



# Dáil Éireann

---

TUARASCÁIL ón  
gCOISTE um NÓS IMEACHTA agus PRIBHLÉIDÍ  
maidir le  
Gearán arna dhéanamh faoi Bhuan-Ordú 59

---

REPORT of the  
COMMITTEE on PROCEDURE and PRIVILEGES  
on  
Complaint made under Standing Order 59

---

Arna glacadh ag an gCoiste an 6 Feabhra 2013

Adopted by the Committee on 6 February 2013



## TABLE OF CONTENTS

	Page
Report.....	5
Appendices:.....	7
A. Extract from Dáil Debate of 14 June 2012.....	7
B. Initial Complaint from Mr. Michael O'Brien.....	13
i. Supporting letter from Alliance Victim Support.....	15
ii. Supporting statement from Clonmel Borough Council.....	17
C. Letter from Ceann Comhairle to Deputy Mattie McGrath.....	19
D. Reply from Deputy McGrath to Ceann Comhairle.....	21
E. Final response from Mr. O'Brien.....	23



# Dáil Éireann

## Report of the Committee on Procedure and Privileges on complaint made under Standing Order 59.

1. The Committee has considered a complaint made by a Mr. Michael O'Brien under Standing Order 59, which had been referred to the Committee by the Ceann Comhairle, concerning utterances made by Deputy Mattie McGrath in the course of the debate on the second stage of the Residential Institutions Statutory Fund Bill 2012 on the 14<sup>th</sup> of June 2012.
2. In their consideration of whether the utterances were in the nature of being defamatory and thereby may constitute *prima facie* an abuse of privilege, the Committee examined:
  - a. the text of the Debate of the day; and
  - b. the letter of complaint from Mr. O'Brien, with supporting documentation.
3. The Committee also considered a verbal report from the Ceann Comhairle outlining the action he had already taken, including correspondence with Deputy McGrath, and the Committee requested Deputy McGrath to attend a meeting of the Committee to put his case in relation to the complaint.
4. Having heard the Deputy and considered the matter, the Committee has formed the opinion that *prima facie* the remarks made by Deputy McGrath were in the nature of being defamatory, and, consequently, the Deputy acted irresponsibly and abused his parliamentary privilege, without reasonable excuse, by making allegations about a person who was not present and who had no defence against remarks made under privilege.
5. The Committee has decided in these circumstances—
  - a. to report to the Dáil,
  - b. to provide an opportunity for a response to be made by Mr. O'Brien, in accordance with the provisions of Standing Order 59, to be appended to its report [see text of response at Appendix E] and thereby form part of the parliamentary record, and
  - c. to publish this report by laying it before the Dáil and posting it to the Oireachtas web-site.
6. The Committee considers that by publishing the response from Mr. O'Brien and its own decision, the allegedly defamatory remarks are rebutted in the totality of the Parliamentary record.
7. In making this Report to the Dáil, the Committee regards the matter as being closed.



SEÁN BARRETT, T.D.  
CEANN COMHAIRLE





## APPENDIX A - Extract from Dáil Debate of 14 June 2012

*Residential Institutions Statutory*

14 JUNE 2012.

*Fund Bill 2012: Second Stage (Resumed)*

I commend the survivors who bravely came forward to highlight the abuse they experienced. I would like to mention Christine Buckley in particular. I was a pupil at Goldenbridge and while I was lucky not to have experienced abuse, hearing the awful stories that came out of that institution really brought the issue of abuse home to me. It is very brave of her, and all the others who came forward, to bring light on a dark chapter of our history.

I am glad the Government is taking some of the necessary steps to do something about addressing past wrongs. There is still a way to go, however, and more work is required to ensure that some measure of justice is achieved for all those who have suffered.

