



Coimisiún um Chaighdeán in Oifigi Poiblí  
Standards in Public Office Commission

# 2013

Annual  
Report

Standards in Public Office Commission,  
18 Lower Leeson Street, Dublin 2.

Tel: (01) 6395666 Fax: (01) 6395684  
email: [sipo@sipo.gov.ie](mailto:sipo@sipo.gov.ie)  
website: [www.sipo.gov.ie](http://www.sipo.gov.ie)

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Standards in Public Office Commission

## Annual Report 2013

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## Foreword

In accordance with the provisions of section 27(2)(a) of the Ethics in Public Office Act 1995, I am pleased to furnish the Annual Report of the Standards in Public Office Commission for 2013 to the Minister for Public Expenditure and Reform.

A handwritten signature in black ink that reads "Daniel O'Keeffe".

---

Justice Daniel O'Keeffe  
Chairperson  
Standards in Public Office Commission  
June 2014

## The Members



**Justice Daniel O'Keeffe**  
Chairperson



**Jim O'Keeffe**  
Former member of Dáil Éireann



**Deirdre Lane**  
Clerk of Seanad Éireann



**Seamus McCarthy**  
Comptroller and Auditor General



**Peter Tyndall**  
Ombudsman



**Peter Finnegan**  
Clerk Assistant of Dáil Éireann

### Previous members of the Standards Commission

Justice M.P. Smith, Chairperson (term concluded December 2013).

Michael Smith (term concluded December 2013).

Emily O'Reilly (resigned as Ombudsman, September 2013).

Kieran Coughlan (retired from his office as Clerk of Dáil Éireann, August 2013; appointed in October 2013 by the Minister for Public Expenditure and Reform to serve temporarily on the Commission until the appointment of a new Clerk of Dáil Éireann).

Ms Bernadette McNally, Director General, Office of the Ombudsman, served from June to July 2013 in the temporary absence from duties as a Commissioner of Ms O'Reilly and from October to December 2013 following Ms O'Reilly's resignation as Ombudsman.

## Introduction by the Chairperson

It is a pleasure to introduce the annual report of the Standards in Public Office Commission for 2013. I cannot comment in any detail on the work during the year, since it was not until February 2014 that I became Chairperson.

2013 saw very significant changes in the membership of the Standards Commission. The terms of office of long-serving Chairperson, Mr Justice M.P. Smith and member of the Commission, Mr Michael Smith came to an end in December, while the new Ombudsman, Mr Peter Tyndall joined the Commission as an *ex officio* member in the same month.

I was very pleased to be appointed by President Michael D. Higgins on 11 February 2014 as Chairperson of Commission. On the same day, Mr Jim O’Keeffe was also appointed as a member of the Commission. Mr Peter Finnegan was appointed Clerk Assistant of Dáil Éireann on 16 April 2014 and he also became an *ex officio* member of the Commission, replacing Mr Kieran Coughlan, former Clerk of Dáil Éireann who had kindly continued to act as a member after his retirement on 5 August 2013.

Fortunately, the Clerk of Seanad Éireann, Ms Deirdre Lane and the Comptroller and Auditor General, Mr Seamus McCarthy continue to serve and provide some very necessary continuity.

On behalf of the Commission, I would like to thank each of the former members for their service to the Commission and to the public.

Mr Justice M.P. Smith had been Chairperson since the Commission was established in 2001 and he served with distinction for 12 years. Minister Brendan Howlin commented in the Dáil in January 2014 that Mr Justice Smith had served the country well in this important role; the Minister went on to wish him well in his retirement and the Commission would like to echo these sentiments.

Former Member of the Oireachtas and former Minister Michael Smith served for 6 years as a member of the Commission and our gratitude and best wishes also go to him.

Mr Kieran Coughlan served on the Standards Commission since 2001. He had also served on its predecessor, the Public Offices Commission since 1995. He served both Commissions with distinction bringing to bear his extensive experience in Leinster House and as Clerk of Dáil Éireann.



Ms Emily O'Reilly, the former Ombudsman, became European Ombudsman on 1 October 2013 and also left the Commission after 10 years of service. The Commission wishes her the very best in Europe.

I would also like to thank the staff of our secretariat for their efficiency and dedication to their work during 2013. The Commission wishes to record its appreciation of the sustained commitment and leadership of its Secretary, David Waddell. Thanks are also due to the Office of the Ombudsman which provides the secretariat and other resources so necessary for our work.

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## Chapter

# Chapter 1 - The Work of the Standards Commission

The Standards Commission has a supervisory role under -

- the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001, (the Ethics Acts);
- the Electoral Act 1997, as amended, (the Electoral Acts);
- the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001, (the Party Leaders Allowance Act).

This chapter provides a brief description of the main features of the legislation and the functions of the Standards Commission.

## Ethics Acts

### Overview of the Ethics Acts

The broad focus of the Ethics Acts is to provide for disclosure of interests, including any material factors which could influence a Government Minister or Minister of State, a member of the Houses of the Oireachtas or a public servant in performing their official duties. The principal objective of the legislation is to demonstrate that those who are participating in public life do not seek to derive personal advantage from the outcome of their actions. To meet this objective, a statutory framework has been put in place to regulate the disclosure of interests and to ensure that other measures are taken to satisfy the broad range of obligations arising under the legislation. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

Evidence of tax compliance must be furnished to the Standards Commission by all members of both Houses of the Oireachtas, the Attorney General and appointees to senior office in public bodies. The legislation requires the drawing up of codes of conduct for ordinary members of the Houses, for office holders (see definition in Appendix 3) and for public servants.

The Standards Commission has a role in relation to the Ethical Framework for the Local Government Service provided for in Part 15 of the Local Government Act 2001. The Commission must be consulted by the Minister for the Environment, Community and Local Government in relation to the codes of conduct for local authority members or for local authority employees. It can also examine complaints about contraventions of Part 15 by local authority members or employees.

## Functions of the Standards Commission under the Ethics Acts

The main functions of the Standards Commission are to provide advice and guidelines on compliance with the Ethics Acts, to administer the disclosure of interests and tax clearance regimes and to investigate and report on possible contraventions of the legislation. These functions of the Standards Commission apply to office holders and to public servants and, in relation to tax compliance measures, to all members of the Houses. Apart from matters relating to tax clearance, the Committees on Members' Interests of both Houses have functions similar to those of the Standards Commission in relation to members of the Houses who are not office holders.

## Statements of Interests

Under the disclosure of interests provisions of the Ethics Acts, the Standards Commission provides annual statement of registrable interests forms to members of the Oireachtas, who are required to furnish a statement of any registrable interests to the Commission. The Commission forwards these statements to the Clerk of Dáil Éireann or the Clerk of Seanad Éireann as appropriate, who publish registers of members' interests.

The Ethics Acts require statements of interests to be furnished to the Standards Commission by office holders (in relation to the interests of a spouse, a child or a child of a spouse), the Attorney General, designated directors (see definition in Appendix 3) and special advisers. The secretariat administers the receipt and retention of these statements, including returning incorrectly completed statements to individuals for amendment.

## Codes of Conduct

The Standards Commission is consulted on proposed Codes of Conduct under the Standards in Public Office Act 2001 and is required to publish any such codes adopted under the legislation.

## Tax Clearance

Members of the Oireachtas on election and senior public servants and directors on appointment to 'senior office' are required to provide a statutory declaration and either a tax clearance certificate or an application statement to the Standards Commission within 9 months of election or appointment.

The secretariat administers the tax clearance provisions, informs elected members and appointees to senior office notified to it by public bodies of their obligations under the legislation and ensures compliance with the requirements. The legislation provides for investigation and report in relation to contraventions.

