

Appendix C



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Wednesday, 10 September 1997.

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Mrs. Owen: On a point of order, it is normal for the Minister's speech to be circulated. I would like a copy of what he had to say, particularly as he gave a slight word of praise to me at the end. It is so unusual.

Mr. O'Donoghue: I regret to inform the Deputy that the words of praise will not be included in the text.

Mrs. Owen: I would like a copy anyway.

Mr. O'Donoghue: A rose by any other name.

An Leas-Cheann Comhairle: Is the motion agreed to?

Caoimhghín Ó Caoláin: I wish to record my opposition as stated in my address.

Question put and agreed to.

Personal Explanation by Member.

Mr. Lowry: I thank the House for the opportunity to make this personal explanation. The purpose of doing so is to address the reference in the report of the Tribunal of Inquiry (Dunnes Stores Payments) to the statement which I made to this House on 19 December last. On that occasion I sought the opportunity to make a statement to this House so that I could address the innuendoes that arose following the disclosure that Dunnes Stores had paid for works to my house in Holycross.

It was being widely suggested that Dunnes Stores paid for the works to my house in return for political favours. The purpose of making my statement was to categorically refute that false charge. Speculation about the Price Waterhouse report was rife at that time as extracts had been leaked to the media. I told this House, correctly, on 19 December that I had not seen the Price Waterhouse report nor have I seen it since. I attempted to deal with the elements of that report which I understood referred to my business.

During the course of my address to the Dáil I made the following statements:

I did not make any secret of the fact that Dunnes Stores paid me for professional services by way of assistance towards my house. If someone were trying to hide income, would he or she not be more likely to put it in an offshore account? The last thing such a person would do would be to spend it on a very obvious structure of bricks and mortar for all the world to see.

This statement was intended merely to address the fact that Dunnes Stores had paid for construction work to my house, that this was well known to a significant number of people, and that I made no effort whatsoever to conceal it. My reference to offshore accounts in this context, therefore, was intended only to illustrate this point. With

the benefit of hindsight I now accept that the words I used and the example I gave were most unfortunate and conveyed a misleading impression. I fully accept responsibility for that. However, I categorically assure this House that it was not my intention to mislead. I offer my full and sincere apologies to the Ceann Comhairle and to all Members of the House then and now for having misled them in any way.

During the course of my Dáil statement I also referred to some payments made to me by Dunnes Stores. These were the payments which I understood had been referred to in the Price Waterhouse report. The tribunal report notes that I made no mention whatever of other sums, including large payments paid to me by Dunnes Stores. I now accept that for completeness I should have done so. I offer my full and sincere apologies also for this omission. Again, it was not my intention to mislead. I was, in fact, confining myself to what I understood to be references in the Price Waterhouse report.

I ask the House to understand that I am constrained about addressing here the corporate and tax aspects of my affairs as these are currently the subject of review by the relevant authorities. Overall the difficulties I now face are substantial. I have contributed to my own misfortune. I have not managed my affairs as well as I should have and I have admitted making mistakes. They relate not to my actions as a holder of public office but to my personal and financial affairs. I have already paid, and continue to pay, a very high price as a consequence.

In conclusion, I apologise again to this House for any inadvertent misleading impression that my statement of 19 December may have conveyed. I ask for its acceptance of that apology and for its understanding in what are for me very difficult times.

Personal Statement by Member.

Minister for Foreign Affairs (Mr. R. Burke): I have come here today to defend my personal integrity, the integrity of my party, of this Government and the honour of this House. I have also come here to reassure the public and in particular my constituents that I have done nothing wrong. The experience of my 24 years' membership of this House has seasoned me in the way parliamentary politics operate. The dynamics of democratic politics operating at parliamentary level dictate that Governments are opposed by Oppositions who in accordance with their function will avail of every opportunity to make life uncomfortable for the Government of the day.

I say this without rancour. I have been in Opposition myself many times. That is the way our system operates. I accept that. If I did not I would have no business being here. Furthermore, I do not expect that the facts I will present here today will in all cases satisfy everybody. I am, however, making this statement out of respect for

the House and for those Members of the House who have sought this statement in good faith.

The circumstances which have given rise to the position in which I find myself occurred during the 1989 general election campaign and have already been described in a statement issued by me on 7 August this year. With your leave, a Leas-Cheann Comhairle, I propose to read this statement into the record of the House:

During the last two years I have been the target of a vicious campaign of rumour and innuendo. Since my appointment as Minister for Foreign Affairs this campaign has intensified. The stories which have appeared in the media in recent weeks are, as one prominent journalist acknowledged in a letter to me last week, the culmination of a lengthy series of smears about me. The story still keeps resurfacing in different shapes and forms, and the repeated articles and comments of recent weeks have placed an unacceptable burden on my family and myself. While I resent having to dignify these allegations by responding to them at all, I believe that I must now do so. The facts of the matter are that during the 1989 general election campaign I was visited in my home by Mr. Michael Bailey of Bovale Developments Ltd., and a Mr. James Gogarty.

Mr. Bailey was well known to me as he was a resident of north County Dublin and a long time supporter of Fianna Fáil. I had not met Mr. Gogarty previously but he was introduced by Mr. Bailey as an executive of Joseph Murphy Structural Engineers — JMSE. Mr. Gogarty told me JMSE wished to make a political contribution to me and I received from him in good faith a sum of £30,000 as a totally unsolicited political contribution. At no time during our meeting were any favours sought or given. I did not do any favours for or make any representations to anyone on behalf of JMSE, Mr. Michael Bailey, Bovale Developments Limited or Mr. James Gogarty either before or since 1989.

From what I have read and heard it seems the source of the allegations in the media may be Mr. James Gogarty. I do not know what motive, if any, Mr. Gogarty would have for pursuing such a vendetta against me. I believe, however, that he and his former employers, JMSE, parted in acrimonious circumstances. If Mr. Gogarty is the source of these allegations, then he is the author of a campaign of lies against me. I have also been the recipient of a number of anonymous threatening letters relating to these allegations. I have turned this correspondence over to the Garda.