**Deputy Frank Feighan:** I welcome the Bill and thank the Minister, Deputy Quinn, for bringing it before the House. When the Ryan report was published it met with a huge outcry over how this could have happened. It happened because church and State acted in collusion to brush all these unfortunate incidents under the carpet. The church should never have been invited in to run our State, and the State should never have been tied hand-in-hand with the church. It had a corrosive effect on the State and on the Catholic church, of which I am a member. In the past ten or 15 years, both church and State have gone their own ways, which is beneficial for both. The church has moved towards a more liberal attitude in the past 15 or 20 years, and I welcome that.

The events the Bill seeks to deal with should never have happened, however. The State neglected some 15,000 people who were also neglected by the church which ran these facilities for the State. I know from those who attend my constituency clinics that they are angry and feel let down. Deputy Connaughton rightly pointed out that the minute they were able to leave these institutions they took the boat to get away from this country, which turned its back on them.

When the Ryan report was published, for once, we could not blame the British. This was of our own making. The situation was an Irish solution to an Irish problem. We called ourselves Christian and caring. We did not care for the vulnerable young people in these institutions. There were so many tiers in our society then, with people either belonging to a particular political party, group or the church. We must now ensure that everyone is equal and is given the same opportunities.

The €128 million deal agreed was not in the interests of this State. I believe the State got a very raw deal and that the church should come up with more funding. I believe it will do so. I am not here to criticise the church, which has done much good work down through the years. Unfortunately, however, there was no vetting procedure in place therein, which allowed people with no interest in Christianity to infiltrate its ranks and undermine young innocent children. We must now ensure that systems are put in place to ensure this does not happen again.

The fund must provide for counselling, mental health, education and housing services. I am glad that the Bill provides that further services can be prescribed because despite that everything has been done to contact those involved, there are still people living outside of this country who do not know to what they are entitled and who have not availed of these services. I welcome that it has been provided in the Bill that further services can be prescribed.

It is important we ensure that the fund is spent on front line services rather than on administration. I welcome the Bill. I believe the Ryan report was the line in the sand in terms of how this State deals with this abuse. We have grown up and are a lot more open. Unfortunately, however, the 15,000 people who endured this abuse are still angry, and rightly so.

**Deputy Mattie McGrath:** I welcome the opportunity to contribute to this debate. I commend the Minister and Government on bringing forward this Bill at this time. The Government has received much criticism in regard to the publication of Bills. However, I welcome that we are



[Deputy Mattie McGrath.]

today discussing this long promised and badly needed legislation. While this issue has been the focus of many people, there are many who were shocked, alarmed and concerned about the findings of the Ryan report, which it has been mentioned cost €1.5 million. However, cost should not at this stage be a factor. No money will ever compensate for the horrible atrocities and barbarities perpetrated on those involved. Regardless of how slight the abuse, it should never have happened. Ireland was a different place at that time. It is easy to be wise after the event. However, I do not condone that abuse in any shape or form.

Deputy Finian McGrath spoke earlier about the people with intellectual disabilities who knew no better because of their profound difficulties. Those who were institutionalised in educational facilities at least knew, regardless of the type of education they were receiving, what was right and what was wrong. I, too, would welcome implementation of the Children First guidelines. I believe they will be a game-changer.

There has been much reference to previous efforts in terms of negotiations with the church, of which I will not be critical. The Residential Institutions Statutory Fund Bill 2012 is being introduced in the context of over a decade of different State responses to the issues of abuse in residential institutions. It provides for the establishment of a fund to support the victims of abuse in residential institutions. The fund is to be financed by contributions agreed with the religious congregations, which is important. The policy aim of the fund, which will be administered by the residential institutions statutory fund board, is to support the education, health and welfare needs of survivors of residential child abuse. That is vital. We can never lose sight of that. I know that the Minister is keen to ensure we do not. As I stated earlier, money will do no good if it is not channelled in the right way.

