

Minister yet to act on 'draconian' libel laws months after receiving key report

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A REVIEW of Ireland's defamation laws has been sitting on the acting Justice Minister's desk since summer, the *Irish Independent* has learned. Heather Humphreys got the report in July, but has yet to bring it to Cabinet for publication. The lack of action on the report comes despite a stark warning from the European Commission that frequent defamation cases, high defence costs and high damages awarded by Irish courts were seen as an impediment to self-censorship and a constraint on media freedom. European Commissioner

for Justice Didier Reynders told an Oireachtas committee earlier this year these issues worked to the detriment of the fight against corruption. The report, reviewing the Defamation Act 2009, is understood to recommend considerable change. Under the Act, a review of its operation should have been started within five years of its commencement. However, the review was announced by Frances Fitzgerald, then justice minister, only in November 2016, two years outside of the statutory requirement. The process was beset by a series of as-yet-unexplained delays and, despite repeated assurances about its delivery

date, the report was completed only earlier this year. It remains unclear when it will go to Cabinet. In response to queries from the Department of Justice, the *Irish Independent*, the Department of Justice would say only that this was expected to happen "soon". In a statement, the department said the review of defamation law was one of "a number of important legislative amendments" being considered by Ms Humphreys. The statement said it was a priority for the minister and the department "to get the reform of defamation law right, and to bring forward the required legislation at the earliest opportunity". Several similar statements

have been made in the past over the awaited review. In May 2019, Charlie Flanagan, then justice minister, said he expected to receive the review "in the coming weeks". In the same month, Justice Minister Helen McEntee said she expected to receive the review "in the coming weeks" and intended to bring proposals for change to Government by the end of the year. When this did not happen, the department said last January, Ireland's defamation regime as "draconian" and is seeking a cap on damages and an end to the use of juries in such trials. Other jurisdictions have

modernised their defamation laws, but Ireland has not. As a result, it is often considered a more "favourable" location for litigants to sue. This has given rise to "libel tourism", a prominent recent example of which was the filing of a defamation suit in Dublin by American motivational speaker Tony Robbins against a UK subsidiary of New York-headquartered internet media firm BuzzFeed. The High Court upheld Mr Robbins' right to sue in Dublin by American motivation. A review was more than four years after its enactment. A review was started by Paschal Donohoe, then public expenditure and reform minister, in 2017 and a report published in 2018. News industry group News-Ireland has described the review as "draconian" and is seeking a cap on damages and an end to the use of juries in such trials. Other jurisdictions have

Priest who witnessed mass brawl at funeral says it was like 'something from Beirut'

Eavan Murray

A PRIEST who witnessed horrific violence during a mass brawl between two families at a funeral said the scene was like "something from Beirut". Fr Ray Flaherty, the parish priest of Headford, Co Galway, said the experience had left him "very shaken". "It was very shocking, I've heard of this happening before, but I've never experienced it myself. Violence of it, I was very shaken by the whole thing," he said. "If we don't have respect for God, then we don't have a sense for anything, really. It is understood the row members of the Armed Response Unit attended the scene, including a large number of Gardaí. It suffered severe injuries. It is understood one person died at the funeral. The woman who died had 107 great-grandchildren and 47 grandchildren. Those children saw this happening. It's not right."

Fr Flaherty celebrated the funeral of Tessa Ward, held at 2pm in Tuam Cathedral. An earlier funeral was held at 11.30am, and some mourners were still in the graveyard when Ms Ward's remains arrived for burial shortly before 4pm. "The family were just gone in the gate when I arrived," Fr Flaherty said. "The poor woman hadn't really fast. It exploded quickly then. It exploded in the gate when I arrived."

CONTRACT CLEANING INDUSTRY JOINT LABOUR COMMITTEE

Having had regard to the provisions of Section 42B(2) of the Industrial Relations Act 1946, the Contract Cleaning Joint Labour Committee hereby gives notice that it has formulated proposals for fixing the minimum remuneration and working conditions of workers in relation to whom the Committee operated. Copies of the proposals are available on the Department of Enterprise Trade and Employment website at www.enterprise.gov.ie

Any person wishing to make representations in the form of a written submission in relation to the proposals should do so by 5.00pm, on or before 14th October, 2021. Any such representations should be sent by post to The Secretary, Contract Cleaning Industry, Joint Labour Committee, Lansdowne House, Lansdowne Road, Dublin 4, or by E-mail to secretary@entprtsse.gov.ie



Violence: An Army helicopter lands beside a graveyard in Tuam to take away the injured after fighting broke out

And I hope they would have the same for me. Generally, I do, but I felt that was all lost yesterday. "I am 25 years old, I have seen and experienced different things, but nothing like this."

are rich or poor, with respect was down time on an amnesty. "When you think even during the First World War, the Germans and the Allies stopped for one day, Christmas Day, and played football together. He said if the violence continued there could be very serious consequences adding. "I'd hope the leaders within the Travelling community could sit down and talk things over. If they can bring peace about by talking and negotiating rather than smashing it out on sacred ground."