As regards the most recent newspaper reports, I received an unsolicited political contribution of £30,000, not £80,000 as reported. The allegation that I received £40,000 from Mr. Bailey or Bovale Developments Limited on that or any other occasion is false. There were three persons present when I received the contribution from Mr. Gogarty — Mr. Gogarty,

Mr. Bailey and myself — and not five as reported. There was one JMSE executive present, Mr. Gogarty, and not two or three as variously reported.

I am taking the opportunity to state unequivocally that I have done nothing illegal, unethical or improper. I find myself the victim of a campaign of calumny and abuse. It is totally unacceptable that this matter should be allowed to continue to fulfil an agenda which has nothing to do with election contributions or any other aspect of reasonable or reasoned political debate in public life. If any further untruths are published about me, I will take all necessary steps to vindicate my good name and reputation.

I wish to elaborate on aspects of that statement. My understanding is that the making of this contribution came about as follows. Mr. Gogarty indicated to Mr. Bailey that JMSE wished to make a contribution to my election fund. Mr. Bailey brought Mr. Gogarty to my home and, during a brief meeting, Mr. Gogarty confirmed that JMSE wished to make a political contribution to me. The contribution was entirely in cash. Prior to leaving with Mr. Bailey, Mr. Gogarty wished me well in the election. I did not receive £40,000 from Mr. Bailey or Bovale Developments Limited on that or any other occasion. I did not receive any personal contributions from Mr. Bailey either before, during or after the 1989 general election, although I have established that over the years Mr. Bailey made a number of contributions to the Fianna Fáil organisation in my constituency on such occasions as race nights and so on.

In light of allegations made subsequent to my statement of 7 August last, I confirm that Mr. Joseph Murphy junior of JMSE was not present at my meeting with Mr. Gogarty and Mr. Bailey. I did not meet Mr. Joseph Murphy junior during or in connection with the 1989 general election campaign. Mr. Gogarty, who was the managing director of JMSE, was the only executive of that company present.

I confirm that I contributed £10,000 to the Fianna Fáil national organisation during that election campaign. In addition, I handed over moneys totalling approximately £7,000 to my local constituency organisation during the general election campaign in 1989. The remainder of the political contributions received by me, including the contribution Mr. Gogarty gave me during our meeting in my home, were used to cover my personal election campaign and subsequent political expenses. I did not and do not have separate accounts as regards either the election campaign in question or my subsequent political expenditure.

As regards the contribution, £30,000 is the largest contribution I have received during any election campaign either before or since 1989. On the other hand, in 1989 there had not been any legal limitations since 1963 on the amount a parliamentary candidate could expend on his or her election campaign. Furthermore, political expenditure

[Mr. R. Burke.]

does not begin or end during election campaigns. As all Members of this House will be aware, the last 25 years have seen a fundamental change in the operation of politics with public representatives or prospective public representatives having to operate ongoing and expensive constituency campaigns and services between and not merely during elections, such as newspaper advertisements, race nights, community contributions, leaflet drops, clinics and so on.

For as long as I have been a Member of this House, political parties and individual politicians have actively solicited and accepted political contributions. Soliciting or accepting such contributions was not outlawed or discouraged through legislation or the Standing Orders or rules of this House. For any candidate or representative to have accepted a political contribution with strings attached would have been unethical if not downright illegal. In the context of this contribution there was no attempt to attach any strings or to ask for any favours.

We now come to the nub of this matter. The stories that circulated were not that a politician had been given a contribution, albeit a generous one. Until recently, the mere making of a political contribution during an election campaign would not have been news at all. The core of this affair, the issue that has led to the Garda investigation and the primary issue that the Taoiseach felt it necessary to investigate prior to nominating me to serve in this Government is that Mr. Gogarty has apparently alleged not only that a political contribution was made to me, but that it was made for some improper purpose.

Any allegation that I have done anything wrong is completely untrue. No favours were done for JMSE, Bovale Developments Limited, Mr. Bailey, Mr. Murphy junior or Mr. Gogarty. Furthermore, notwithstanding what the *Sunday Business Post* journalist, Mr. Frank Connolly, described as "a number of meetings, about fifteen hours of discussions" between Mr. Gogarty and the investigating Garda Superintendent and the fact that Mr. Gogarty was offered immunity from prosecution almost three months ago, I understand Mr. Gogarty has not signed any statement which would finally clarify what precisely he is or is not alleging. If favours have been done for Bovale Developments Limited or JMSE, I had nothing to do with them. I assume that if any Members of this House are aware of any such decision, they will declare their knowledge to this House and any involvement they might have had in any such decision. For my part, I have had no involvement, direct or indirect, in any such decisions.

I ceased to be a member of Dublin County Council in 1987. While a member of Dublin County Council between 1985 and 1987, the only proposal I made with regard to any planning matter related to one private residence which was supported unanimously by all members of the council in attendance at the meeting in question.

This matter arose in April 1986 when I was chairman of the council.

For the benefit of the House, I refer to a question put to the manager of Dublin County Council by my colleague, Deputy Gilmore, in which he asked for the lists of all section 4 and material contravention motions together with the names of the councillors who proposed and seconded them which were brought before the council from 1985 until 1989. The reply was given on 11 December 1989. The answer to Deputy Gilmore's question shows that for the relevant part of that period during which I was a member of the council, I neither proposed nor supported any motions involving Bovale Developments Limited, JMSE, Mr. Michael Bailey, Mr. Joseph Murphy junior or Mr. James Gogarty. Since I ceased to be a member of Dublin County Council in 1987, I have not asked for or urged support for any of these companies or individuals in the context of planning or material contravention motions or in any other matter. The first review of the County Dublin Development Plan, which took place after the 1989 general election, was in 1991-3. In relation to that plan, I actively campaigned against the rezoning proposals being made by the councillors. On foot of reasonable and valid complaints from constituents and residents' groups, I actively opposed the decisions that were being made and sought a reconsideration of them by the Fianna Fáil group on Dublin County Council.

I want to quote a letter to Ms Betty Coffey, the then chairperson of the Fianna Fáil group, Dublin County Council, 46-49 O'Connell Street, Dublin 1, dated 4 August 1993, from my home on Dáil notepaper:

Dear Betty,

I write to you as chairperson of the Fianna Fáil group on the council and I enclose a copy of a letter which I received from [a particular constituent] regarding the rezoning in Donabate. As you are aware, there is considerable annoyance in the north county area concerning the recent rezoning decisions and I believe it is in the interests of the party in the area that the group discuss the situation and alter the decision at the next stage of the review process. It would be impossible for me to specify each area of controversy but I would give you as examples the decisions in the Rivervalley area, the Christian Brothers' lands in Swords — there are many others.

