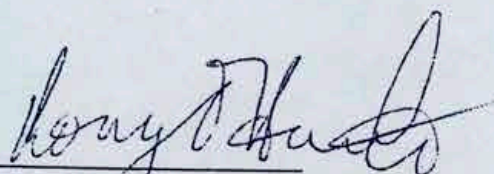
I am to inform you that under the terms of Standing Order 58 I have forwarded your correspondence to the Committee on Procedure and Privileges of Dáil Éireann for its consideration.

I am to further inform you that the Committee on Procedure and Privileges, at its meeting on 4th February, 2004, directed that your correspondence be forwarded to Deputy Ring for his observations.

The Committee will be in contact with you again once a response has been received from Deputy Ring.

Finally, if you require any further information, please do not hesitate to contact me.

Yours sincerely,



Dr. Rory O'Hanlon, T.D.,
Ceann Comhairle and
Chairman of the Committee.

4th February, 2004.

An Coiste um Nós Imeachta agus Pribhléidí
Committee on Procedure and Privileges

D34/1/11

Deputy Michael Ring,
Leinster House.

Dear Deputy Ring,

The Committee on Procedure and Privileges, at its meeting on 4th February, 2004, requested that I bring to your attention a complaint received from Mr. Tom Reddy with a view to you making an appropriate retraction on the record of the Dáil. It concerns remarks made by you during the course of your contribution to the debate on the Second Stage of the Public Service Management Bill 2003. I enclose a copy of the correspondence from Mr. Reddy.

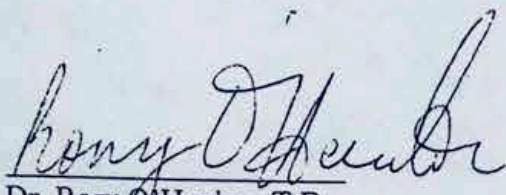
As I already discussed with you there was an option to make a personal explanation to the Dáil within the terms of Standing Order 58, namely "*..to make a personal explanation to the House in effect to withdraw without qualification the utterances made...*" but you have not availed of that opportunity.

In these circumstances in order to progress the matter further the Committee would like to have your views on the complaint.

For ease of reference, I also enclose a copy of Standing Order 58. The Standing Order was adopted by the Dáil to strike some form of a balance between a member's right to free speech and the right of an ordinary citizen to his or her good name.

Finally, if you require any information as to the procedure to be followed, please do not hesitate to contact me.

Yours sincerely,



Dr. Rory O'Hanlon, T.D.,
Ceann Comhairle and
Chairperson of the Committee.

4th February, 2004.

TEXT OF STANDING ORDER 58

58. (1) A member shall not make an utterance in the nature of being defamatory and where a member makes such an utterance it may be *prima facie* an abuse of privilege, subject to the provisions of this Standing Order.

Privilege:
utterances in the
nature of being
defamatory.

(2) (a) If the defamatory nature of the utterance is apparent at the time it was made during the course of proceedings, the Ceann Comhairle shall direct that the utterance be withdrawn without qualification.

(b) If the member refuses to withdraw the utterance without qualification the Ceann Comhairle shall treat the matter as one of disorder: Provided that the member may claim that the matter be referred to the Committee on Procedure and Privileges in which case no further action shall be taken thereon by the Ceann Comhairle at that point.

(3) If the defamatory nature of the utterance is not apparent at the time during the course of proceedings and at the earliest opportunity but not later than two weeks after the making of the utterance—

(a) the alleged abuse of privilege is raised by a member with a request that it be considered by the Ceann Comhairle or referral to the Committee on Procedure and Privileges directly is sought by a member by way of motion, or

(b) where a person who has been referred to by name, or in such a way as to be readily identifiable, in the Dáil, makes a submission in writing to the Ceann Comhairle—

(i) claiming that the person has been adversely affected by the making of an utterance in the nature of being defamatory within the meaning of this Standing Order,