I welcome also that people will be assessed so as to determine what service is appropriate to them, that these services will be approved services and that grants will be paid to former residents of this State so that they may avail of an approved service. We must be very careful and ensure these services are approved services, ones which will benefit the unfortunate victims and ensure the best value for the State. I am not being crude in terms of saying we must ensure best value for the State but it is important we do not only throw money at this problem, as has been done in the past. Through my office, I have been involved with at least ten people who suffered abuse. While they received some financial redress, it was no good to them. It simply went like snow off a ditch. They were given no meaningful counselling. We must ensure that this funding is channelled to the appropriate places and that appropriate training is provided.

As I stated earlier, people end up in many different situations. People in every walk of life change their minds. I was accused of doing so in this House this morning. However, I would like to draw the attention of the House to a particular situation in Clonmel, where some of the Rosminian Brothers were found guilty of some heinous crimes. The brothers also did much good.

The people of Clonmel are confused. A high profile gentleman — I will not mention any names — a former resident of a Rosminian institution and Mayor of Clonmel, once held a civic reception for the Rosminians. He also praised them at many public events in respect of the treatment he received in that institution. He gave them the highest accolade a town could give, in terms of giving them a civic reception, and was supported by the council in doing so. He stated time and again at a number of public events how good they were and how he would not have become an urban town councillor or Mayor but for the Rosminian Brothers in Ferryhouse. Everyone believed him and accepted that. We all know that the Rosminian Brothers have done great work. However, this man, who once attacked local media people for printing an article about charges being brought against some of the Rosminian Brothers, later had a change of mind — I accept everyone has the right to do so — and has now become one of the leading



## APPENDIX A - Extract from Dáil Debate of 14 June 2012

*Residential Institutions Statutory*

14 JUNE 2012.

*Fund Bill 2012: Second Stage (Resumed)*

advocates on this issue. He has gained national notoriety on television — I understand he was on television last night — in this regard. It is bizarre that he has made a complete turnaround and is now attacking the same people to whom he, when Mayor of Clonmel, gave a civic reception on behalf of the town.

**An Ceann Comhairle:** I apologise for interrupting the Deputy, but I must inform him that regardless of whether he names a person, where such a person becomes clearly identifiable, it is dangerous to be making critical remarks against that person when he or she is not present to respond to them. The Deputy needs to be careful.

**Deputy Mattie McGrath:** Go raibh maith agat. I will try to be cúramach. Some of these people do outstanding work. Christine Buckley and others have been mentioned. It is bad enough that awful crimes were perpetrated but if any seeds of doubt are shown by these survivors and their organisations, and some of them have been very disappointed, it can throw a bad light on the situation so we must be careful because we cannot have this.

Survivors have come to my office to say they were very unhappy with what unfolded and how locally the money was channelled through a particular office. We must be careful. The heinous crimes committed were bad enough and we cannot have the State fund being abused. I am pleased that on this occasion it will be channelled through the Department of Education and Skills for counselling and other services required not only for the victims but also their families. I have to put on the record that people in Clonmel and South Tipperary are confused and I am also confused. People can change their minds but there is no room for double standards, a total change of heart or jumping on the bandwagon. This cannot be accepted. I know it is not by the vast majority but unfortunately I had to say what I did with regard to this case.

I commend the survivors like Christine Buckley who have been champions and brought these cases to the fore. They do great work and this work should not be diminished in any way. They have also done great work in encouraging other victims to come forward and tell their stories and gain what hope and future they can for themselves and use the support services to be provided by the fund. Other survivors have carried it silently for decades and will probably continue to do so. Many of them are abroad, which is sad. It is easy to be wise after the event and people live with this hell every hour of their lives.

I wish to mention a family very close to me whom I know well who provided foster care before it was popular and remunerated. They worked with approximately 28 different children, some with whom I socialise with now. They have been transformed. They came from the most awful cases and lived with this family who did tremendous work. I am dealing with the Minister for Social Protection, Deputy Burton, because not only did the family not get a shilling from the State for taking the children, one of whom did £25,000 worth of damage to the house in one night in a psychotic incident because of what had happened that child, they also cannot receive a pension because they have neither the credit nor the stamps. This case must be examined. The 28 human beings they cared for have gone on to get married and have led all types of lives. I could see the transformation in them. I did not know the background at the time but it is wonderful to think where they are now. I am sure there are many such families who also did not receive any payment because they did what they did out of human interest, kindness, compassion and a desire to help those less fortunate.