Kindest personal regards,

Yours sincerely,

Ray Burke.

These matters were the subject of many discussions within the Fianna Fáil organisation in my constituency at various levels, during which I expressed my opposition to various proposals. Furthermore, I led a delegation of Fianna Fáil cumann members to meet the then Minister for the Environment, Deputy Michael Smith, in November 1993 to express opposition to the rezoning

proposals of Dublin County Council as illustrated in the revised development plan and requested him not to sanction the revised plan.

With the benefit of hindsight, it is clear that in accepting this contribution, even in good faith, I exposed myself to the risk of being the subject of malicious allegations of the type now being made. Any Member who contests elections and depends on contributions to finance his or her campaign — unless he or she belongs to the fortunate few who inherit wealth — could find himself or herself where I am now had his or her path crossed that of a person who was prepared to make false charges against him or her, even if that person refused to honour those charges with a signature.

If anything seems clear from the conflicting news stories relating to this affair, it is that Mr. Gogarty's allegations against me form merely a small part of allegations being thrown by him against his former employers, from whom he parted in acrimonious circumstances. I can only assume that he made these allegations in an attempt to bring pressure to bear on his former employers in the context of his dispute with them.

In this context Mr. Connolly of the *Sunday Business Post*, to whom I referred earlier, confirmed in a radio interview that "from the very outset Mr. Gogarty has been mostly concerned with his unresolved differences with his former employers, JMSE" and, indeed, Mr. Connolly acknowledged that he had pursued the allegations against me "more actively than perhaps [Mr Gogarty] wished".

In my letter to the Ceann Comhairle asking for permission to make this statement, I made the point that I was going to make a personal statement on a 1989 election contribution. I also indicated that I was willing to take a question and answer session on my statement. This is unprecedented in the House. I will be as forthcoming as I can in any matter relating to the contribution which has been the subject of controversy.

In February, I will be a Member of the House for 25 years. I have no intention of subjecting myself to a show trial to satisfy anyone's political agenda or set a very undesirable precedent for this House. I do not believe that the people who elected me to this House or the decent fair minded people of this country want or expect me to do so.

An Leas-Cheann Comhairle: The normal rules for asking supplementary questions apply in this question and answer session. The supplementary questions should be concise, to the point and seek information and the Members should not attempt to debate or make mini-statements.

Mr. Shatter: I would agree with the Minister that no Member of the House should be wrongly subject to vilification. It is in the public interest that the Minister should respond to certain questions which I wish to raise with him. Was the Minister surprised to receive the contribution?

Mr. R. Burke: It was an exceptional contribution, as I have already acknowledged, the circumstances of which I have already outlined to the House.

Mr. Shatter: Did the Minister ask Mr. Gogarty the reason for his generosity and why the sum of £30,000 was being delivered to him in cash? The Minister might indicate in what denomination that money was received. It is quite an extraordinary sum to receive in cash.

Mr. R. Burke: In relation to the general question of contributions, and I will come back at a later stage undoubtedly to Mr. Gogarty and his allegations, I am much taken with the view as expressed by Fine Gael in the press statement in response to my statement on 7 August: "Fine Gael accepts that solicited and unsolicited contributions to the election expenses of parties and of individual candidates are a normal, healthy, unexceptional part of the Irish democratic process".

It was not just Fine Gael which had that view about unsolicited contributions. When asked a similar question, another distinguished Member of this House said that the bulk of his election expenses were his personal responsibility, that they had increased significantly in recent years, that assistance from supporters was welcome but that the Member was honour bound to observe the confidentiality under which contributions were made. He said that the donations received have been mainly of the order of £200 and any donations over £500 would have been very much an exception. He said that he fully supported disclosure elements in the Electoral Bill and that he would comply with all its provisions when it came into effect. Incidentally, I also support the Electoral Act.

That distinguished Member was responding to what I think was an impertinent question from *The Kerryman* of Friday, 20 December 1996, when all six Kerry Members were asked questions about donations. They were asked three specific questions: to disclose donations received by them as election candidates in the past ten years —

Mr. Shatter: I deliberately asked two very simple straightforward questions.

Mr. R. Burke: Yes, and I am responding.

Mr. Shatter: I am anxious to be fair to the answerer. For reasons I do not understand, the Minister seems to be evading answering both questions by delivering a form of soliloquy on a Kerry newspaper article.

Mr. Spring: It is a great newspaper.

Mr. Shatter: Perhaps the Minister could respond to the questions which I am trying to raise in a fair and simple way.

Mr. R. Burke: And I am trying to answer in a

[Mr. R. Burke.]
 fair and simple way. There is a view in relation to contributions in this House and I am making the point that it is not just my view. As I have already outlined, it is the view of the Fine Gael Party, with which I know the Deputy will not disagree. I am trying to be fair and reasonable. I want to make the point also in relation to the Labour Party and, similarly, I am sure I will get the opportunity to quote Deputy Rabbitte in relation to The Workers' Party and a contribution of £28,000.

Mr. Shatter: On a point of order and in case the Minister forgets, I repeat my questions. Did the Minister ask Mr. Gogarty why he was a recipient of such largesse, and second, did he address the issue of why he was receiving this money in cash? Was that something of a surprise to the Minister? Will the Minister indicate in what notes the money was received, as I previously requested? Perhaps the Minister would just reply to the questions asked.

Mr. R. Burke: As I already said, Mr. Gogarty wished me well in the election campaign and had indicated to Mr. Bailey that he wanted to support the election campaign. Why did he come to me? The Deputy would have to ask Mr. Gogarty that question. This matter occurred in 1989 and in attempting to recall and collect details of particular allocations of funds, cheques or otherwise, during recent months in respect of this controversy and in the interests of being as frank as possible with the House, I must inform the Deputy that I have no recollection of the denominations of the moneys I received.

Mr. Shatter: The Minister stated that the contribution in question formed part of moneys he received and that he had never previously received such a large sum. I am not criticising any Member of this House for raising funds because all politicians raise funds for election purposes. However, the sum of money in question is extraordinary. Did it not occur to the Minister to ask Mr. Gogarty why he was giving him £30,000 in cash? In that context, will the Minister indicate the nature of the other funds he received in 1989, of which this sum formed a part, and whether those funds were received in cash or otherwise?