## Guidelines

The Standards Commission publishes statutory guidelines on compliance with the provisions of the Ethics Acts for persons who have obligations under the legislation. Such persons are required to act in accordance with the guidelines unless by so doing, the act concerned would constitute a contravention of another provision of the Ethics Acts. The guidelines are revised periodically to take account of amended legislative provisions or to clarify matters which have arisen since the previous edition. The Standards Commission has published guidelines for office holders and for public servants. These are available on its website. Guidelines for members of the Oireachtas who are not office holders are published by the relevant Committee on Members' Interests.

## Advice

Designated members of the staff of the secretariat have responsibility delegated to them by the Standards Commission to provide advice to persons who request it in relation to their statutory obligations under the Ethics Acts. Such persons are required to act in accordance with advice given unless by so doing, the act concerned would constitute a contravention of another provision of the Ethics Acts. Where requested, advice must be provided within 21 days or, alternatively, it may decline to give advice. Normally, all advice of a substantive nature will be provided in writing.

## Complaints

The Standards Commission may receive complaints about a contravention of the Ethics Acts by an office holder, the Attorney General, a designated director, a designated employee or a special adviser. It can receive complaints about a 'specified act' by a 'specified person' (see definitions in Appendix 3). It can also receive complaints about a contravention of Part 15 of the Local Government Act 2001 by a local authority member or employee. It cannot accept complaints about a member of the Oireachtas who is not an office holder, as the legislation provides that such a complaint must be made to either the Clerk of Dáil Éireann or the Clerk of Seanad Éireann as appropriate, who will consider whether the complaint should be referred to the relevant Committee on Members' Interests.

Any person may make a complaint to the Standards Commission under the above headings, although the legislation makes particular provision for complaints by certain categories of persons, such as members, Ministers or heads of bodies.

On receipt of a complaint, the Standards Commission may consider whether an investigation is warranted under the legislation. It may do so on the basis of the evidence available to it. It may appoint an Inquiry Officer to assist it in its consideration by carrying out a preliminary inquiry. The Inquiry Officer can seek a statement from and/or interview the complainant and/or the person against whom the complaint has been made or from any other person whose evidence would or might, in the opinion of the Inquiry Officer, be relevant to the inquiry. He or she may also request the production of any documents considered to be relevant to the inquiry. Following such an inquiry, the Officer is required to prepare a report of the results of the inquiry and to furnish that report, together with any statements and other documents furnished to the officer in the course of the inquiry. The report must not contain any “determination or findings” but, if the Commission so requests, it shall contain an expression of the opinion of the officer as to whether there is *prima facie* evidence to sustain the complaint.

### Own Initiative Inquiries

In addition to receiving complaints, the Standards Commission can decide to initiate an investigation into a contravention of the Ethics Acts or of Part 15 of the Local Government Act or a ‘specified act’, where it considers it appropriate to do so. While the legislation is not specific in this regard, it would only do so if it considered that there was *prima facie* evidence of a contravention or a ‘specified act’. When considering whether an investigation is warranted in the absence of a complaint, the Standards Commission does *not* have the power to appoint an Inquiry Officer to assist it in its deliberations.

### Investigations

Where it decides to do so, the Standards Commission will carry out an investigation in accordance with the provisions of the Ethics Acts. The legislation provides that it shall hold sittings for the purpose of an investigation and that it may receive submissions and evidence as it thinks fit at such sittings. Provision is made for cross-examination of witnesses. At the conclusion of an investigation, the Standards Commission prepares a report of the result of the investigation, which is provided to the relevant parties and others specified in the legislation.

## Electoral Acts

### Overview of the Electoral Acts

Among the purposes of the Electoral Acts are to make provision for disclosure of donations for political purposes, to regulate spending by candidates and political parties at elections, and to provide for payments to political parties and candidates.

### Functions of the Standards Commission under the Electoral Acts

The Electoral Acts require the Standards Commission to monitor and, where it considers it appropriate to do so, report to the Chairman of Dáil Éireann on matters relating to -

- the acceptance and disclosure of donations received by political parties, members of both Houses of the Oireachtas and of the European Parliament and candidates at Dáil, Seanad, European Parliament and presidential elections;
- the opening and maintenance of political donations accounts;
- the limitation, disclosure and reimbursement of election expenses;
- State financing of qualified political parties;
- the maintenance of the Register of Corporate Donors;
- the registration of "third parties" (i.e., campaign/lobby groups or individuals which accept a donation for political purposes which exceeds €100 in value) and other persons.

The Standards Commission may conduct whatever inquiries are necessary in the discharge of its statutory functions under the Electoral Acts.

The Standards Commission is required, from time to time, to draw up and publish guidelines and provide advice on compliance to persons who are covered by the provisions of the Electoral Acts. A person must act in accordance with guidelines published or advice given by the Standards Commission, unless, by doing so, he or she would be contravening another provision of the Electoral Acts.

The Standards Commission is required to facilitate the inspection and copying, by any person, of Donation Statements and Election Expenses Statements furnished to it under the legislation.

## The Party Leaders Allowance Act

### Overview of the Party Leaders Allowance Act

The Party Leaders Allowance Act provides for the payment of an annual allowance to the leaders of parliamentary parties in relation to expenses arising from the parliamentary activities, including research, of the party. The amount paid is based on the party's representation in Dáil and Seanad Éireann. The allowance is reduced where a party forms part of the government. The "parliamentary activities" to which the funding may be applied are set out in the legislation. The funding may not be used for electoral or referendum purposes.

The Party Leaders Allowance Act requires the party leader to prepare, or cause to be prepared, a statement of expenditure from the allowance received in respect of the preceding year. The statement must set out, under specific headings, the items on which the funding was spent. The statement must be audited by a public auditor and must be furnished together with the auditor's report to the Standards Commission within 120 days of the end of the financial year for which the allowance has been paid (i.e., by 30 April). Failure to furnish the statement within this timeframe can result in a suspension of the Allowance.

### Functions of the Standards Commission under the Party Leaders Allowance Act

The Standards Commission must consider each statement and auditor's report furnished to it and, if necessary, consult with the party leader on any matter contained in the statement. The Standards Commission is required to furnish a report to the Minister for Finance indicating whether the statement and auditor's report have been submitted within the specified period. It must indicate whether any unauthorised expenditure is disclosed and whether the statement is adequate or inappropriate.

The Standards Commission must cause a copy of the report to the Minister for Finance to be laid before each House of the Oireachtas.

A copy of the statements and auditors' reports must be retained by the Standards Commission for 3 years and must be made available for public inspection and copying.

### Parliamentary Activities Allowance Act

The Oireachtas (Ministerial and Parliamentary Offices)(Amendment) Act 2014 was recently enacted by the Oireachtas. The Act replaces the Party Leaders Allowance with the Parliamentary Activities Allowance. The Act provides that non-party members will now be required to provide a Statement of Expenditure of the allowance to the Standards Commission. In addition, the Commission may, following consultation and Ministerial approval, issue guidelines in relation to the use of and reporting on the allowance. The provisions of the Act come into effect on 1 July 2014.





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## Chapter

## Chapter 2 - Ethics

### Complaints

After an exceptional year in 2012, the number of complaints received by the Standards Commission in 2013 under the Ethics Acts fell to the pattern of previous years. A total of 29 complaints were received, of which 16 were valid. This was down from 427 in 2012 (of which 334 were valid). Of the 427 complaints, 388 had been referred for investigation to the Commission by the Committee on Members' Interests of Dáil Éireann, concerning Deputy Michael Lowry. The Standards Commission found that one of the complaints received in 2013 (relating to Councillor Patrick Doherty, Donegal County Council) provided a basis on which to initiate an investigation.

### Councillor Oisín Quinn Investigation

The Standards Commission reported in its Annual Reports for 2011 and 2012 on a complaint received from Mr Michael Smith and Councillor Cieran Perry, about Councillor Oisín Quinn, Dublin City Council. The complaint centred on alleged contraventions of Part 15 of the Local Government Act 2001 in relation to Councillor Quinn's participation in motions and amendments before meetings of the council regarding the draft Dublin City Development Plan. The Commission found that Councillor Quinn had contravened the provisions of section 177(1) on four occasions. The report of the investigation, including the transcript of the investigation hearing, is available on the website of the Standards Commission - [www.sipo.gov.ie](http://www.sipo.gov.ie).