(ii) setting out the reasons why the person claims the said utterance was in the nature of being defamatory and why the said utterance *prima facie* constitutes an abuse of privilege,

(iii) requesting that the person be able to incorporate an appropriate response in the parliamentary record,

if the Ceann Comhairle is satisfied that—

(c) the member's request or the subject of the submission is so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that further action be taken or that it be considered by the Committee, or

- (d) it is not practicable for the Committee to consider the member's request or the submission under this Standing Order, or
- (e) taking into account the totality of the parliamentary record (including any rebuttal of the utterance concerned by other members), *prima facie* no abuse of privilege has occurred,

the Ceann Comhairle may decide that no action shall be taken in respect of the member's request or the submission.

In any other case the Ceann Comhairle may—

- (i) require the member who made the utterance to make a personal explanation to the House in effect to withdraw without qualification the utterance made or to clarify otherwise the circumstances that gave rise to the utterance as may be deemed appropriate, provided that the member may claim that the matter be referred to the Committee on Procedure and Privileges in which case no further action shall be taken thereon by the Ceann Comhairle at that point, or
- (ii) refer the member's request or the submission to the Committee.

(4) Where the request or submission is referred to the Committee—

- (a) the Committee may decide not to consider the request or submission referred to it under this Standing Order if the Committee considers that the subject of the request or submission is not sufficiently serious or is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Dáil;
- (b) if the Committee decides to consider a request or submission under this Standing Order—
 - (i) the Committee may invite the member who made the utterance and such other members as the Committee may deem appropriate to appear before the Committee to put his or her case,
 - (ii) in considering a request or submission and reporting to the Dáil the Committee shall not consider or judge the truth of any statements made in the Dáil or of the submission;
- (c) the Committee shall have discretion to publish a submission referred to it under this Standing Order or its proceedings in relation to such a submission, and may lay minutes of its proceedings and all or part of such submission before the Dáil.

(5) In any report which it may make to the Dáil on a request or submission under this Standing Order, the Committee may make any of the following recommendations:

- (a) that *prima facie* no abuse of privilege has occurred and that no further action be taken by the Dáil or by the Committee in relation to the submission; or
- (b) if the Committee decides that a member has made an utterance in the nature of being defamatory and that *prima facie* an abuse of privilege has occurred—
 - (i) that a response by the person who made the submission, in terms specified in the report, following consultation with such person, be published in the Official Report or be laid before the Dáil or recorded in such a manner as may be deemed appropriate by the Committee, or
 - (ii) that the member who made the utterance be required to make a personal explanation to the House in effect to withdraw without qualification the utterance made or to clarify otherwise the circumstances that gave rise to the utterance as may be deemed appropriate: Provided that, if the member refuses to make a personal explanation on foot of such recommendation, the Ceann Comhairle shall at the commencement of business on the next sitting day, or at the earliest convenient opportunity, on which the member is present, reprimand the member in his or her place.

(6) Any decision taken by the Committee under paragraph (5)(b) of this Standing Order shall require the support of three-quarters of the members present and voting.

(7) Notwithstanding the provisions of this Standing Order (save the provisions of paragraph (6), which shall continue to apply), the Committee, following consideration of a request or submission under this Standing Order, may make such recommendations as appear to it to be required in the interests of all concerned.

(8) A document laid before the Dáil under this Standing Order—

- (a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions at issue and shall not contain anything offensive in character; and
- (b) shall not contain any matter the publication of which would have the effect of—
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (11) of this Standing Order,
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

(9) In considering a matter under this Standing Order the Ceann Comhairle or the Committee, as the case may be, shall take into account the following:

- (a) whether the member who made the utterance did so in a responsible manner, acted in good faith, and ensured, as far as is practicable, that the utterance reflecting adversely on a person was soundly based,
- (b) the totality of the parliamentary record, including any rebuttal of the utterance concerned by other members,
- (c) that the said member made a personal explanation in effect to withdraw the defamatory nature of the utterance, and
- (d) the extent to which—
 - (i) the substance of the utterance was already in the public domain by way of reports in the media; or
 - (ii) the member had reasonable excuse or otherwise for making the utterance.