Children ended up in institutions for many reasons such as accidents, suicide, poverty or criminality. State-supported institutions contacted this family to take various children because it was known the family could deal with them in a particular specialised manner in a home setting and friendly therapeutic environment. I am not diminishing in any way the fund of €1.5 billion but some cognisance must be given to these families. I have spoken about one particular



## APPENDIX A - Extract from Dáil Debate of 14 June 2012

*Residential Institutions Statutory*

14 JUNE 2012.

*Fund Bill 2012: Second Stage (Resumed)*

[Deputy Mattie McGrath.]

family but there are probably a number of others who gave of their time voluntarily and worked to make wonderful men and women of the people who now take part in life as near to normally as they can. They still need a little support after the traumatic events they went through. We cannot look at this coldly. We must be able to look after the families who cherished these people and gave them a life. I am not looking for anything magical, I am looking for recognition of the valuable time they spent. One cannot place a monetary value on it but some support should be in place for them.

I thank the members of religious orders, particularly those in education. A small number of politicians have damaged the reputation of people in the House. People across the board have been found guilty of awful activities and besmirched the good name of many and varied institutions, such as FÁS. The religious orders did outstanding work. At this point I am trying to support myself. I am on a voluntary board limited by guarantee to establish an adolescent drug treatment centre and we are negotiating with a religious institution on the use of the most spectacular building, which I often visited and in which I often had tea. We are trying to get a voluntary contribution from the State. This morning a situation in Sligo was discussed. I do not know anything about it but the Minister had to respond on it. Facilities exist and good work was done. I was involved with Sister Veronica in establishing the Aislinn project in Ballyragget and good work was done there. One could not get better people to head up an organisation than religious sisters or brothers because they have no other ties or demands and are normally well-educated. They are driven by the ideals of a religious background, compassion and humanity to work on such a project. We cannot throw out the baby with the bathwater and attack them all, because they have done tremendous work.

I remember the first time I saw the Artane Boys Band march at a match. They put on a great show at various all-Ireland finals. I am 53 years of age and little did any of us believe that what was happening behind those walls could have happened. One has a public image and a public face. We have a different Ireland now. It is easy to be wise in hindsight. We now have Garda vetting. I am involved in child care through a community group. I do not knock the Garda Síochána, but the vetting system is too cumbersome and slow. It is nothing like it used to be. Previously Garda vetting involved a phone call to the local garda who knew every family in the parish and 99% of the time the garda was right. Now in County Tipperary the service is centralised in Thurles and the gardaí do not have a clue who they are talking about. Often I wonder whether it is worth the paper it is written on. I am not being callous or cold. I am stating it is difficult to give a reference and we must be very careful it is fit for purpose. We cannot make these mistakes again.

We see cases all the time. Recently I was shocked to learn of a case in my home county. I could not believe it. I knew the person, and worked and socialised with him. It was shocking. I do not know what desires and bizarre thoughts are in the minds of those who commit these heinous crimes. People can be totally taken in and not even suspect. It is a very sad situation. It will always be with us so we must be mindful of it. However, we cannot attack the institutions because while awful things happened much good was done too. The education system in the country would be far poorer were it not for the excellent work and contributions of the sisters and brothers throughout the country. I have sat on boards with them. I have seen religious and lay schools amalgamated and the contribution made by the members of religious orders. I have sat on interview boards and done everything one can think of with religious people and their contribution has been immense. They feel hugely let down by the actions of a minority. We must always remember this and be conscious of it.

Now that they are being removed we can see the cost of providing education. It is unbearable and we cannot do it. Where would we have been as a fledging State but for their work and



how they brought education to people through night classes? I do not knock the VECs which also did this. We are not talking about that today — we are talking about the situation in the education system, which we can never forget. I will never forget it and it cannot be said enough here. Too many people are too quick to denounce everything else that went on.