Mr. R. Burke: As far as the funding was concerned, I did not ask Mr. Bailey the questions to which the Deputy referred. As far as other funding is concerned, I am here to answer questions in respect of a donation of £30,000. I never received a larger contribution but I have no intention of dealing with other subscriptions I received before or since the period under discussion. I have already given the reasons for my receipt of the £30,000 and referred to quotations by other Members in respect of it. That has been the tradition of this House in relation to confidentiality

regarding contributions and I do not intend to comment further on the matter.

Mr. Shatter: In his statement, the Minister introduced the issue of other contributions by indicating that out of these and other moneys received by him he gave the Fianna Fáil Party £10,000, his constituency organisation £7,000 and the remainder was spent on his political campaign and other political expenditures. Is he saying that the £7,000 given to his constituency organisation and the £10,000 given to Fianna Fáil derived from the £30,000 in addition to a further unspecified sum? Will the Minister indicate the dates on which Fianna Fáil Party headquarters was given £10,000 and his constituency organisation was given £7,000? Was the current Leader of Fianna Fáil or his predecessor informed that the Minister had received £30,000 preceding the 1989 election?

Mr. R. Burke: I will deal first with the last part of the Deputy's question regarding the date on which I gave £10,000 to Fianna Fáil headquarters. I have in my possession a letter from my bank which states:

Ulster Bank
 Dublin Airport Branch
 Swords Road
 Cloughran
 Co. Dublin.

Raphael Burke, Esq.
 Briargate
 Malahide Road
 Swords
 Co. Dublin.

8 September 1989

Dear Mr. Burke,

This is to confirm that on your instruction this branch issued a bank draft No. 340804 in favour of Fianna Fáil for the sum of £10,000. This draft was duly lodged and paid by the bank on 16/6/1989.

Yours sincerely,

W. J. Moody
 Senior Manager
 Business Banking

The sum of money I gave to my constituency organisation was confirmed as having been received in two drafts amounting to £2,000 and £5,000. I have never denied that the £30,000 was the only contribution I received during that election campaign because that would be a false statement. I am sure most Deputies receive contributions during election campaigns.

Lest Deputy Shatter suggest — perhaps I am anticipating the Deputy in this regard — that there was a massive surplus of funds following the 1989 general election, I am reluctant to inform him, not on the basis of not wishing to provide information to the House but because I believe I am setting appalling precedents for those who make personal statements to the House in the future, about a letter I received from my bank dated 4 August 1989. I find it offensive to do this

from the point of view of my family but, in the interests of clarity, I wish to place on record the text of the letter from the Ulster Bank, Dublin Airport Branch, Swords Road, Cloughran, County Dublin which states:

Dear Mr. Burke,

I refer to recent discussions and I am pleased to confirm that subject to the terms and conditions outlined below the following facility has been sanctioned for you.

The "facility" referred to involved an overdraft of £35,000 which I required at that time and it was to be reviewed on 4 August 1990. Does that sound like someone who, as has been suggested, was awash with cash?

Mr. Finucane: The Minister must have spent a fortune on the election campaign.

Mr. R. Burke: I assure the Deputy that it was a very expensive election campaign.

Mr. Spring: I welcome the Minister's appearance before the House to clarify these matters. Will he provide further details in respect of the circumstances surrounding the donation in question? From his statement, I take it that the gentlemen from Bovale Developments Limited and Joseph Murphy Structural Engineers arrived at his home unannounced? Will the Minister clarify whether an appointment had been made for their visit or whether he had discussions with the company? Was clarification given or offered by those gentlemen regarding whether the contribution was a personal one or was intended for the Minister's party? Do I understand it that the Minister lodged the £30,000 to his personal bank account?

Mr. R. Burke: I am grateful for the Deputy's acknowledgement of my appearance in the House to make this personal statement. With regard to that statement, I am reluctant — the Deputy should not assume that I am trying to avoid the question —

Mr. Spring: I merely asked two simple questions.

Mr. R. Burke: I will answer them. With regard to whether an appointment was made, the gentlemen in question came to see me on foot of a telephone call from Mr. Bailey in which he indicated his intention to visit me. He arrived on the following morning in the middle of the election campaign. The Deputy is aware of the way in which election campaigns are run and that, as far as possible, politicians meet people during the morning before they leave to canvass, etc. That is my recollection of the situation.

As far as the funding is concerned, the money was lodged to my personal account.

Mr. Spring: Did the gentlemen representing

Bovale Developments Limited and Joseph Murphy Structural Engineers provide clarification regarding whether the £30,000 was for the Minister's personal use or was it intended as a contribution to the Fianna Fáil Party?

Mr. R. Burke: No, that did not arise.

Mr. Spring: No discussion took place?

Mr. R. Burke: There was a very brief discussion. I wish to place on record the recollection of the man who was present at the meeting and I want to respond to some of the allegations made in connection with it. This might help to satisfy some of the concerns expressed by Members. I hope this will be agreeable to the House because I do not wish to be accused of attempting to delay its proceedings. However, I want to provide answers. I have in my possession a letter from my solicitors, Gore Grimes, which is addressed to Mr. Ray Burke, TD, and dated 9 September 1997. It reads:

Re: Ray Burke and James Gogarty.

Dear Ray,

In the course of my preparation of the statement of claim in the defamation proceedings issued in the High Court against Mr. James Gogarty, I have corresponded with Messrs. Fitzsimons Redmond Solicitors who represent Mr. Joseph Murphy and I have spoken with Mr. Kevin Smith of T. K. Smith Foy Solicitors who represent Mr. Michael Bailey. I enclose herewith a copy of the correspondence I have sent to Mr. Michael Fitzsimons, solicitor, of Messrs. Fitzsimons Redmond and the reply dated 8 September.