The contraventions found by the Standards Commission concerned Councillor Quinn's participation in motions and amendments at council meetings held to discuss the draft Dublin City Development Plan. The Standards Commission found that Councillor Quinn and his brothers and sisters (who in terms of the Act are 'connected persons') had a pecuniary or other beneficial interest in matters before those meetings relating to restrictions on height and related issues by virtue of their interest in a property at 84-93 Lower Mount Street.

Section 177(1) of the Local Government Act 2001 imposes an obligation on a member of a local authority that where a resolution, motion, question or other matter is proposed or otherwise arises, then such member of the local authority present at the meeting where he or she has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in or which is material to the matter: (i) to disclose the nature of his or her interest, or the fact of a connected person's interest at the meeting, and before discussion or consideration of the matter commences, and (ii) to withdraw from the meeting for so long as the matter is being discussed or considered, and, accordingly, he or she must take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

At particular issue in this case was whether or not Councillor Quinn and his brothers and sisters had a pecuniary or other beneficial interest in the matters before the council meetings. Section 176(3)(a) of the Local Government Act 2001 provides:

*"A person shall not be regarded as having a beneficial interest which has to be disclosed under this Part... because of an interest which is so remote or insignificant that it cannot be reasonably regarded as likely to influence a person in considering or discussing, or in voting on, any question with respect to that matter or in performing any function in relation to that matter..."*

Councillor Quinn had sought and received advice from council officials who considered that the interest concerned was 'remote' and therefore not a pecuniary or other beneficial interest and that no obligations arose. The Standards Commission found that the test to be applied is not whether an interest is remote, but whether the interest is *so remote or insignificant* that it could not be reasonably be regarded as likely to influence Councillor Quinn in considering or discussing or voting on any question or in performing any function in relation to the matter. In this case, it found that the interest was not so remote or insignificant and that Councillor Quinn had contravened the provisions of section 177(1) on four occasions. The Commission was satisfied that the contraventions were committed inadvertently; that they were, in all the circumstances, minor in nature; that they were not continuing contraventions and that Councillor Quinn acted in good faith in relation to each of the contraventions.

The Standards Commission furnished its report on 14 February 2012 to the then Lord Mayor and the then City Manager in accordance with the provisions of section 180(3)(a)(iii) of the Local Government Act 2001. Where such a report is furnished to a local authority, the legislation requires that it be considered by the elected council, which shall decide on such action to be taken as may be considered appropriate in all the circumstances.

Dublin City Council and Councillor Quinn initiated judicial review proceedings in June 2012 against the Commission. The case was heard over six days in the High Court in December 2013 before Mr Justice Hedigan who delivered his judgment on 29 January 2014. He found that the City Council had no *locus standi* in the proceedings. On the substantive issues in the matter, he found in favour of the Commission, noting:

*In determining what might or might not be reasonably regarded as an interest too remote or insignificant, it is hard to imagine a body more qualified than the Commission. It is an ideal composition of experience, both legal, popular and political. It is likely to be a very rare case where this court in judicial review would find its conclusions irrational or unreasonable. I do not think I even need investigate these two concepts because I am in agreement with the determination reached by the Commission here.*

Mr Justice Hedigan subsequently awarded costs to the Standards Commission and refused a stay on the costs order, other than a 21 day stay pending an appeal. Dublin City Council later informed the Commission that neither it nor Councillor Quinn intended to appeal the judgment. At the time of writing, the Standards Commission had been informed that its investigation report was due to be considered by the elected members of Dublin City Council on 23 June 2014.

The Standards Commission welcomes the decision of the court and in particular the strong terms in which it upheld the Commission's role and decision in the investigation. The substantial liability to costs arising from these proceedings is regretted.

The difficulty which arose for Councillor Quinn in determining whether he had interests to disclose in this instance was exacerbated by the absence of clear statutory guidelines as to the obligations for councillors under Part 15 of the Local Government Act 2001 and for the provision of statutory advice to councillors who may be confused as to their obligations. The Standards Commission had recommended in its Annual Report for 2008 that statutory provision for guidelines and advice be made in respect of Councillors' ethical obligations along the lines for other categories of politicians and public servants in the Ethics in Public Office Acts 1995 and 2001. While these have not been put in place to date, the Commission expects that the comprehensive ethics framework which the Government intends to introduce may remedy this deficiency.

## Michael Lowry TD Investigation

In November 2012, Mr Kieran Coughlan, Clerk of Dáil Éireann, referred 388 complaints to the Committee on Members' Interests of Dáil Éireann concerning alleged contraventions by Deputy Michael Lowry of the provisions of the Ethics Acts regarding his ownership of lands at Wigan, United Kingdom. The Committee, by resolution, determined that the complaints should be investigated by the Standards Commission. The Committee decided that the Commission was better placed to conduct an investigation into the complaints by virtue of the fact that the legislation provides for an Inquiry Officer to assist the Commission in its work by, *inter alia*, carrying out a preliminary inquiry into the complaints. The Ethics Acts do not make any provision for a Committee to appoint an Inquiry Officer.

Of the 388 complaints, it was found that 70 were invalid within the meaning of the Ethics Acts as the identity of the complainant in each case was not known to the Standards Commission because no address or an insufficient address was provided. The Standards Commission appointed an Inquiry Officer to conduct a preliminary inquiry into the matters complained of. Having considered the report of the preliminary inquiry conducted by the Inquiry Officer, the Commission decided to discontinue its investigation into the complaints on the basis that there was not sufficient evidence to sustain them. In order for an interest in land to be registrable under the Ethics in Public Office Acts 1995 and 2001, its value must exceed €13,000. The Commission noted estimates of the land's value obtained by the Inquiry Officer from two independent professional valuers, which taken together did not confirm that Deputy Lowry's interest in the lands in question exceeded the disclosure threshold. The Commission wrote to the Committee on 25 September 2013 enclosing a record of its decision to discontinue the investigation. The record of decision was published on the Commission's website.

## Senator Brian Ó Domhnaill Investigation

The County Manager and Mayor of Donegal County Council complained in May 2012 to the Standards Commission about a number of expenses claims made by Senator Brian Ó Domhnaill in his former capacity as a member of the Council and of Údarás na Gaeltachta. They also complained that he had not properly attended the whole of some conferences which he was delegated to attend, and in respect of which attendance he had been reimbursed expenses. In their complaint, the Manager and Mayor alleged that he may have done specified acts within the meaning of the Ethics Acts in this regard.

The Standards Commission appointed an Inquiry Officer to conduct a preliminary enquiry into the complaint. Following consideration of the Inquiry Officer's report, the Commission decided that it was appropriate to carry out an investigation under section 23 of the Ethics Act to determine whether Senator Brian Ó Domhnaill had contravened provisions of Part 15 of the Local Government Act or had done a specified act or acts.

It informed Senator Ó Domhnaill that it would sit for the purposes of the investigation on 11 March 2013. Following exchanges of correspondence between the Commission, Senator Ó Domhnaill and his legal representatives, the investigation was deferred until 8 April 2013 and the Commission was notified that Senator Ó Domhnaill had engaged new legal representatives. They indicated that they would be conducting the matter through the Irish language and sought assurances that the hearing would be conducted by an officer competent in Irish. The Commission put in place arrangements to facilitate the Senator's request through the use of translators and indicated that it had further deferred the hearing. Further exchanges of correspondence took place regarding the arrangements for the hearing, including the provision of translated documents to Senator Ó Domhnaill's legal representatives. They objected to the holding of the hearing on a number of grounds, including that the members of the Commission would not be in a position to hear the matter without the use of translators and that the complaints were received from anonymous complainants. They also stated that the Commission's legal representatives were under an obligation to deal with the matter through Irish.