(10) Notwithstanding the provisions of this Standing Order—

- (a) any member who considers that it is in the public interest for him or her to make an utterance which could be construed as being in the nature of defamatory, may give prior private notice to the Ceann Comhairle of his or her intention to make such an utterance and the reasons therefor; and such notice shall be taken into account in the consideration of the application of the provisions of this Standing Order,
- (b) the Ceann Comhairle may at any time on his or her own volition refer an utterance in the nature of being defamatory to the Committee.

(11) For the purposes of this Standing Order—

An "utterance in the nature of being defamatory" shall mean an utterance which, in the opinion of the Ceann Comhairle or of the Committee, could be construed as being defamatory if made other than in the course of parliamentary proceedings whereby a person who has been referred to by name or in such a way as to be readily identifiable has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person;

"Committee" shall mean either the Dáil Committee on Procedure and Privileges or a sub-Committee thereof;

"Proceedings" shall mean parliamentary proceedings of the Dáil, a Standing, Select or Special Committee or a sub-Committee thereof.

Michael Ring T.D.
Quay Street
Westport
Co. Mayo.



Political Office:
Tel: 098-27012
Fax: 098-27644
Dáil: 01-6184367
E Mail: michael.ring@oireachtas.ie

All correspondence to be forwarded to Constituency Office

01 March 2004

Dr Rory O'Hanlon T.D.
Ceann Comhairle
Office of Chairman of Dáil Éireann
Leinster House
DUBLIN 2

A Chinn Chomhairle,


I have to hand your correspondence dated 04 February 2004, reference number: D34/1/11.

In that correspondence, you relate to a contribution, which I made to the Dáil on 20 January 2004.

Having reviewed the particular Dáil report for that date; paragraph 146, I am quite clear in my own mind that I did not identify anybody in the comments I made there, I do not see how any person could have been particularly identified. In that regard, I do not feel that it is necessary for me to make any further contribution to the Dáil on that matter.

With kind regards,

Yours sincerely,


MICHAEL RING T.D., M.C.C.
Fine Gael Spokesperson on Social & Family Affairs

Tithe an Oireachtais

HOUSES OF THE OIREACHTAS

PARLIAMENT OF IRELAND

Dáil Éireann
Committee on Procedure and
Privileges
Leinster House
Dublin 2
☎ (01) 618 3740 (Clerk)
Fax (01) 618 4107
E-mail: bridget.doody@oireachtas.ie

D34/1/11

Deputy Michael Ring,
Leinster House.

Dear Deputy Ring,

I refer to previous correspondence from the Committee on Procedure and Privileges in relation to the complaint made by Mr. Tom Reddy pursuant to Standing Order 58 – "*Privilege – utterances in the nature of being defamatory*".

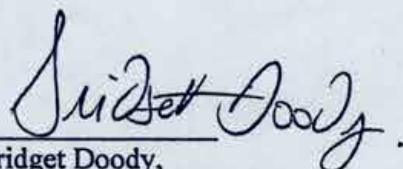
I am to inform you that the Committee on Procedure and Privileges is meeting on Wednesday next, 26th May, at 5 p.m., and pursuant to Standing Order 58(4)(b), you are hereby invited to appear before the Committee to put your case.

Under the provisions of the Standing Order, the Committee is to decide whether the remarks made by you could be construed as being *prima facie* an abuse of privilege. In making this decision the Committee is not required to decide whether the remark made was true or untrue nor is it required to decide whether it was or was not defamatory. Accordingly, the Committee may only invite the Member in question to the meeting.

In addition, following Wednesday's meeting, a copy of your letter of 1st March will be sent to Mr. Reddy for his observations, and he will also be afforded an opportunity to submit a statement or right of reply which would be incorporated into the Official Report or be laid before the Dáil.