As I have said, I have spoken with Mr. Kevin Smith of T. K. Smith Foy who confirmed to me that Mr. Bailey's evidence in your High Court action against Mr. Gogarty will be as follows:

1. At the meeting in your house in June 1989 there were only three people present — Mr. Bailey, Mr. Gogarty and yourself.
2. Mr. Bailey was present throughout the meeting.
3. Mr. James Gogarty told Mr. Michael Bailey that he wanted to make a contribution to your election fund.
4. Mr. Michael Bailey witnessed the handing over of the contribution to you by Mr. James Gogarty.
5. At this meeting no favours were requested either by Mr. Bailey or Mr. James Gogarty and none were offered by you.
6. Mr. Michael Bailey did not make any payment to you at that meeting or at any other time.

[Mr. R. Burke.]

At the conclusion of the meeting Mr. Gogarty wished you good luck in election.

Yours sincerely,

David Martin.

To be helpful to the House and to clarify the matter, I will read a letter from my solicitor to Mr. Fitzsimons of Messrs. Fitzsimons Redmond dated 4 September 1987:

re. our client Ray Burke T.D.

Dear Sir,

We refer to our telephone conversation with Mr. Fitzsimons in connection with the above matter. We are in the process of preparing our client's statement of claim and putting together the statement of evidence that will be necessary in our client's case against Mr. James Gogarty arising from a defamation of our client by him. We understand that you act on behalf of Joseph Murphy who has been mentioned by Mr. Gogarty in his statement to the newspapers. To enable us to prepare a statement of evidence in our client's case and a statement of claim we wonder if you would be in a position to let us know the answers to the following questions:

1. Whether Mr. Joseph Murphy was present in your client's house at the time Mr. Gogarty handed a political contribution of £30,000 to your client.
2. Whether Mr. Joseph Murphy has ever met with our client and, if so, when, where and on what basis?
3. We would be very much obliged if you would let us know whether your client has been able to identify the source of the payments to our client and whether there are records of these payments and, if so, you might be good enough to let us have a breakdown of the records of the payments.

That was important in light of some of the newspaper articles that had been written.

I refer Deputies to the reply that was received from Fitzsimons Redmond.

re. your client Ray Burke, our client Joseph Murphy Structural Engineers Ltd. and Joseph Murphy Jnr.

Dear Sirs,

We refer to the above and recent correspondence, the contents of which have been noted. The position and our reply is as follows: Our client was not present in your client's home when your client met with Mr. James Gogarty. The answer to the second question is no. [I remind the House of that question — whether Mr. Joseph Murphy has ever met with our client and, if so, when, where and on what basis? The answer was no.] On the third question, on 3 June 1989 two consecutive cheques

were drawn on the JMSE account in the AIB Talbot Street branch — one cheque for £20,000 and a second for £10,000. The cheque stubs in relation to both cheques say cash. We presume these cheques relate to the £30,000 at issue. However, following inquiries with the AIB, they have been unable to provide any details in relation to same and do not have a record of paid cheques.

That is for the information of the House. I have been asked about records which go as far back as 1989. I have striven very hard to find and trace records. Fortunately, for the £10,000 that went to Fianna Fáil headquarters I had a bank draft and had evidence of it. In regard to other records, I have since discovered something of which I was not aware, that is, banks do not keep records dating back eight or nine years. All records are stopped and it is practically impossible to find records. I have found as much as I possibly can and am trying to be as frank as possible.

Mr. Spring: I begin to wonder if the Minister and I live in different worlds completely. Did the Minister have any sense of something remotely odd about two gentlemen arriving with £30,000 in cash? Did they say it was £30,000 in cash or did they just hand him a wad of money? Did he for one moment think of the implications? I do not know if other Members have had an experience where somebody during an election campaign doles out to them £30,000 in cash. Did the Minister consider this was not the norm in the context of an election which had become expensive?

Can I take it from the correspondence the Minister has read that a summons has issued in his case against Mr. Gogarty?

It may be helpful to the Minister to take this opportunity to clarify to the House whether he received any other sizeable contributions during elections campaigns from similar companies or the building industry.

Mr. R. Burke: The summons has issued and is the basis of preparation for the next phase of the legal proceedings. In the course of my preparation of the statement of claim in the defamation proceedings issued in the High Court against Mr. James Gogarty, this correspondence has been received with the indication from the two people that they are prepared to give evidence in the High Court in regard to it. Many of the allegations made in the newspapers that result in me being here answering questions arose from comments about sums of £80,000 and £40,000. I have striven to obtain maximum information and have put it before the House.

I already indicated it was an exceptional sum to receive and probably in hindsight I left myself open to the type of allegations that have been made. It should not have happened but there were no rules in place in 1989 in regard to subscriptions. My recollection is that the money was in two envelopes which were given to me. It was only after the people had left that the money was

counted. I was not aware at the time of the sum I was receiving. As far as other contributions are concerned I have already answered that in the context of other subscriptions. I am here to answer questions on the £30,000 contribution. I have never received a larger contribution and will not get into the question of other contributions which I received.

Mr. Spring: Will you take this opportunity——? It is in his interest.

An Ceann Comhairle: I appeal to Deputies to make their remarks through the Chair.

Mr. R. Burke: I am answering in regard to this contribution because an allegation was made that there was a link between the subscription and having done favours or something improper in regard to it. I answered that. I was much taken with the answer given by the Deputy to *The Kerryman* in regard to his own subscriptions and the very careful wording he used. I agreed with the wording he gave. All Members treat election contributions they receive in the same way.

If anybody has any other allegation in regard to this, I suggest he goes to the Garda authorities. I know there are plenty of them stirring around in the media.

Mr. Rabbitte: I acknowledge the presence of the Minister to deal with these matters and that it is a matter for himself how he uses his time. How much was spent on the election campaign in Dublin North in 1989?

Mr. R. Burke: I have no intention of getting into how much was spent. It was a very, very expensive campaign in 1989.

Mr. Belton: It must have been the Deputy's birthday.

Mr. R. Burke: I will give Deputy Rabbitte an idea. Members will recall the 1989 campaign was particularly long. Apart from the campaign, there was the phoney war. There was a lead in of almost six weeks after the then Taoiseach had returned from Japan and there was controversy in regard to haemophiliacs. During the campaign I organised and paid all the expenses of operating several canvass teams. Throughout the campaign I arranged and paid for two crews to be posted to the constituency on an ongoing basis. I had literature printed, financed leaflets and carried out a vigorous personal campaign. As Members are aware a candidate's progress in a campaign is marked by ongoing levels of expenditure. I staged several meetings of party workers and supported and covered the cost. I caused billboards to be placed throughout the constituency. I utilised an extensive level of transport especially on polling day. I placed numerous advertisements and had additional secretarial back up. After the campaign I had functions to thank workers and sup-

porters and paid the costs involved. All in all the 1989 campaign was long and expensive.