The Commission's legal representatives replied saying that it was facilitating their client by providing translation services and also stated that the complaint under consideration was that made by the County Manager and Mayor of Donegal County Council and was not anonymous. Finally, they stated that they were not required by law to correspond in Irish as they were not a public body, but that they had in any event provided correspondence in both Irish and English.

Senator Ó Domhnaill subsequently made an application for judicial review of the Commission's arrangements for the investigation hearing on the grounds that he was entitled to have the hearing held by Commissioners who were in a position to understand his evidence without the aid of translation. He further objected to the examination of the complaint in that the identity of the complainants was not disclosed in accordance with section 8 of the Standards in Public Office Act 2001.

The case was heard in the High Court in November 2013 before Mr Justice Hogan who delivered his judgment on 13 January 2014. The court found that while the initial complaints to Donegal County Council were anonymous, those before the Commission were not and the Commission had not acted contrary to the provisions of section 8 of the Standards in Public Office Act 2001 in this regard. The court rejected the argument that all the members of the Commission must be bilingual before being able to adjudicate in the matter. The court found that there was no need to adjudicate on the question of whether the Commission's legal representatives were obliged to communicate in Irish in this matter, as it had in fact done so once Senator Ó Domhnaill indicated in March 2013 that he wished to correspond in that language.

Senator Ó Domhnaill's legal representatives subsequently informed the Commission that he intended to appeal the decision to the Supreme Court.

## Complaints about Minister Alan Shatter

The Standards Commission received three complaints, one of which was from Mr Mick Wallace TD, concerning statements made by Mr Alan Shatter TD, then Minister for Justice and Equality on RTE's Prime Time on 16 June 2013 about an incident involving Deputy Wallace and members of An Garda Síochána. The complaints alleged that, in making the statements, Minister Shatter had improperly disclosed personal information about Deputy Wallace and accordingly had done a 'specified act'. The Commission also received a complaint from Deputy Luke 'Ming' Flanagan about an alleged 'specified act' by Minister Alan Shatter regarding the Minister's release of confidential information about him. A 'specified act' as referred to in section 4 of the Standards in Public Office Act 2001 (the 2001 Act) is:

*"... an act or ... an omission after the commencement of section 2 that is, or the circumstances of which are, such as to be inconsistent with the proper performance by the specified person of the functions of the office or position by reference to which he or she is such a person or with the maintenance of confidence in such performance by the general public, and the matter is one of significant public importance,..."*

Section 4(6)(b) of the 2001 Act provides:

*"Without prejudice to the generality of the expression "significant public importance" in subsection (1), a matter shall, if the Commission consider it appropriate to do so having regard to all the circumstances, be deemed by it, for the purposes of that subsection, to be of significant public importance if it relates to a benefit alleged to have been received by a specified person or a person who, in relation to a specified person, is a connected person and, in the opinion of the Commission, the value of the benefit was, is or might have been or be expected to be or to become not less than €10,000." (i.e. €12,697)*

The Commission appointed an Inquiry Officer to conduct a preliminary inquiry into the matters complained of. The Inquiry Officer gathered relevant evidence and statements and, having provided these to Minister Shatter, obtained a statement from him. He then presented his report of the preliminary inquiry to the Commission for its consideration.

The Commission considered the complaints in light of the preliminary inquiry report and the relevant statutory provisions. It decided that the act by the Minister which was the subject of the complaints by Deputy Wallace and two other complainants (i.e. the statements by the Minister on the Prime Time programme concerning Deputy Wallace) was not a "specified act" because it considered that the matter was not one of "significant public importance" within the meaning of section 4 of the 2001 Act. In those circumstances, it was not open to the Commission to carry out an investigation of the complaints, having regard to the provisions of section 23 of the Ethics in Public Office Act 1995 ("the 1995 Act") (as amended by section 7 of the 2001 Act).



Section 23(1A)(b) of the 1995 Act provides:

*“The Commission shall not carry out an investigation under subsection (1) into a complaint under subsection (1) of section 4 of the Act of 2001 in relation to a matter referred to in paragraph (a) of that subsection unless... the Commission becomes of opinion, after consideration by it of any report of an inquiry officer in relation to the matter and any statements or documents accompanying the report, that there is sufficient evidence to establish a prima facie case in relation to the alleged specified act concerned and that, if it was in fact done, it is an act falling within the said paragraph (a).”*

The Commission decided that the matter which was the subject of complaint by Deputy Flanagan about the alleged ‘specified act’ by the Minister was not one of significant public importance. It could not therefore be considered a ‘specified act’ and accordingly, under the provisions of section 23(1A)(b) of the 1995 Act, the Commission decided not to carry out an investigation into the matters complained of.

The Commission informed the complainants and the Minister of its decision.

### **Councillor Pádraig Doherty Investigation**

The Commission received a complaint from Councillor Frank McBrearty, then Mayor of Donegal County Council and Mr Seamus Neely, County Manager, concerning Councillor Pádraig Doherty. The complaint centred on alleged contraventions of Part 15 of the Local Government Act 2001 in relation to the claiming of expenses from both Donegal County Council and Údarás na Gaeltachta for attendance at conferences in Dungarvan, Co. Waterford, Dundalk, Co. Louth and at the offices of Údarás na Gaeltachta in Furbo, Co. Galway.

The Standards Commission appointed an Inquiry Officer to conduct a preliminary enquiry into the complaint. Following consideration of the Inquiry Officer’s report, the Commission decided that it was appropriate to carry out an investigation under section 23 of the Ethics Act to determine whether Councillor Doherty had contravened Part 15 of the Local Government Act or had done a ‘specified act’ within the meaning of the Ethics Acts. An investigation hearing was held on 12 May 2014.

The Commission published its investigation report on 17 June 2014. It found that Mr Doherty contravened sections 168 and 169(3) of the Local Government Act 2001, acted in disregard of provisions of the Code of Conduct for Councillors and did a ‘specified act’ within the meaning of the Standards in Public Office Act 2001 by claiming travelling expenses from Údarás na Gaeltachta in respect of his attendance at the Association of County and City Councils’ Annual Conference 2007 at The Park Hotel, Dungarvan, County Waterford on 8, 9 and 10 March 2007 and later also claiming travelling and subsistence expenses in respect of attendance at the same Conference from Donegal County Council.

The Standards Commission also found that Mr Doherty contravened sections 168 and 169(3) of the Local Government Act 2001, acted in disregard of provisions of the Code of Conduct for Councillors and did a 'specified act' within the meaning of the Standards in Public Office Act 2001 by claiming travelling expenses from Donegal County Council in respect of his attendance at the Irish Central Border Area Network Conference at the Crowne Plaza Hotel in Dundalk, County Louth on 20 November 2008 and later also claiming travelling and subsistence expenses in respect of attendance at a meeting of Údarás na Gaeltachta in Furbo, County Galway on 21 November 2008.

The Commission found that Mr Doherty was not entitled to make separate claims for his journeys from home to Dundalk and then from home to Furbo and that he should have made a claim to Donegal County Council for his journey from home to Dundalk and then made a claim to Údarás na Gaeltachta for journeys from Dundalk to Furbo and from Furbo to his home.

The Standards Commission also found that Mr Doherty contravened sections 168 and 169(3) of the Local Government Act 2001, acted in disregard of provisions of the Code of Conduct for Councillors and did a 'specified act' within the meaning of the Standards in Public Office Act 2001 by claiming an overnight subsistence allowance from Údarás na Gaeltachta in respect of his attendance at meeting of Údarás na Gaeltachta in Furbo, County Galway on 21 November 2008 when he had not availed of accommodation to justify the claim.

The Standards Commission found that each of the contraventions was committed recklessly and was, in all the circumstances, a serious matter. The Commission also found that Mr Doherty did not act in good faith in relation to each of the contraventions.

The Commission has sent its report to Mr Doherty, to Mr Seamus Neely, Chief Executive, Donegal County Council and Councillor John Campbell, Mayor, Donegal County Council (whose predecessors made the complaint to the Standards Commission) and also to the Minister for Public Expenditure and Reform and to the Minister for Environment, Community and Local Government.