I ask the Minister to be very cautious when setting up the board. I know that he will rightly appoint four of the survivors. In light of my earlier remarks, he needs to be certain that the people he appoints are there for the right motives. While 99.9% of them are, I felt obliged to say what I said. I will not say much more, a *Cheann Comhairle*, because I do not want to identify people here. However, it does not sit easily with me or with many of my constituents that a certain individual may be portraying a double life.

The Bill has been well researched and documented. Money will be channelled to the places it should go. Since 2001 the Department of Education and Skills has spent €8 million to support the provision of information and referral services by support groups for former residents. As with many other areas in life, money can naturally get gobbled up in setting up groups. However, in the delivery of the service the victim cannot be sidelined in any way at any time. The victim is paramount and we must ensure that every cent spent goes into the proper services.

Case conferences about children or other people often involve 15 officials of different ranking sitting around a table. While many or all of them are there for good reasons and doing their best, it is impossible to do anything in such a situation. I have sat on boards with 15 or 20 people and it is impossible for a survivor to have to face such a stressful situation. Regardless of their present situation, they may have suffered over the long term. While they may have an advocate with them, nonetheless it is too bureaucratic with too many people involved. It should be kept slim and trim with the right people with the vision, passion and understanding, and it needs to be dealt with as sensitively as possible. We cannot have scope for the heavy hand of the State or any institution dealing insensitively. An inappropriate word or a syllable could be enough to frighten the person sitting across the table and make him or her feel bullied, threatened or intimidated. We must remember they have been through horrific attacks on their being and they have been nurtured to come out of it. Christine Buckley and others are doing great work in getting them out there.

We must be awfully careful that the money is channelled in the right way and that every cent is spent to restore them their dignity, humanity, individualism and their good name so that they can be helped to live the best life they can. We also need to try to reach out to those who have gone abroad and gone into hiding in some cases, which is the most difficult of all. I wish the Minister well and commend the Bill to the House.

**An Ceann Comhairle:** I call Deputy Terence Flanagan, who, I understand, is sharing time with Deputies Breen, Corcoran Kennedy and John Paul Phelan.

**Deputy Terence Flanagan:** I welcome the Bill and I thank the Minister for Education and Skills, Deputy Quinn, for his hard work in ensuring the Bill was brought before the House as quickly as possible. The Government obviously recognises the significance and importance of the issue and it has been determined to move to establish this fund as a priority. The previous Government should be commended on its work with the establishment of the Commission to Inquire into Child Abuse in 2000. Like everybody, I was appalled and shocked with the findings of the Ryan report published in 2009 and with the other reports into this matter. It is absolutely shocking that widespread child abuse took place in residential institutions, which should have been safe places for children, especially given that these events did not occur too long ago.

Nothing will take away from the distress and damage caused to the residents of these institutions when they were children. However, I am encouraged by the many steps the Government





APPENDIX B - Initial Complaint

Michael O'Brien P.C.  
42 Oliver Plunkett Rec  
Cormel.  
Lois O'Brien

27<sup>th</sup> June 2012



By Ceann Comhairle

On the 14/6/2012 Mr. Mattie McGrath made a statement about the  
in connection with Second stage Residential Institutions Statutory  
Fund Act 2012. He said that he had a Civic Reception  
for the Residencies that is not true.

Mr. Flynn received a Civic Reception after my Mayoral  
Term because he was the first Chairman Man to be the  
Father Provincial of the Residencies.

Yes I trained them who was then in Ferryhouse because  
there was not a word about abuse in Ferryhouse then when  
was in <sup>Time</sup> 1993 to 1994 I was only Mayor for one year

I never contacted the local media yes I said to a person in  
Tipp F.M. that they send a tape to the Judge  
Lefty. Commission but it was not discussed at the Commission  
It was clear. He was referring to me in his remarks

## APPENDIX B - Initial Complaint

I gave eight years in Feeryhouse and I have only  
mentioned one Priest and one Brother who abused.