A Deputy: For everybody.

Mr. R. Burke: Any fair-minded assessment will demonstrate how quickly and easily considerable amounts of money are spent during a campaign. We are all here and know exactly what is involved.

A Deputy: The Minister does not have a clue.

Mr. R. Burke: I am not in a position to furnish details or documents to support what I am saying and I doubt if any other Member could do so in relation to an election held over eight years ago. However, the bottom line is that the money given to me by Mr. Gogarty was applied by me to my personal expenses and to Fianna Fáil at a national and local level. None of it went towards doing favours for JMSE, Bovale or anyone else and neither did anything else I received in that election.

Mr. Rabbitte: Is it true that in 1993 Fianna Fáil agreed with the Labour Party to put a ceiling on the amount of expenditure on three, four and five seater constituencies — £17,000, if I recall correctly, in a five seater constituency and obviously a lesser amount in a three seater constituency? Will the Minister give us an idea of the expenditure? Clearly, £7,000 was spent by the constituency organisation and £13,000 by himself. I do not know if the other Fianna Fáil candidates were expected to bear some of the cost. As a senior politician in the constituency, would it not be the case that he would have a donor base that went significantly outside the single contributor and can we have an indication of what that would have realised? This was the election where Fianna Fáil lost a seat. It seems a very large expenditure for that result.

Mr. R. Burke: Yes we did lose a seat at that time despite the expenditure incurred and the efforts made but thankfully we regained the seat in the recent election. Deputy Rabbitte asked me about contributions, confidentiality and so on. An article in *The Examiner*, Irish News, 24 July 1997, under the heading De Rossa Libel Trial states:

Mr. McDowell [who was representing the Independent newspaper group in that case] said that in an item in the draft, [the draft accounts of The Workers' Party Ard Comhairle accounts] it was stated there was a subscription for £28,000 with the comment "verbal explanation from Mr. Sean Garland".

Did he know why it was not put in writing?

Mr. Rabbitte said he did not but in his time and up to now, there would always have been subscriptions, some corporate and some by individuals, who did not want their identity to be known. There was nothing unusual in that.

[Mr. R. Burke.]
I agree fully with Deputy Rabbitte's view on subscriptions which come in.

So far as the overall expenditure of the campaign is concerned I received subscriptions which were spent on my campaign. I have already outlined the financial position I was in one month later as evidenced by my bank records. I ask the Deputy to accept that my bank manager is not telling lies and that the letter I received on 4 August 1989 outlined my financial straits after that campaign. I ask the Deputy, in decency, to accept what I am saying. It was an expensive campaign and the money received was expended.

Mr. Rabbitte: I am not asking the Minister to give the identity of his donors but to give an approximate figure for the 1989 campaign. If he will not answer that question, I put one last question to him. He is no stranger to controversy in the planning area and, for that reason, did the size of the donation not cause alarm bells to ring in his head when he counted it subsequent to the departure of Mr. Gogarty? Did he make any subsequent contact with Mr. Gogarty? Will the Minister say why is it likely that somebody who was unknown to him would consider that exposing his donation would somehow help him in his battle with his company?

Mr. R. Burke: I assume he did not have a battle with his company when he came to me. He was an executive of the company. As I understand it from reports I have read it was after that he had a battle with his company. I have been involved in controversy before. I have been the subject of allegations and innuendo. I have been accused of everything in recent weeks other than starting the Chicago fire and being involved in the shooting of Michael Collins. So far as the 1989 situation is concerned there could have been some concern if I was a member of a local authority and in a position to influence any decision. As he was a member of the local authority and served with me the Deputy will recall I had left that local authority in March 1987. I have already outlined the circumstances and have indicated it was an enormous sum.

Mr. Gormley: I want clarification on two points. Why was the donation in cash? Will the Minister agree with the summing up of Denis McCullagh, SC in the payments to politicians tribunal that the mere acceptance of such a gift compromises the recipient?

Mr. R. Burke: The Deputy had better ask Mr. Gogarty why it was cash, I cannot give the answer. The two cheques for £20,000 and £10,000 were made out to cash by his company and went through their bank. In regard to Mr. McCullagh's summing up, the Deputy could also read the rest of the report of the McCracken tribunal on political contributions and what is said about them. I

do not have a copy of the report with me but it states that the system of political contributions should be continued within the new rules that have been laid down. I fully support them and if they are to be altered in forthcoming elections I will adhere to those as well. What is happening, and I am deeply affected by it, is I am being judged under the rules for 1997, which are right and proper and which I support, where amounts in excess of the maximum figure of £500 for individuals and £4,000 for parties must be declared, although the contribution was received in 1989 when there were no rules in place. It is also ironic that I am being asked about records of what I have and what I did and did not do.

I am reminded of the response given by Mr. Seán Murray at the Beef Tribunal to a question about subscriptions. He said he had
3 o'clock a list of subscriptions given by persons or companies connected with the beef processing industry between 1987 and 1990. He was asked the position in relation to previous years, to which he replied that the records had been destroyed and that prior to 1987 there were no records. That relates to Fine Gael, an organisation I know to be effective and efficient, having fought it all my political life. I, as a single Deputy, am being asked to produce records back to 1989. I have made valiant efforts to get those records, and I have tried to be as frank as I can in relation to what I got and what I did. I can give the House no more information than I already have.

Mr. Shatter: The Minister has told us that after the election of 1989 he borrowed £35,000. The implication is that this was money he required to borrow because of his personal election campaign. He then told us he received cash amounting to £30,000. Apparently, he retained £13,000 of that which he also spent on his personal election campaign. That brings the amount that the Minister spent on his personal election campaign to £48,000. On top of that he got other unspecified donations. I want the Minister to clarify that. Is he saying that in 1989 he spent in excess of £48,000 on his personal election campaign, separate from the money the Fianna Fáil organisation spent in his constituency?