In his letter to the Minister for Public Expenditure and Reform, the Commission Chairperson, Mr Daniel O'Keeffe, informed him that the Commission is concerned at the scope for abuse by persons making such claims to more than one public body and has requested that he give consideration to putting in place arrangements across the public service for cooperation by public bodies in ensuring that only the appropriate amounts within the relevant regulations are paid in response to claims by persons to more than one body in respect of the same period.

The Commission also recommends that there be a requirement for expenses claims to be submitted in a timely manner and that claimants be required to preserve some contemporaneous record of the basis of claims submitted.

The investigation report, together with full details of the Standards Commission's findings and determinations, is available on the Commission's website - [www.sipo.gov.ie](http://www.sipo.gov.ie)

## Public Sector Standards Bill

In its Annual Report for 2012, the Standards Commission reported that in the context of its response to the Final Report of the Mahon Tribunal the Government had decided, *inter alia*, to take the opportunity to undertake a full review of how the existing legislative framework for ethics can be reformed in order to develop a single, comprehensive legislative framework grounded on a clear and comprehensive set of principles. The Commission had first sought such a consolidation of the legislation in its 2009 Annual Report.

The Government announced in its legislative programme for the Spring/Summer Session that the Minister for Public Expenditure and Reform intends to publish a Public Sector Standards Bill during 2014. The Commission welcomes this announcement and looks forward to contributing to the development of the proposed legislation.

## Scope of the Ethics Acts

The Standards Commission has reported in each of its Annual Reports since 2004 on the large increase in the scope of the Ethics Acts in terms of the numbers of public bodies in the public service in which the Minister for Finance and latterly the Minister for Public Expenditure and Reform has prescribed designated directorships and designated positions of employment. In its report for 2012, it stated that around 910 public bodies including subsidiaries were within remit.

The most recent regulations were made by the Minister for Public Expenditure and Reform in July 2013. These brought the Director and certain members of staff of the Insolvency Service of Ireland within the scope of the Ethics Acts. In line with practice since 2004, regulations would have been due to be made to come into effect on 1 January 2014. However, no such regulations were made. Since the most recent regulations in 2013, the process of public service rationalisation has led to the dissolution of a number of bodies and the creation of new bodies either newly created or by way of merger of existing bodies. 33 Vocational Education Committees have been replaced by 16 Education and Training Boards. FÁS has been replaced by SOLAS. In addition, bodies such as Irish Water have been set up. However, the disclosure of interests obligations of the Ethics Acts do not apply to their directors or employees. In light of the dissolution of a number of public bodies, there are now around 870 public bodies within the scope of the legislation.

Due to work on the new Public Sector Standards Bill, no new regulations have been made. The Standards Commission notes with concern that a significant number of bodies remain outside the scope of the Ethics Acts. It is understood that at the time of writing

new regulations were in preparation. However, the Commission strongly recommends, as it has done on numerous previous occasions, that the regulations be kept as up to date as possible in order that any potential or actual conflicts between personal interests and public functions are disclosed and resolved in the public interest.

## Registration of Lobbying

The Standards Commission reported in its 2012 Annual Report on the intention of the Government to publish legislation which will provide for the registration of lobbying and for related matters. The Registration of Lobbying Bill 2014 was published on 20 June 2014.

The purpose of the Registration of Lobbying Bill 2014 is to provide for a register of lobbying to make information available to the public on the identity of those communicating on specific policy, legislative matters or prospective decisions with designated public officials. The Bill defines the communications which constitute lobbying and those that are excluded and sets out who should be regarded as designated public officials. The Bill also allows for delayed publication of information on the Register in certain circumstances.

The Bill provides for the development of a Code of Conduct for lobbyists and a Transparency Code for working groups, task forces and other groups established by a Minister or public service body. The Bill also provides for restrictions and conditions on the taking up of certain employments by certain designated officials for a specified period of time where a possible conflict of interest arises.

The Bill provides that the Commission will establish and maintain a register of lobbyists. The Commission will be responsible for monitoring compliance and providing guidance and direction. The focus in the initial period of the operation of the Bill will be on education, guidance and information. Arrangements are being put in place for an Advisory Board and an IT Project Team to assist the Commission in the implementation of the Bill's provisions.

The Commission will assist the Minister for Public Expenditure and Reform in reviewing the operation of the legislation and will report annually to the Houses of the Oireachtas on the operation of the legislation.

The Bill provides the Commission with powers to investigate and pursue contraventions of the legislation. It is intended, however, that the enforcement provisions will not come into operation until a review of the implementation of the Bill by the Minister has been carried out. The Bill provides that the first review of the operation of the legislation will take place one year after the commencement of the proposed legislation.



# 03

Chapter

## Chapter 3 - Electoral

### Political Party Accounts

The Electoral (Amendment)(Political Funding) Act 2012 requires the Commission to prepare and publish guidelines for the purpose of providing practical guidance to political parties with respect to keeping proper books of account and preparing an annual statement of accounts.

Acting on the advice of Counsel as to the scope of the legislative provisions and having considered the representations received during the statutory public consultation exercise, the Commission prepared draft guidelines which provided for the inclusion of certain subsidiary units in political party accounts.

An accounting unit is defined in section 22(2)(aa) of the Act as a branch or other subsidiary unit of a political party which in any particular year receives a donation the value of which exceeds €100. The responsible person of an accounting unit is required to furnish, by 31 March each year, a Certificate of Monetary Donations and Bank Statement to the Standards Commission. An accounting unit is not required to furnish a donation statement to the Commission. The Commission, having analysed the returns submitted to it by the accounting units, was of the view that, to ensure that a reasonably accurate picture of political party finances was available to the public, the inclusion of subsidiary units in the draft guidelines for the purpose of preparing the annual statement of accounts was desirable. Significant sums of money are held by accounting units.

The Commission in its draft guidelines for Political Party Accounts proposed that the statement of accounts should, at a minimum, comprehend the financial transactions and assets and liabilities of any unit of a political party which, at any time during the relevant financial year, had a bank balance in excess of €2,500. The result of applying this standard to the accounting unit returns for 2013 for the larger political parties is set out overleaf:

### Accounting units with bank balance > €2,500 during 2013

Political Party	No of Accounting units with bank balance > €2,500 during 2013	Opening bank balance €	Year end bank balance €
Fine Gael	32	352,237	505,195
Fianna Fáil	28	196,392	327,478
Labour Party	11	96,651	100,837
<b>Total</b>	<b>71</b>	<b>645,280</b>	<b>933,510</b>

The Commission recognised the practical administrative and organisational challenges that would arise for political parties in putting in place accounting systems to cater for this level of reporting requirement.

Requiring that the statement of accounts of a political party should include any unit of the party which has, at any time during the relevant financial year, had a bank balance in excess of €2,500 and a turnover (total gross lodgements) in excess of €10,000, or property or other assets valued at in excess of €10,000, would have resulted in the inclusion in the political party accounts for 2013 of the following number of accounting units:

### Accounting units with bank balance > €2,500 during 2013 and turnover > €10,000

Political Party	No of Accounting units with bank balance > €2,500 during 2013 and turnover > €10,000	Opening bank balance €	Year end bank balance €
Fine Gael	11	128,261	245,893
Fianna Fáil	9	86,474	166,172
Labour Party	1	40,533	46,691
<b>Total</b>	<b>21</b>	<b>255,267</b>	<b>458,755</b>

The draft guidelines prepared by the Commission for the purpose of preparing the annual statement of accounts and submitted to the Minister for the Environment, Community and Local Government for his consent to publish provided for the inclusion of subsidiary units in such guidelines. The Minister declined to consent to the publication of the guidelines as drafted on the basis that subsidiary units do not come within the scope of Part IX of the Act.