I was badly abused by a Priest and a Brother in many occasions  
It is bad enough to have to live with that all your  
life but listen to this been told about you in the  
Chamber of ~~the~~ Daily Evening Where I have no come  
back.

I gave a Mayoral Reception to a Roman Brother in 1993.  
on the Request of another Councillor. because he was  
50 years in Feeryhouse the Roman were held in  
very high esteem in Clonmel at that time.

I have had to live for 71 years with my family  
separated never to come together again.

I hope your Committee can sort this matter out

The Procedure & Privileges Committee

Sincerely yours

Mike  
by the way the people who abused are all dead.

I never told anyone even my wife that I was  
abused until 2001

## APPENDIX B - Initial Complaint



30 Castle Gardens,  
Richhill,  
Co. Armagh,  
BT61 9QL

Telephone:  
Rep. of Ireland: 0483 8871 708  
UK/Nl: 0283 8871 708  
International: 0044 2838 871708

Fax:  
Rep. of Ireland: 0483 8871 676  
UK/Nl: 0283 8871 676  
International: 0044 2838 871676

[info@alliancesupport.org](mailto:info@alliancesupport.org)

[www.alliancesupport.org](http://www.alliancesupport.org)

Seán Barrett T.D.,  
Ceann Comhairle  
Leinster House,  
Kildare Street,  
Dublin 2

2<sup>nd</sup> July 2012

Ceann Comhairle's  
Office  
- 9 JUL 2012  
209/n  
RECEIVED

Sir,

Please find attached letter sent to Mr Mattie McGrath TD which reflects our disappointment that such a serious part of the debate into the Residential Institutions Statutory Fund Bill 2012 was abused by this TD.

Can we please call on you to re-enforce this view to Mr McGrath which comes from many, even in his own locality and wider afield.

Many thanks.

Yours sincerely

Tom Hayes  
Secretary, Alliance Support Group

[www.alliancesupport.org](http://www.alliancesupport.org)



## APPENDIX B - Initial Complaint



Mr. Mattie McGrath TD  
Leinster House  
Kildare Street  
Dublin 2

17 June 2012

Dear Mr McGrath

I have read your contribution to the debate on the Residential Institutions Statutory Fund Bill 2012 and am concerned as to why you decided to take part at all?

Clearly you had nothing to contribute to this very serious Bill. You do not know your subject, nor do you show any real concern for those of us representing former residents in our own time, with our own finances and with no support from Government or other agencies.

You choose instead to pass the time discussing an event that happened when a survivor was in the public eye and had a duty to perform as a public representative. For your information can I say that many of us, even to this day are still unable to even attend counselling or other forms of support structures set up by the government to assist us. That is the true cost of what has taken place in our lives in these places. Your comments were insulting and insensitive to someone who spent some years in these places.

Members of the Alliance in UK, Canada and the USA were particularly upset at your contribution which detracts from the serious work that we are all doing to help those desperately in need.

Yours sincerely

Tom Hayes

Secretary Alliance Victim Support Group  
[www.alliancesupport.org](http://www.alliancesupport.org)

30 Castle Gardens,  
Richhill,  
Co. Armagh,  
BT61 9QL

Telephone:  
Rep. of Ireland: 0483 8871 708  
UK/NI: 0283 8871 708  
International: 0044 2838 871708

Fax:  
Rep. of Ireland: 0483 8871 676  
UK/NI: 0283 8871 676  
International: 0044 2838 871676

[info@alliancesupport.org](mailto:info@alliancesupport.org)

[www.alliancesupport.org](http://www.alliancesupport.org)





## APPENDIX B - Initial Complaint



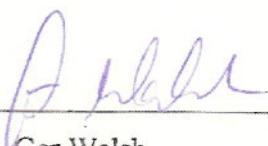
COMHAIRLE BUIRGE CHLUAIN MEALA  
CLONMEL BOROUGH COUNCIL

### TO WHOM IT MAY CONCERN

THIS IS TO CONFIRM that according to the records held by Clonmel Borough Council, (formerly known as Clonmel Corporation) of the Schedule of Civic Receptions during the Term of Office, from 6<sup>th</sup> July, 1993 to 20<sup>th</sup> June, 1994 of Mr. Michael O'Brien, <sup>43</sup>~~54~~ Oliver Plunkett Terrace, as Mayor of Clonmel, there appears to be no record of Mr. O'Brien hosting a Civic Reception for St. Joseph's School, Ferryhouse.