The Minister has told the House that he received this money in cash, that he subsequently discovered that the person who brought him the money had encashed two cheques. Apparently the Minister did not know that it was £30,000 he had received but he subsequently counted the money he got. Perhaps he might indicate to the House how much he thought it was. After he discovered how much it was, did he write to anyone to thank them and, if so, to whom? Why was Mr. Bailey acting as an intermediary to bring Mr. Gogarty to him in these circumstances?

The Minister said that at that time he was not a member of a local authority and therefore was not exercising poor judgment. Let me suggest — and I take no pleasure in making this suggestion

— that he and I shared membership of Dublin County Council together for a period of two to two and a half years until he resumed his position in Cabinet, and that it was poor judgment for a former member of a county council, someone who had been so recently involved in making decisions and voting on issues in the council, some of which were controversial, to have received this level of money personally in cash?

Mr. R. Burke: As to the mental arithmetic relating to the amount of money I spent on the campaign, I will not go down that road with the Deputy. The sums I required to raise were raised for personal reasons, to refurbish my home, to build a tennis court for my children—

Mr. Shatter: So they had nothing to do with the election?

Mr. R. Burke: They had nothing to do with the election.

A Deputy: Then why bring them up?

Mr. R. Burke: I find this offensive. There may be a bit of blood lust today for my neck, but we are setting a precedent that we will all regret in the future. I will come back to Deputy Shatter's point in a moment. I listened carefully to the point made by the former Taoiseach, Deputy Bruton, and I was taken by some of the comments he made about people being chased. I do not mind answering questions. I volunteered to answer questions in the House because I have nothing to hide and nothing to be ashamed of. However, we are creating a precedent. If for any reason any other Member of this House ever wants to make a personal statement this precedent will be thrown across the House and he or she will be asked why they will not answer questions. This will affect not just the present Members of the House but future Members, people who have not even indicated an interest in becoming Deputies.

As to the money, it was not to pay off election expenses; it was an overdraft facility to assist with financing house refurbishment, the building of a tennis court for my two daughters and the changing of my wife's car which she has had since 1989 and has not changed since. I have no pleasure in having to reveal details of my personal finances to any Member of this House or to the general public.

Regarding the period from 1985 to 1987, I was a member of the County Council, and I chaired it and tried to ensure that there was a minimum of controversial decisions. I have already indicated the one I put my name to relating to one house at the Rath in Swords for a decent young couple who have been living there happily ever since. As to Mr. Bailey bringing Mr. Gogarty to see me, I never met Mr. Gogarty before that occasion or, to my knowledge, since that occasion. He never had occasion to come back to

me. I did not write a letter. Mr. Gogarty wished me well as he went out and I thanked him for the subscription. Everybody has a different way of running a campaign. I did not write to say thanks. Perhaps I should have, but I did not.

Mr. Higgins (Dublin West): I have two simple questions. Did the Minister ever canvass any elected member of the former Dublin County Council to vote for land rezonings or material contraventions which would redound to the benefit of JMCS, Bovale, or the principals of those companies or people close to them?

When the Minister found that the amount donated was £30,000, which at the time would have been roughly three years' wages for an ordinary worker, did he not feel that he could be heavily compromised and heavily indebted to that company which might subsequently come to him for a favour in securing planning permission or something that would be of monetary or other value to them and which his position as a senior politician might allow him to obtain on their behalf?

Mr. R. Burke: Regarding the first point, the answer is no. Not only did I not canvass in relation to it, I have already outlined in my opening statement my position in relation to it — that all members of local authorities have onerous duties and have to make decisions in relation to development plans and other planning matters, some of which will be controversial. However, I was not a member of the council. I did not lobby. Not only did I not lobby, I actively opposed what it was doing, publicly at meetings, privately within our party organisation and in leading a delegation to the Minister for the Environment at the time asking him not to approve a plan that had been approved by the council. As to being compromised by the £30,000, I was not compromised. I did not feel in any way compromised and I do not now feel compromised in relation to it.

Mr. Spring: Was there any relationship, working or otherwise, between Bovale and Murphys at that time, or has there been since then?

Mr. R. Burke: I have no knowledge of that.

Mr. Gildea: Did the Minister receive any moneys when he granted MMDS licences during his period as Minister for Communications under the Haughey-led Government?

Mr. R. Burke: No.

Mr. R. Bruton: Was the money the Minister received used solely for political purposes, as tax law would require if it were not a declarable gift?

Mr. R. Burke: Yes.

Ms McManus: There are many Members of the House, including myself, who have never been, and never will be, offered anything remotely like

[Ms McManus.]
£30,000, but we still fight elections. Why does the Minister feel he deserved a £30,000 contribution?

Mr. R. Burke: I already indicated the position of the Deputy's party regarding a £28,000 contribution from an unnamed source about which a verbal explanation was given by Mr. Garland. There is not a huge difference between £28,000 and £30,000. In regard to why I deserved to get such a contribution, I did not ask for it. It was given to me, I thanked the person concerned and he wished me well. Perhaps he recognised the different type of qualities I possess.

Mr. Allen: Is the Minister aware of other similar contributions made to members of the Government?

Mr. Dempsey: Or the previous Government.

Mr. R. Burke: No.

Mr. J. O'Keeffe: Since the receipt of the money in cash in 1989, did the Minister lodge moneys in overseas bank accounts?

Mr. R. Burke: I have already answered questions regarding my accounts and I do not intend to give further answers in that regard. I have bared my soul to the House today and I find the Deputy's question offensive in the extreme at this stage. In fairness to the Members of the House, I have tried to be fair, reasonable and up front with information. I have no overseas bank account.

Mr. J. O'Keeffe: Is the Minister confirming that since 1989 he has not opened or lodged money in an overseas bank account? I refer in particular to an account in the Isle of Man.

Mr. R. Burke: As I have already said, the answer is no.

Mr. Howlin: On what basis did the Minister decide to give £10,000 to national headquarters, £7,000 to his constituency and the balance to his election expenses?

Mr. R. Burke: There was no particular decision made in that regard. I gave £10,000 to Fianna Fáil headquarters. There was no trigonometry or algebra involved in the breakdown of the money. I have no explanation for the way it was divided.

Mr. J. Mitchell: In reply to a question from Deputy Spring the Minister said he lodged money to his personal account. Was that his personal account in the Ulster Bank at Dublin Airport? If so, is it not strange that he paid Fianna Fáil headquarters by bank draft rather than by cheque from that account?