You might please let me know if you wish to accept the invitation to appear before the Committee next Wednesday.

Yours sincerely,



Bridget Doody,
Clerk to the Committee.

19th May, 2004.

Tithe an Oireachtais

HOUSES OF THE OIREACHTAS

PARLIAMENT OF IRELAND

Dáil Éireann
Committee on Procedure and Privileges
Leinster House
Dublin 2
☎ (01) 618 3740 (Clerk)
Fax (01) 618 4107
E-mail: bridget.doody@oireachtas.ie

D34/1/11, D17/11, D35/9

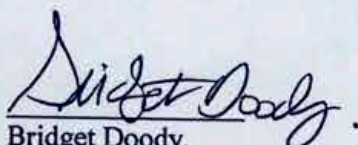
Deputy Bernard Durkan,
Leinster House.

Re: Complaint under Standing Order 58 - Alleged Defamatory Utterances by Deputy Michael Ring.

Dear Deputy Durkan,

Arising out of yesterday's meeting of the Committee on Procedure and Privileges of Dáil Éireann, as requested by the Committee, I would be obliged if you would please forward to the Ceann Comhairle the text of the retraction made by Deputy Ring in the Chamber on this matter.

Yours sincerely,



Bridget Doody,
Clerk to the Committee.

14th October, 2004.



OIFIG AN CHINN CHOMHAIRLE
(OFFICE OF CHAIRMAN OF DÁIL ÉIREANN)

TIGH LAIGHEAN
(LEINSTER HOUSE)

BAILE ÁTHA CLIATH 2
(DUBLIN 2)

D34/1/11

Mr. Tom Reddy,
Press Advisor,
5th Floor,
Department of Social and Family Affairs,
Store Street,
Dublin 1.

Dear Mr. Reddy,

Further to my letter of 4th February concerning a complaint made by you on foot of comments made by Deputy Michael Ring in the Dáil on 21st January, 2004, under the terms of Standing Order 58 – "*Privilege – utterances in the nature of being defamatory*", a copy of which is enclosed, I am to inform you that the Committee has considered the matter and invites you to make a response in accordance with paragraph (5)(b)(i) (highlighted in red). In addition, please note the provisions of paragraph (8) which provides that any response must be succinct, relevant, non-offensive and shall not adversely affect or injure any person or invade their privacy.

Finally, if you require any further information, please do not hesitate to contact me.

Yours sincerely,

Dr. Rory O'Hanlon, T.D.,
Ceann Comhairle and
Chairman of the Committee.

17th November, 2004.

TEXT OF STANDING ORDER 58

58. (1) A member shall not make an utterance in the nature of being defamatory and where a member makes such an utterance it may be *prima facie* an abuse of privilege, subject to the provisions of this Standing Order.

Privilege:
utterances in the
nature of being
defamatory.

(2) (a) If the defamatory nature of the utterance is apparent at the time it was made during the course of proceedings, the Ceann Comhairle shall direct that the utterance be withdrawn without qualification.

(b) If the member refuses to withdraw the utterance without qualification the Ceann Comhairle shall treat the matter as one of disorder: Provided that the member may claim that the matter be referred to the Committee on Procedure and Privileges in which case no further action shall be taken thereon by the Ceann Comhairle at that point.

(3) If the defamatory nature of the utterance is not apparent at the time during the course of proceedings and at the earliest opportunity but not later than two weeks after the making of the utterance—

(a) the alleged abuse of privilege is raised by a member with a request that it be considered by the Ceann Comhairle or referral to the Committee on Procedure and Privileges directly is sought by a member by way of motion, or

(b) where a person who has been referred to by name, or in such a way as to be readily identifiable, in the Dáil, makes a submission in writing to the Ceann Comhairle—

(i) claiming that the person has been adversely affected by the making of an utterance in the nature of being defamatory within the meaning of this Standing Order,

(ii) setting out the reasons why the person claims the said utterance was in the nature of being defamatory and why the said utterance *prima facie* constitutes an abuse of privilege,