The Commission will submit revised guidelines, bearing in mind the parameters of Section IX and the Minister's views, for consideration during autumn 2014. The Commission is anxious that some form of guidelines for political party accounts be put in place as soon as possible.

Section 86(2) of the Act specifies that the first accounts required to be audited shall be in respect of the first financial year which commences after the final guidelines are published. This means that the earliest period for which Political Party Accounts will be required will be the year 2015 and this information will not be available until some time in 2016.

## Donations disclosed by TDs, Senators and MEPs

A person who was a TD, Senator or MEP during 2013 was required to furnish a Donation Statement to the Standards Commission by 31 January 2014. Donations received during 2013 which exceeded a value of €600 were required to be disclosed. Donations from the same person in the same year must be aggregated for the purposes of observing the disclosure threshold and the maximum acceptance limit (€1,000).

In December 2013 the Standards Commission wrote to all 239 Members advising them that an email enclosing a Donation Statement/Statutory Declaration form for completion and return by 31 January 2014 would be sent to them in early January 2014. The total of 239 Members comprised 166 TDs, 60 Senators, 12 MEPs and 1 former Senator. 14 Members failed to adhere to the deadline. The 14 Members in question were:

Party	Member	Date DS Recieved
Fianna Fáil (3)	Senator Brian Ó Domhnaill	13/02/2014
	Senator Mary White	20/02/2014
	Charlie McConologue, TD	11/03/2014
Fine Gael (5)	Ciaran Cannon, TD	05/02/2014
	Liam Twomey, TD	24/02/2014
	Seán Kelly, MEP	18/02/2014
	Pat Breen, TD	18/02/2014
	Pat Deering, TD	19/02/2014
The Labour Party (4)	Senator Jimmy Harte	Indisposed
	Michael Conaghan, TD	04/03/2014
	Senator James Heffernan	05/03/2014
	Michael McNamara, TD	07/03/2014
Non-party (2)	John Halligan, TD	11/02/2014
	Michael Healy-Rae, TD	04/03/2014

All of the statutory documentation was returned to the Commission by 11 March 2014.

Donations with a total value of €17,000 were disclosed. Of this total, €1,000 was disclosed by Deputy Niall Collins, TD (Fianna Fáil), €1,000 by Deputy Paschal Donohoe, TD (Fine Gael), €12,000 by Senator Rónán Mullen (non-party) and €3,000 by Mr Paul Murphy, MEP (Socialist Party). Details of the donations disclosed in respect of 2013 are available in a report to the Ceann Comhairle which was published in February 2014. The report is also available on the Commission's website.

## Donations disclosed by political parties

Each political party was required to furnish a Donation Statement to the Standards Commission by 31 March 2014. Donations received by a political party exceeding an aggregate value of €1,500 are required to be disclosed. The maximum value of donations which a political party can accept from the same person in the same calendar year is €2,500. Donations received from the same donor in the same calendar year must be aggregated for the purposes of observing the disclosure and maximum acceptance limits. The total value of donations disclosed by parties during 2013 was €171,644. Donations disclosed came to the following total amounts:

Party	Total donations disclosed €
Fine Gael	112,625
The Socialist Party	25,980
Sinn Féin	21,084
Workers & Unemployed Action	5,000
The Green Party	4,880
United Left	2,075
<b>Total</b>	<b>171,644</b>

Under section 25 of the Electoral Act 1997, it is an offence for the appropriate officer of a political party to fail to furnish a Donation Statement/Statutory Declaration and Certificate of Monetary Donations/Statutory Declaration to the Standards Commission by the specified date. The deadline for furnishing the required documentation was Monday, 31 March 2014. The Standards Commission referred a file to the Gardaí on the Communist Party's failure to comply with the statutory requirements on 19 May 2014.

Details of the donations disclosed by political parties in respect of 2013 will be published in a report which was in preparation at the time of writing of this report.

## Donation Statements received from individual donors

Section 24(1A) of the Electoral Act provides that an individual must furnish a Donation Statement/Statutory Declaration to the Standards Commission, if he/she, in a particular year, makes donations exceeding €1,500 in aggregate value to two or more persons who were members of the same political party when the donations were made, or to a political party, and to one or more of its members. The Donation Statement/Statutory Declaration must give details of the donations and the persons to whom they were made and must be furnished by 31 January of the following year.

If a donor does not intend to comply with this requirement and a Member or candidate at an election is aware of this, he/she is prohibited from accepting a donation from that individual. If such a donation is received, the Standards Commission must be notified within 14 days and the donation or its value remitted to the Standards Commission.

One donation statement was received from an individual donor in respect of donations to the Green Party in 2013.

## Supervision of the Meath East Dáil Bye-election

Total expenditure disclosed by election agents and national agents at the Meath East bye-election amounted to €106,653. The total donations disclosed amounted to €763. The spending limit per candidate in Meath East was €31,150. The highest expenditure incurred was on behalf of Helen McEntee, Fine Gael (€29,843). The next highest spend was on Thomas Byrne, Fianna Fáil (€28,914), followed by Eoin Holmes, Labour Party (€23,989) and Darren O'Rourke, Sinn Féin (€15,451).

Four candidates (Deputy Helen McEntee, Thomas Byrne, Ben Gilroy, Direct Democracy Ireland and Darren O'Rourke) qualified for a reimbursement of election expenses (up to a maximum of €8,700 each).

Two candidates (Ben Gilroy and Mick Martin, non-party) and one election/national agent (Conor Dalgarno, Direct Democracy Ireland) were referred to the DPP/Gardaí for failing to furnish the Commission with the required statutory documentation by 22 May 2013. Mr. Martin subsequently satisfactorily furnished the required statutory documentation by 6 June 2013. Mr. Gilroy and Mr. Dalgarno submitted the required documentation on 28 August 2013.

## Exchequer funding of political parties

### The Electoral Act 1997 as amended

In order to qualify for funding under the Electoral Acts, a political party must be included in the Register of Political Parties and must have obtained at least 2% of the first preference votes at the last Dáil general election. Funding was paid to four qualified parties (Fianna Fáil, Fine Gael, Sinn Féin and The Labour Party) during 2013 on the basis of the results of the 25 February 2011 general election.

Each qualified political party is paid a basic amount of €126,974 annually. In addition, each qualified political party is also entitled to a share of an annual sum which was originally set at €3m and which increases in line with general pay increases in the civil service. The Electoral (Amendment)(Political Funding) Act 2012 introduced a new requirement that the annual sum will decrease in line with general pay reductions in the civil service. There were no increases or decreases applied to the fund in 2013. The fund stood at €4,948,202 at 31 December 2013. The share of the fund payable to a qualified political party is determined by expressing the first preference votes of the qualified party as a percentage of the total first preference votes received by all qualified political parties.

The funding may not be used for electoral or referendum purposes. Details of the payments made to the qualifying political parties in respect of 2013 are shown below:

Qualified Political Parties	Total funding received
Fianna Fáil	€1,167,856
Fine Gael	€2,281,055
Labour Party	€1,287,267
Sinn Féin	€719,919
<b>Total</b>	<b>€5,456,097</b>

In its return for 2013 the Fine Gael party indicates an expenditure of some €879,567 in relation to the refurbishment of its headquarters at 51 Upper Mount Street. Prior to submitting its Statement of Expenditure/Auditors' Report to the Commission the party had inquired whether it would be appropriate to reflect this expenditure under Sections 18(1)(a) (i) and 18(1)(a)(iv) of the Electoral Act 1997, as amended. The Commission considered that the expenditure could, in this case, be considered under Section 18(1)(a) as applying "to the general conduct and management of the party's affairs". The Commission advised that the expenditure should be separately identified and clearly listed on the return to be made to the Commission and the Fine Gael party did so.

The Commission is conscious of the very general nature of the legislation and of its current guidelines. The Act does not make any reference to capital or current expenditure and does not specify whether or not the expenditure of the funding received should be in respect of capital or current spending. The Commission is of the view that there is a need for greater clarity in this regard.