Mr. O'Brien held a Mayoral Reception for Brother Jim O'Connor on the 19<sup>th</sup> April, 1994.

Signed: \_\_\_\_\_

  
Ger Walsh,  
Town Clerk.

3<sup>rd</sup> July, 2012.



Comhairle Buirge Chluain Meala,  
Anas an Bhaile,  
Chluain Meala,  
Contae Thiobraid Árann  
Telephone: 052-6183800  
Fax: 052-6183805  
E-mail: [clerk@clonmelbc.ie](mailto:clerk@clonmelbc.ie)

Clonmel Borough Council,  
Town Hall,  
Clonmel,  
County Tipperary.  
Telephone: 052-6183800  
Fax: 052-6183805  
E-mail: [clerk@clonmelbc.ie](mailto:clerk@clonmelbc.ie)

## APPENDIX B - Initial Complaint

## APPENDIX C – Letter from Ceann Comhairle to Deputy McGrath



Mattie McGrath, T.D.,  
Dáil Éireann,  
Leinster House.

18 July 2012.

Re: Application to the Ceann Comhairle under Standing Order 59.

Dear Deputy McGrath,

I am enclosing correspondence from a Mr. Michael O'Brien, P.C., which I received pursuant to Standing Order 59, concerning remarks made by you in the Chamber on 14 June 2012 during the debate on the Residential Institutions Statutory Fund Bill 2012. I have also been copied correspondence sent directly to you by Alliance Victim Support concerning your contribution during the same debate. I further enclose a transcript of the debate for your information.

Mr. O'Brien makes an application under Standing Order 59. As you are aware, I am obliged to consider the complaint having regard to:

1. whether the Member raised the issue in a responsible manner, acted in good faith and ensured, as much as possible, that the remarks were soundly based,
2. the totality of the record, including any rebuttal by Members present,
3. any withdrawal of the remarks by the Member in question, and
4. the extent to which the matter was already in the public domain (media reports) or the Member had a reasonable excuse for making the remarks.

I have considered the matter and I find the remarks made were defamatory in nature. In that regard the remarks should be withdrawn formally in the House. I am also of the view that this should be done as quickly as possible and my office is available to assist in making the necessary arrangements in that regard.

Should you not agree to the above, I must then refer the matter to a meeting of the Committee on Procedure and Privilege for its consideration and determination.

In view of the timeframe involved, I would be grateful to hear from you as soon as possible.