(iii) requesting that the person be able to incorporate an appropriate response in the parliamentary record,

if the Ceann Comhairle is satisfied that—

(c) the member's request or the subject of the submission is so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that

further action be taken or that it be considered by the Committee, or

(d) it is not practicable for the Committee to consider the member's request or the submission under this Standing Order, or

(e) taking into account the totality of the parliamentary record (including any rebuttal of the utterance concerned by other members), *prima facie* no abuse of privilege has occurred,

the Ceann Comhairle may decide that no action shall be taken in respect of the member's request or the submission.

In any other case the Ceann Comhairle may—

(i) require the member who made the utterance to make a personal explanation to the House in effect to withdraw without qualification the utterance made or to clarify otherwise the circumstances that gave rise to the utterance as may be deemed appropriate, provided that the member may claim that the matter be referred to the Committee on Procedure and Privileges in which case no further action shall be taken thereon by the Ceann Comhairle at that point, or

(ii) refer the member's request or the submission to the Committee.

(4) Where the request or submission is referred to the Committee—

(a) the Committee may decide not to consider the request or submission referred to it under this Standing Order if the Committee considers that the subject of the request or submission is not sufficiently serious or is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Dáil;

(b) if the Committee decides to consider a request or submission under this Standing Order—

(i) the Committee may invite the member who made the utterance and such other members as the Committee may deem appropriate to appear before the Committee to put his or her case,

(ii) in considering a request or submission and reporting to the Dáil the Committee shall not consider or judge the truth of any statements made in the Dáil or of the submission;

(c) the Committee shall have discretion to publish a submission referred to it under this Standing Order or its proceedings in relation to such a submission, and may lay

minutes of its proceedings and all or part of such submission before the Dáil.

(5) In any report which it may make to the Dáil on a request or submission under this Standing Order, the Committee may make any of the following recommendations:

- (a) that *prima facie* no abuse of privilege has occurred and that no further action be taken by the Dáil or by the Committee in relation to the submission; or
- (b) **if the Committee decides that a member has made an utterance in the nature of being defamatory and that *prima facie* an abuse of privilege has occurred—**
 - (i) **that a response by the person who made the submission, in terms specified in the report, following consultation with such person, be published in the Official Report or be laid before the Dáil or recorded in such a manner as may be deemed appropriate by the Committee, or**
 - (ii) that the member who made the utterance be required to make a personal explanation to the House in effect to withdraw without qualification the utterance made or to clarify otherwise the circumstances that gave rise to the utterance as may be deemed appropriate: Provided that, if the member refuses to make a personal explanation on foot of such recommendation, the Ceann Comhairle shall at the commencement of business on the next sitting day, or at the earliest convenient opportunity, on which the member is present, reprimand the member in his or her place.

(6) Any decision taken by the Committee under paragraph (5)(b) of this Standing Order shall require the support of three-quarters of the members present and voting.

(7) Notwithstanding the provisions of this Standing Order (save the provisions of paragraph (6), which shall continue to apply), the Committee, following consideration of a request or submission under this Standing Order, may make such recommendations as appear to it to be required in the interests of all concerned.

(8) A document laid before the Dáil under this Standing Order—

- (a) **in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions at issue and shall not contain anything offensive in character; and**

(b) shall not contain any matter the publication of which would have the effect of—

- (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (11) of this Standing Order,**
- (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.**

(9) In considering a matter under this Standing Order the Ceann Comhairle or the Committee, as the case may be, shall take into account the following:

- (a) whether the member who made the utterance did so in a responsible manner, acted in good faith, and ensured, as far as is practicable, that the utterance reflecting adversely on a person was soundly based,
- (b) the totality of the parliamentary record, including any rebuttal of the utterance concerned by other members,
- (c) that the said member made a personal explanation in effect to withdraw the defamatory nature of the utterance, and
- (d) the extent to which—
 - (i) the substance of the utterance was already in the public domain by way of reports in the media; or
 - (ii) the member had reasonable excuse or otherwise for making the utterance.