Section 4(6)(a) provides that the Commission shall from time to time draw up and publish guidelines concerning the steps to be taken by persons to ensure compliance by them with the Act. The Commission intends to write to the political parties concerned to put them on notice that it is the Commission's intention to draw up and publicise more comprehensive and precise guidelines in respect of the future expenditure of Exchequer Funding by the political parties.

### **The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001 (Party Leaders Allowance Act)**

The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001 provides for the payment of an annual allowance to the parliamentary leader of a qualifying party in relation to expenses arising from the parliamentary activities, including research, of the party. This allowance is known as the Party Leaders Allowance. A qualifying party is defined in the Act as a political party, registered in the Register of Political Parties, which contested the last preceding general election or any subsequent bye-elections and which had at least one member elected to Dáil Éireann or elected or nominated to Seanad Éireann. Following the general election of 2011, the parliamentary leaders of six political parties (Fianna Fáil, Fine Gael, People before Profit Alliance, Sinn Féin, The Labour Party and The Socialist Party) qualified to receive the allowance. The parties received a total of €7,453,329 under the Party Leaders Allowance Act.

The funding may not be used for electoral or referendum purposes. Section 11A of the Ministerial and Parliamentary Offices Act 1938 (as inserted by the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001) provides that the allowance shall increase in line with general Civil Service pay increases. There was no change in the Party Leaders Allowance during 2013. The Act is silent in relation to general pay reductions in the civil service. In December 2012 in the context of the Expenditure Estimates for 2013, the Minister for Public Expenditure and Reform announced a 10% reduction to be applied to the rates of the Party Leaders Allowance. The Minister also declared his intention to extend the audit provisions to non-party members and to provide for an oversight role for the Commission in relation to this. The Commission suggested that the Minister provide for a statutory advice function in relation to the use of the allowance and that such advice would be legally binding. It also suggested that the Commission be given the power to publish legally binding guidelines on the expenditure of the allowance.

The Oireachtas (Ministerial and Parliamentary Offices)(Amendment) Act 2014 was recently enacted by the Oireachtas. The provisions of the Act will come into effect from 1 July 2014.

The Act provides that the allowance will be renamed the Parliamentary Activities Allowance and that the Commission will, following consultation and Ministerial approval, be able to issue guidelines in relation to the use of and reporting on the allowance.

Qualified political parties must furnish to the Standards Commission Statements of Expenditure of the funding received. Details of the payments made to the qualifying political parties in respect of 2013 are shown below:

Party	Total funding received
Fianna Fáil	€1,674,403
Fine Gael	€2,687,389
People Before Profit Alliance	€143,040
Sinn Féin	€1,084,354
The Labour Party	€1,789,783
The Socialist Party	€74,360
<b>Total</b>	<b>€7,453,329</b>

Non-party members of Dáil and Seanad Éireann also receive funding under the Party Leaders Allowance legislation. The amount payable during 2013 to each non-party member elected to Dáil Éireann was **€41,152** and the amount payable to each non-party member elected or nominated to Seanad Éireann during the same period was **€23,383**. The total paid to non-party members was **€878,389** (€617,279 to non-party members of the Dáil and €261,110 to non-party members of the Seanad). Non-party members are not required, however, to provide a Statement of Expenditure of the allowance to the Standards Commission, or to any other authority. This will change in line with the Oireachtas (Ministerial and parliamentary Offices)(Amendment) Act 2014, the provisions of which will come into effect from 1 July 2014.

Reports on the exchequer funding received in 2013 by political parties under both pieces of legislation are available on the Commission's website.

## Accounting Units

As highlighted in previous Annual Reports, the Standards Commission continues to experience difficulties in supervising the provisions of the legislation relating to accounting units (see definition in Appendix 3).

It is an offence for the responsible person of an accounting unit to fail to furnish, by 31 March each year, a Certificate of Monetary Donations and Bank Statement to the Standards Commission. Over 40% of accounting units did not comply with their statutory requirements

in this regard, as the following table shows. The documentation was required to be furnished to the Standards Commission by 31 March 2014.

### Table of Accounting Units returns received in respect of 2013

Political Party	Returns Received before the Deadline	Returns Received After the Deadline	Outstanding Returns*	Total
Fine Gael	26	28	1	55
Fianna Fáil	19	18	1	38
People before Profit Alliance	1	1	0	2
Sinn Féin	6	6	0	12
The Green Party	18	4	0	22
The Labour Party	27	11	0	38
United Left	1	0	0	1
<b>Total</b>	<b>98</b>	<b>68</b>	<b>2</b>	<b>168</b>

\* Returns Outstanding at the time of writing.

The Standards Commission referred the non-compliant accounting units to the DPP/Gardaí on 4 June 2014.

In relation to the accounting unit returns for 2012 the Commission referred, on 22 May 2013, the following non-compliant accounting units to the DPP/Gardaí for investigation.

### Table of non compliant Accounting Units referred in respect of 2012

Political Party	Accounting Unit	Outcome
Fine Gael (1)	Partry Branch (Mayo)	Gardaí unable to locate responsible person
Sinn Féin (2)	Allen, Larkin, O'Brien	Complied 28 May 2013
	Noel McCann (Ballinasloe)	Complied 28 May 2013
The Green Party (1)	Dublin South	Complied 28 May 2013
The Labour Party (3)	Dublin North Central	Complied 24 May 2013
	Wexford Constituency	Complied 28 May 2013
	Rathmines	Complied 24 May 2013

The situation in relation to the Fine Gael Partry, Mayo, accounting unit is still with the Gardaí. It is a matter of regret that accounting units continue to fail to cooperate with the Commission and only comply with their statutory obligations subsequent to the matter being referred to the DPP/Gardaí.

## Third Parties

From 1 January 2013, an organisation which receives a donation in excess of €100 in value is considered to be a third party. On receipt of a donation for political purposes exceeding €100 in value, a third party (see definition in Appendix 3), must register with the Standards Commission and is subject to the same rules about acceptance of donations as political parties.

A third party, must, by 31 March each year, furnish the Standards Commission with:

- a Certificate of Monetary Donations/Statutory Declaration (CMD) confirming that all donations were lodged to that account and that payments from the account were used for political purposes, and
- a bank statement from the financial institution where its political donations account is held.

One of the main differences between a third party and a political party, insofar as donations are concerned, is that a third party is not obliged to submit a Donation Statement/Statutory Declaration, whereas a political party is obliged to submit one.

On 22 January 2014 the Standards Commission wrote to 22 third parties seeking a CMD and a bank statement, if appropriate, in relation to their political donation accounts. All third parties were required to submit the relevant documents by 31 March 2014, in respect of 2013.

Two third parties, the National Independence Party and Christian Solidarity Party, registered in January and May 2014 respectively. Three third parties, the United Left Alliance, One House and Alliance for Ireland de-registered for 2014.



The table below identifies the registered third parties for 2014 along with those who have newly registered and those de-registered. In this regard some third parties continue with registration on the basis that donations continue to be received whereas some third parties opted to de-register because they are no longer active.