Kind Regards,

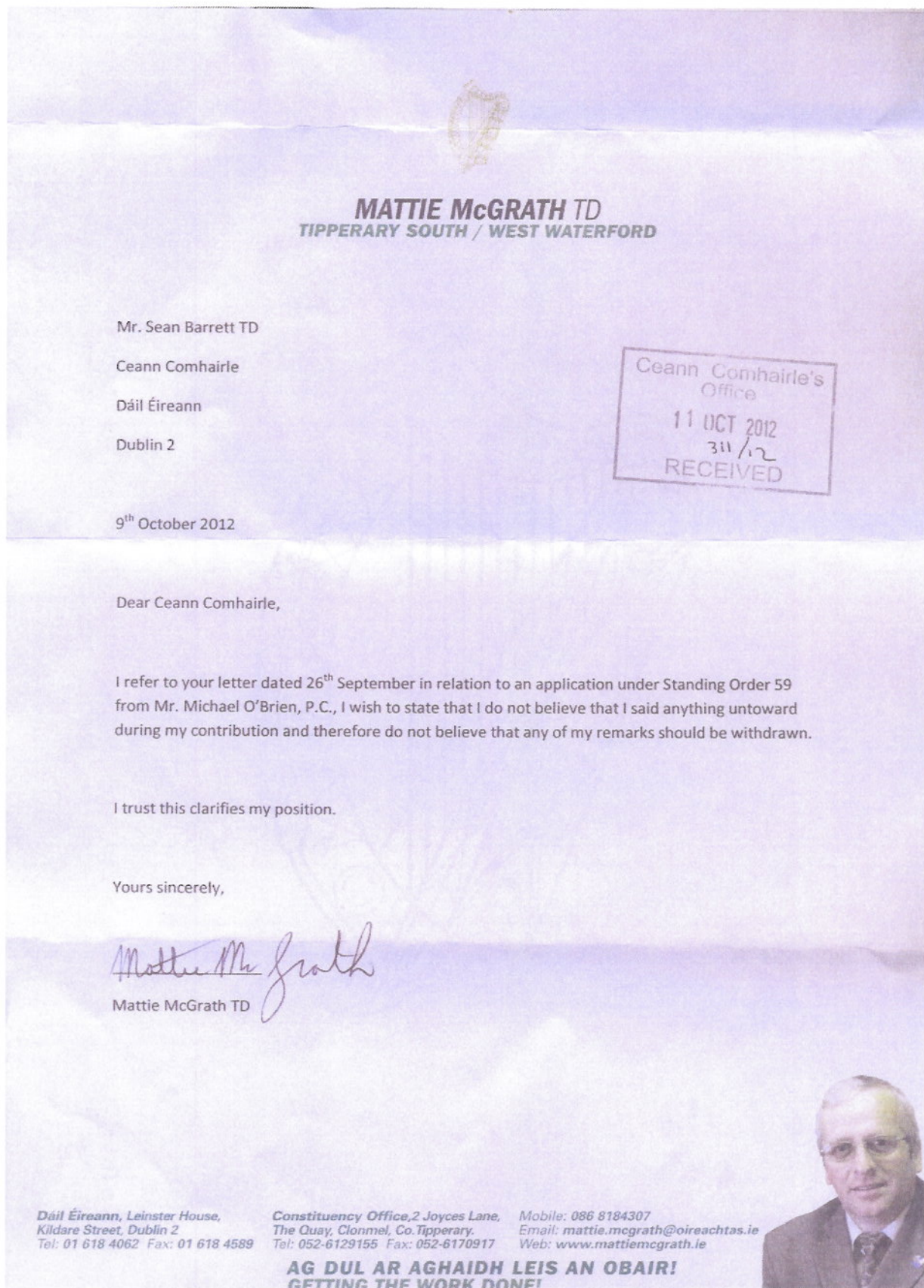
Yours sincerely,

Seán Barrett, T.D.,  
Ceann Comhairle.

## APPENDIX C – Letter from Ceann Comhairle to Deputy McGrath



## APPENDIX D – Reply from Deputy McGrath to Ceann Comhairle





7th February 2013

An Ceann Comhairle.  
Mr Sean Barrett T.D.  
Dail Eireann,  
Leinster House.  
Dublin 2

A Chara,

I wish to make a statement about what Mr Mattie McGrath T.D. said about me during the debate on the Residential Institutions Statutory Fund Bill 2012 on the 14th June 2012.

At no time during my term as Mayor of Clonmel did I or Clonmel Corporation bestow a Civic Reception on the Rosminian Order. One member received a Civic reception because he was the first Irish man to become Fr General of the Rosminians, but not during my Mayoralty.

All monies that were allocated to Right to Peace Group came through the South Tipperary V.E.C. from the redress unit at the Department of Education and Skills and had to be accounted for by the Department.

Hoping this meets with your kind consideration and approval.

Sincerely yours

M O'Brien