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Extract from Dail Debates

*Thursday,
9th Dec. 1976*

Vote 14 : Miscellaneous Expenses.

Minister for Finance (Mr. R. Ryan) :

I move :

That a supplementary sum not exceeding £10 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 1976, for certain miscellaneous expenses, and for payment of a grant-in-aid.

Mr. Colley : There is, I am sure purely coincidentally, something of an irony in the two items involved in this Supplementary Estimate. The first one relates to legal expenses of the Minister for Local Government arising out of a tribunal of inquiry into certain allegations affecting him. The second relates to the interim cost of the domestic establishment at Aras an Uachtaráin consequent on the resignation of President Ó Dálaigh. In my view the Government acted quite wrongly in regard to the allegations made against the Minister for Local Government. I say quite wrongly because before the motion setting up the tribunal of inquiry referred to here was even moved in the other House, a very full apology had been given by the two Deputies concerned and, in addition, a complete withdrawal and retraction of the allegations made was placed on the record of the House. We made this point at some length before, when we considered that the Minister for Local Government and/or his colleagues were looking for their pound of flesh. It now appears that it is the taxpayer who will have to furnish that pound of flesh.

Whatever view one might take of the case I put forward—and it is certainly possible to take the view expressed then by the members of the Government that this tribunal was necessary, although I could never see it myself, what has happened subsequently and which is the matter referred to in the second item relating to Aras an Uachtaráin establishes another standard altogether. We have a totally different standard applied by the Government when it comes to that situation. In that case, while there was an apology, there was not and never has

been up to this day, a withdrawal by the then Minister for Defence or by the Taoiseach or, to my knowledge, by any other member of the Government of the allegations made against the then President. Those allegations were that the President had acted improperly in referring for determination of its constitutionality to the Supreme Court the Emergency Powers Bill and that the then President could not be relied upon to defend the institutions of the State and that the Army would have to be relied upon. None of these allegations has ever been withdrawn.

Yet when allegations were made against a member of the Government but were withdrawn fully and a full apology made in the House, that was not good enough. The Government persisted in going ahead with the tribunal of inquiry and now we are asked to agree that the taxpayer should be obliged to pay the sum of £1,800 as legal expenses of the Minister for Local Government involved in that charade of a tribunal. I believe I am entitled to call it a charade. I might not have been prior to the incident that led to the second item here, the incident arising out of the statements of the then Minister for Defence in relation to the then President. When one sees the reaction of the Government to that situation and the continued and persistent refusal to withdraw the allegations then made, with all the consequences that have flowed from that, and when one compares that with the attitude adopted in relation to the Minister for Local Government and realises that it is the taxpayer who is being asked to pay for this indulgence in seeking the pound of flesh or of soothing the ego of the Minister for Local Government, one is entitled to cry halt and to say that, if we apply to that incident the standards the Government sought to apply and have applied to the incident related to the Minister for Defence at the time and the President at the time, there is no justification at all for the taxpayers being asked to pay the legal expenses of the Minister for Local Government arising out of a tribunal which was inquiring into allegations which had then been withdrawn and

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for which a full apology had been made.

I do not want to labour this point unduly, but if it were in order one might be tempted to describe this imposition on the taxpayer of the legal expenses of the Minister for Local Government in defending himself against allegations which had been withdrawn and for which he had received a full apology in the terms used by the then Minister for Defence in relation to the other matter. I will not do that but I object strenuously to this waste of public money. Whatever argument might have taken place as to whether or not it was a waste prior to the incident between the then Minister for Defence and the President there can be no room for argument now having regard to how that was handled. If the members of the Government still feel strongly that in all the circumstances, despite the full apology and the full withdrawal, the Minister for Local Government was entitled to have a tribunal set up to inquire into these allegations, they might have a whip around among themselves and pay the £1,800 involved and not ask the taxpayer to pay for this salving of the ego of the Minister for Local Government.

Mr. R. Ryan: It is a great pity that Deputy Colley should have indulged in the outburst that he engaged in this morning. It does this House and the office of the Presidency no service. The sad events which caused the establishment of the tribunal of inquiry might best be forgotten, particularly by the Opposition, who were responsible for the establishment of that tribunal by reason of the allegations which were made in the first instance by Deputies Molloy and Crinion and, secondly, by the tardiness on the part of Deputies Molloy and Crinion to give an unreserved withdrawal and apology for having impugned the conduct of the Minister for Local Government in discharge of his ministerial duties. It is a very serious matter, indeed, to allege that the Minister in discharge of his official duties as a Minister allows personal interest and financial interest to

colour his decisions. When a charge of that kind is made against any officer of the State or any employee of the State, it is proper that the State should defend and, if necessary, bear the cost of defending such a person. That is what the Government did in this case. These costs could well have been avoided had Deputy Molloy and Deputy Crinion been men enough to give evidence before the Committee on Procedures and Privileges and make an apology before that Committee, which met on 2nd and 3rd July, 1975. But Deputy Molloy and Deputy Crinion chose not to do so. On 4th July the Resolution was moved in Dáil Éireann by the Taoiseach as head of the Government, who had the clear obligation in the public interest to have the allegations inquired into and it was only at that stage, when Deputy Molloy and Deputy Crinion saw they could no longer avoid answering for their conduct, either justifying it or being found guilty themselves of misconduct, that they made a belated attempt to wipe the slate clean. But, even then, there was room to doubt the sincerity and fullness of their withdrawal.