(10) Notwithstanding the provisions of this Standing Order—

- (a) any member who considers that it is in the public interest for him or her to make an utterance which could be construed as being in the nature of defamatory, may give prior private notice to the Ceann Comhairle of his or her intention to make such an utterance and the reasons therefor; and such notice shall be taken into account in the consideration of the application of the provisions of this Standing Order,
- (b) the Ceann Comhairle may at any time on his or her own volition refer an utterance in the nature of being defamatory to the Committee.

(11) For the purposes of this Standing Order—

An "utterance in the nature of being defamatory" shall mean an utterance which, in the opinion of the Ceann Comhairle or of the Committee, could be construed as being defamatory if made other than in the course of parliamentary proceedings

whereby a person who has been referred to by name or in such a way as to be readily identifiable has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person;

"Committee" shall mean either the Dáil Committee on Procedure and Privileges or a sub-Committee thereof;

"Proceedings" shall mean parliamentary proceedings of the Dáil, a Standing, Select or Special Committee or a sub-Committee thereof.

Houses of the Oireachtas

Department of Agriculture
Kildare Street
Dublin 2

Dr Rory O'Hanlon TD
Cean Comhairle and
Chairman of the Committee
Procedure and Privileges
Leinster House
Kildare Street
Dublin 2

14th December 2004

Dear Dr O'Hanlon,

I wish to formally thank you and the members of the Committee who have investigated my complaint under the terms of Standing Order 58 about comments made about me by Deputy Michael Ring.

I was deeply hurt and shocked by the remarks made under privilege by Deputy Ring. They were incorrect and offensive.

In relation to his specific remarks, I would make the following factual points :

* I am not a member of the House and am unable to respond to the comments made under privilege, except through this complaint.

..../

...../2

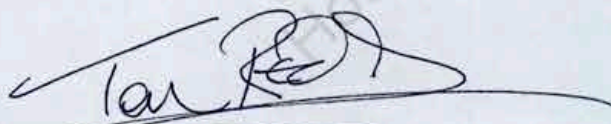
* Deputy Ring's remarks are incorrect. My record speaks for itself. I worked as a journalist for nearly two decades – most of that with Independent Newspapers and an 18 month period with GOAL. I was subsequently appointed Fianna Fail's Press Director for five years and during that period I ran a number of campaigns and introduced and implemented a series of innovative communication strategies. I was reappointed to the post on a number of occasions in that period, and I was most recently reappointed after the successful General Election.

* Although Deputy Ring did not name me, he clearly identified me as I was contacted immediately after his remarks by a journalist to relay to me what Deputy Ring had just said. A number of other journalists and members of the house also spoke to me subsequently about Deputy Ring's remarks.

* I have made no representations to join the Civil Service

Finally, let me express my regret that Deputy Ring has not withdrawn his remarks and apologised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Reddy', with a horizontal line underneath it.

Tom Reddy
Media Advisor
to Mary Coughlan TD
Minister for Agriculture and Food

Tithe an Oireachtais
HOUSES OF THE OIREACTHAS



Dáil Éireann
Committee on Procedure and Privileges
Leinster House
Dublin 2
☎ (01) 618 3740 (Clerk)
Fax (01) 618 4107
E-mail: bridget.doody@oireachtas.ie



D34/1/11

[Redacted]

Librarian.

Re: *Dáil Éireann. Report of the Committee on Procedure and Privileges on Complaint made by Mr Reddy under Standing Order 58. Adopted by the Committee on 15th December, 2004.*

[Redacted]

Please find enclosed 6 copies of the above mentioned Report (non-statutory), which was adopted by the the Committee on Procedure and Privileges at its meeting on 15th December, 2004, which is to be laid before Dáil Éireann.

Yours sincerely,

[Redacted]

Clerk to the Committee.



15th December, 2004.