Mr. R. Burke: I am glad I paid them by bank draft rather than by cheque. If I had paid them by cheque I would not have the record of the cheque

because the matter dates back so far. I do not believe it was unreasonable to pay them in that way. I am pleased that all contributions I received were during the course of general election campaigns and not in between them.

Mr. J. Mitchell: Was the money lodged to the personal account to which he referred in the Ulster Bank in Dublin Airport?

Mr. R. Burke: Some of it would have been lodged and more of it, because it was given in cash, would have been used on the ongoing daily expenses of the election campaign. As a long-term Member of the House I am sure the Deputy is aware that considerable amounts of cash are required on a daily basis as an election campaign proceeds. That may vary from person to person. It is obvious that some people carry out different types of campaigns. During my campaign I spent considerable sums of money on a daily basis.

Mr. Rabbitte: Why did the Minister not refer to the £10,000 bank draft to Fianna Fáil headquarters in his initial statement? Since this matter has been the subject of rumours for more than two years, why did he not make a comment before now, particularly when the good name of another Member of the House was being vilified as a result of a rumour that originated in the environs of the House, but not by a Member of it? For two or three months of the summer of 1995 another Member of the House was commonly believed to be the person associated with the Neary business from Newry. As the Minister firmly believes there is nothing improper about this matter, did it not occur to the him to make a statement at any stage?

Mr. R. Burke: I did not refer to the £10,000 contribution to Fianna Fáil headquarters in my original statement because it was referred to one month earlier by the Taoiseach in response to a question on the matter. As he had already dealt with the matter I felt it would be impertinent to refer to it again.

As another long-term Member of the House, Deputy Rabbitte should be well aware of the political arena and the media circus that can take place. When the Neary controversy arose it did not dawn on me that I was the person involved because I was not a member of the council at the time. It was only later as stories continued to run that I realised I was at the centre of a storm. As to why I chose not to respond, in the terminology to which we are all familiar, I did not want to give oxygen to the story. However, it continued to run and after the general election my name was dragged into it.

I was amazed at some of the appalling things that were being said about me and my father. I appeal to Members to bear with me so that I can clarify a matter that deserves clarification. My father was a Member of the House from 1904 until 1973. He served the House loyally for 70

years. I still meet people all over the country who admired, respected and had great affection for him. He served in this House with many current Members or their fathers. In Cork last Sunday, at the Liam Lynch memorial, I met many people who spoke kindly of him. On 18 February 1996 *The Sunday Business Post* featured an article about me, written by Mr. Frank Connolly in his usual complimentary terms. I mention this article because I was asked why I did not go back to the media. Mr. Connolly wrote:

The land on which his house is built was originally purchased by Burke's father Paddy, who bought it from an inmate of the mental hospital in Portrane, Co. Dublin.

My father worked as a nurse in the hospital in Portrane until the mid-1950s. He had come from a humble background in the west of Ireland — I am proud of his background as I am proud of mine. The assertion in that article was a complete and utter lie. I did not take an action against the newspaper because I have never taken one since I entered this House despite the things they have said about me. I have with me the Land Registry documentation relating to my home which clearly shows that, far from being bought from a hospital patient under his care, the house and site was transferred to me and I bought it in a normal commercial transaction from Oldpark Developments Limited. The house was built in the normal commercial manner. I was doing business with that company. That transaction, along with others, was the subject of a Garda investigation in 1974. I did not so much resent the attacks on myself — in this business one learns to live with them although they do not get easier. However, I am glad to have the opportunity on behalf of my family and my father, who died in 1985, to clarify the record in that regard.

As to why I felt I should not make statements, I shall give another example of the type of journalism which, thankfully, is followed only by a minute number among that profession. I ask the House to bear with me and if Members want another five or ten minutes I do not mind, because I wish to give another example of what I have endured in recent times. I received a letter from *The Sunday Times* on Thursday, 31 July 1997, which read:

Dear Mr. Burke,

As you are aware there have been a number of stories in the media in recent weeks about your relationship with Bovale Developments and other matters. These stories, in turn, seem to be the culmination of a lengthy series of smears about you, but not by name. We are interested in setting out clearly and unambiguously the position in relation to all this as there seems to be considerable confusion at this stage. We propose talking to you off the record about this. You can be absolutely assured that any conversation will be treated as being in the

strictest confidence. [There followed some phone numbers.]

Yours sincerely,
Rory Godson,
Ireland Editor

There was no suggestion in that letter that there would be a major article about me on the following Sunday. That article was headlined "Firms' gave £80,000 to Burke" and stated: "Burke was not available for comment yesterday".

In that first letter I was addressed as "Mr. Burke". Last week, on Wednesday, 3 September, I received a personal letter from Mr. Godson. Despite claiming in his article that I received £80,000, which was a total fabrication, I was addressed as his good friend "Ray". The letter reads:

Dear Ray,

I would like to talk to you for a few minutes about James Gogarty, etc. As you know I missed you on the week you went on holidays, despite valiant attempts by you to get back to me. We could meet on a private basis for a confidential chat, which would enable *The Sunday Times* to print an informed assessment of the current situation ahead of next week's Dáil debate. [He proceeded to give me his home phone number among others and out of respect for his family I will not read them.]

Best wishes,
Rory Godson
Ireland Editor

The article in *The Sunday Times* stated that I "was not available for comment" while the letter of 3 September mentions "valiant attempts by you to get back to me". This is, at the least, unethical journalism.

An Ceann Comhairle: I remind Members that, in accordance with the Order of the House, we have now devoted one hour to questions and answers and we must now proceed to item No. 8.

Mr. Belton: The Minister said he was prepared to answer more questions.

An Ceann Comhairle: The House decided this morning that there would be one hour for questions and answers and that has not changed.

Mr. Belton: Did he get one envelope or two?

An Bille um an Seachtú Leasú Déag ar an mBunreacht (Uimh. 2), 1997: An Dara Céim.

Seventeenth Amendment of the Constitution (No. 2) Bill, 1997: Second Stage.

The Taoiseach: Tairgím: "Go léifear an Bille an Dara Uair."

I move: "That the Bill be now read a Second Time."

This Bill has been restored to the Order Paper