Mr. Colley: Why does the Minister say that?

Mr. R. Ryan: I say that because Dáil Éireann and Seanad Éireann were of the same view and felt the withdrawal was less than full and did not establish the total innocence of the Minister for Local Government who had been, not on one occasion but on a number of occasions, despite his own denials, vilified by both Deputy Crinion and Deputy Molloy. Dáil and Seanad Éireann decided a tribunal should be established and that tribunal vindicated the Minister for Local Government. It was a proper expense because government in Ireland, leaving aside personalities, was being vilified and government in Ireland has been vindicated as being properly run. It was essential in the public interest that that should be done.

In relation to the second item, the interim cost of the domestic establishment at Aras an Uachtaráin, I

would point out that, following the resignation, the presidential salary was not paid during the interregnum and there is a nett saving to the State. But nobody would question the propriety and, indeed, the necessity of continuing to engage the domestic establishment at Aras an Uachtaráin during the period in which there was in fact no President. Normally such staff are paid out of the personal remuneration of the President but, here being no President, clearly funds had to be made available from some other source and there was, therefore, a need for a bookkeeping exercise, as it were, in regard to a separate item to meet the cost of the domestic staff at Aras an Uachtaráin during the interregnum. As, however, the presidential salary was not paid the gross cost is not that of £1,500. I think no useful purpose would be served by my expatiating on the situation but, since Deputy Colley reopened the matter, I propose to pursue his remarks in regard to the resignation of the former President only in so far as to say there are different views held sincerely by many people regarding the action of the former President following the words spoken by the Minister for Defence.

Mr. O'Malley: And not withdrawn.

Mr. R. Ryan: There can be no denial that an unqualified, unreserved and full apology was made by the Minister for Defence immediately after he had uttered the words and he did not repeat what was not an allegation but an expression of his opinions in regard to the conduct of the President. He did not repeat it, unlike Deputy Molloy and Deputy Crinion, who repeated their allegations of gross misconduct against a Minister of State. Not only did the Minister for Defence give an unqualified apology but so also did the Taoiseach in the name of the Government and on no occasion has any member of the Government or any supporter of the Government attempted to justify and neither have they repeated the original views expressed by the Minister for Defence.

Deputy Colley regarded both these

items here as ironical. I do not regard them as ironical. I regard them as most unfortunate and this the kind of expenditure that should certainly be avoided.

Mr. Colley: Since the Minister apparently justifies the expenses arising in connection with the tribunal on the basis that there was not a full withdrawal of the allegations against the Minister for Local Government and, since he failed to specify in what way it was not full when invited by me to do so, would the Minister now say at what stage and by whom were the allegations made against the former President withdrawn?

Mr. R. Ryan: They were withdrawn by the man who uttered them.

Mr. Colley: No, they were not.

Mr. R. Ryan: He gave an unqualified apology—

Mr. Colley: They are two different things.

Mr. R. Ryan: —and, whatever about the unfortunate words used, the general opinion throughout the length and breadth of the land is that the former Minister for Defence, Deputy Paddy Donegan, gave a manly and full apology for what he had said and it is time people had the decency to forgive and forget.

Mr. Colley: Does the Minister recognise he did not withdraw the allegation? That is the basis he is relying on to justify the expenses on the first item.

Mr. R. Ryan: Dáil Éireann and Seanad Éireann have already voted on this matter and I stand on this vote.

Mr. O'Malley: God help the Minister. Just because he gets a crowd of clowns he pushes through the Lobbies there, whether they agree with him or not, that is his idea of justification. Just because they are whipped in through the Lobbies, therefore the Minister is justified. God help him.

Mr. R. Ryan: The Deputy is using most indelicate language, not to talk about it being unparliamentary. Per-

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haps Deputy Molloy and Deputy Crinion will now provide the £1, included in the first item.

Mr. Colley: The people responsible should pay.

Mr. R. Ryan: And that includes Deputy Molloy and Deputy Crinion.

Question put and, a Division being demanded, it was postponed in accordance with the Order of the Dáil of 20 January, 1976, until 8.30 p.m. Tuesday, 14th December, 1976.

Vote 20: Superannuation and Retired Allowances.

Minister for Finance (Mr. R. Ryan): I move:

That a supplementary sum not exceeding £950,000 be granted to defray the charge which will come in the course of payment during the year ending on the 31st day of December 1976, for pensions, superannuation compensation (including workmen's compensation), and additional and other allowances and gratuities under the Superannuation Acts 1834 to 1963, and sundry other statutes; extra-statutory pensions allowances and gratuities awarded by the Minister for the Public Service; fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; etc.

The main Estimate for superannuation and retired allowances for the financial year ending on 31st December, 1976, for a nett sum of £9,100,000. The Supplementary Estimate now being introduced is for an additional sum of £950,000. The further expenditure arises mainly because of, first, an increase in the number of retirements, especially of persons retiring voluntarily between the ages of 60 and 65; secondly, an increase in the number of married women retiring who are qualified for updated marriage gratuities; thirdly, an increase in the number of retirements under the non-established pension scheme following the announcement in the middle of the year that the retirement age was being reduced from 70 to 67 years; and