Third Parties	Statutory Documentation received by 31 March	Current Status
Abortion Rights Campaign	Yes (received 31 March 2014)	Registered
Alliance for Freedom and Democracy	No (received 1 April 2014)	Registered
Alliance for Ireland	No (received 7 April 2014)	De-Registered
Change Ireland	Yes (received 13 March 2014)	Registered
Charter Group (The)	Yes (received 24 March 2014)	Registered
Choice Ireland	Yes (received 25 March 2014)	Registered
Christian Solidarity	Yes (received 13 May 2014)	Newly Registered
CÓIR	Yes (received 20 March 2014)	Registered
Future Matters	Yes (received 31 March 2014)	Registered
Immigration Control Platform	Yes (received 25 February 2014)	Registered
Libertas	Yes (received 31 March 2014)	Registered
Mayo Reform Movement	Yes (received 25 March 2014)	Registered
National Campaign for the Arts*	No (received 1 April 2014)	Registered
National Independence Party	Registered 30 January 2014	Newly Registered
One House	Yes (received 12 March 2014)	De-Registered
Peace and Neutrality Alliance**	Yes (received 25 March 2014)	Registered
People's Movement	Yes (received 30 January 2014)	Registered
Pro-Life Campaign	Yes (received 31 March 2014)	Registered
RISE!	Yes (received 31 March 2014)	Registered
Save Navan Hospital Campaign	No (received 28 April 2014)	Registered
Seanad Reform Group/Democracy Matters	Yes (received 12 February 2014)	Registered
Socialist Workers Party	No (received 4 April 2014)	Registered
United Left Alliance	Yes (received 20 January 2014)	De-Registered
VoteNo.ie	No (received 1 April 2014)	Registered

\* Having reviewed Bank Statements provided to the Standards Commission by the National Campaign for the Arts it was noted that Senator Fiach MacConghail donated €5,500 to the National Campaign for the Arts (NCFA) during 2013. Section 23A(1)(ii) & Section 48A(1)(ii) of the Act states the maximum that may be accepted by a third party from an individual or a registered corporate donor in any calendar year is €2,500. When this issue was brought to the NCFA's attention it promised to refund to the Senator the donation received in excess of that allowed. The Standards Commission was later provided with proof of this refund.

\*\* The Peace and Neutrality Alliance (PANA) engaged in correspondence with the Standards Commission concerning a donation bequeathed to it under the terms of a former member's will. The Standards Commission advised PANA to submit their annual returns before the 31 March where the donations could be examined further. Having examined PANA's bank statements the Standards Commission wrote and asked PANA to provide details (confirming Irish citizenship) of an individual who lodged a sterling cheque, to refund part of a donation from the trade union Transport Salaried Staffs' Association (TSSA) which was in excess of that allowed and to refund part of the money bequeathed to it (under the terms of the will of a former member) which was in excess of that permissible. PANA were at the time of writing in the process of rectifying these issues and had been asked to provide evidence of any refunds made to the Standards Commission.

## Corporate Donors

### Register of Corporate Donors

A corporate donor is defined as including a body corporate and an unincorporated body of persons or a trust which makes a donation. A body corporate and any subsidiary thereof are deemed to be one person. In the case of a Corporate Donor, a donation in excess of the value of €200 cannot be accepted **unless** the Corporate Donor is registered in the Register of Corporate Donors (maintained by the Commission) **and** a statement (i.e., a donation statement) is made on behalf of the Corporate Donor and furnished with the donation to the donee confirming that the making of the donation was approved by the Corporate Donor. The statement must be accompanied by a statutory declaration that to the best of the knowledge and belief of the person concerned, the statement is correct in every material respect and that the person has taken all reasonable action in order to satisfy him/herself as to the accuracy of the statement.

In January 2013 the Commission published Guidelines relating to the register of Corporate Donors which will be maintained by the Commission. Corporate donors who wish to make a donation for political purposes in excess of €200 must register with the Commission and furnish a statement to the recipient of a donation confirming that the donation has been approved by the members, shareholders or trustees of the corporate donor concerned. During 2013 only two corporate donors registered with the Commission - SIPTU and the TSSA. In March 2014 the Commission wrote to both of the registered corporate donors reminding them of the necessity for them to renew their registration as corporate donors.

SIPTU registered with the Standards Commission as a Corporate Donor for 2014 on 31 March 2014. The Irish National Teachers Organisation (INTO) and UNITE the Union also registered as Corporate Donors for 2014 on 29 April and 23 May 2014 respectively. The TSSA has not yet registered as a Corporate Donor for 2014.

## Reports of possible breaches

Media reports in March 2013 suggested that a number of Members of the Oireachtas intended to fly to the United States of America as part of a delegation funded and sponsored by Family and Life, which declares itself to be a pro-life group. The Standards in Public Office Commission had concerns about the implications under electoral legislation of the acceptance by Members of such free travel. The donation of free/sponsored travel and accommodation falls within the definition of a donation and such a donation is subject to the normal aggregation and reporting thresholds and donation limits. However, travel facilities and hospitality provided to a Member are not registrable interests within the meaning of the Ethics in Public Office Acts 1995 and 2001 where they are provided to a Member in the course and for the purpose of the performance of the functions of the person as a Member. The Commission wrote to the Members concerned and to the Committee on Members' Interests of Dáil Éireann and the Committee on Members' Interests of Seanad Éireann as it considered that members should take care to ensure that they did not breach the provisions of the Electoral Acts on the acceptance of donations.

None of the Members who travelled as part of the delegation declared the trip as a donation on their annual return to the Commission. The Members believed that the trip did not fall within the definition of a donation contained in the Electoral Act 1997, as amended, as it was not for political purposes. The invitation for the trip made clear that the purpose of the visit was educational as it was "to assess current research and share information and experiences in this difficult and contentious area". Members of the delegation subsequently, on their return to Ireland, wrote a detailed report on the trip and issued this report to every Member of the Oireachtas.

# 01

## Appendix

## Appendix 1: Recommendations for change

In previous Annual Reports, the Standards Commission summarised its recommendations for changes to ethics and electoral legislation. The major proposals are summarised in this Appendix, along with updates on any progress which may have taken place in the meantime. Minor proposals, such as technical amendments, are referred to in previous annual reports.

### Proposed procedural amendments to the Ethics Acts

- The Standards Commission should directly lay its annual report before each House of the Oireachtas rather than furnishing it to the Minister for Finance who then lays it ([Introduction, Annual Report 2010](#));
- power to appoint an Inquiry Officer to conduct a preliminary inquiry into a matter in the absence of a complaint under the Ethics Acts ([Chapter 1, 'Own initiative inquiries', Annual Report 2004](#));
- provision for a quorum of not less than three members (including in all cases, the Chairperson) be provided for the hearing of an investigation under the Ethics Acts ([Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008](#)).

## Other proposed amendments to the Ethics Acts and related legislation

- a comprehensive act consolidating the Ethics Acts and all other legislation providing for disclosure of interests and related provisions for public officials (Chapter 2, 'Overlapping Ethics Frameworks' Annual Report 2009); the Minister for Public Expenditure and Reform is undertaking a full review of how to reform the existing ethics framework in order to develop a single, comprehensive legislative framework, which the Government intends will be published in 2014 as the Public Sector Standards Bill (Chapter 2, 'Public Sector Standards Bill' Annual Report 2013);
- amendment of the provisions for complaints about a 'specified act' to allow reference to a high level statement of the ethical principles to be followed by public servants and public representatives (Chapter 2, 'High Level Statement of Ethical Principles', Annual Report 2009);
- amendment of the definition of 'connected person' (see definition in Appendix 3) to provide that a person is a "connected person" to a company (see definition in Appendix 3) of which he or she is a director and that the other directors of that company are also "connected persons" to that person (Chapter 2, 'Connected Persons', Annual Report 2009);
- requirement that liabilities be disclosed as 'registrable interests' (Chapter 2, 'Disclosure of Liabilities', Annual Report 2009);
- proposal that motions be initiated in the Houses of the Oireachtas to designate the Chairpersons of Oireachtas Committees as office holders for the purposes of the Ethics Acts (Chapter 1, 'Ethics Acts' Annual Report 2005); the Minister for Finance decided not to move the resolutions (Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008);
- amendments to the time limits within which statutory declarations, tax clearance certificates and application statements are to be made or issued and furnished to the Standards Commission by elected members and by appointees to senior positions and directorships in the public service (Chapter 1, 'Tax Clearance Provisions - observations to the Minister for Finance ' Annual Report 2003); the Civil Law (Miscellaneous Provisions) Act 2008 amends the deadline for the making of a statutory declaration by a person recommended for appointment to judicial office from one month to three; a similar provision for elected members and senior public servants is required (Appendix 4, 'Proposed amendments to the Ethics Acts and related legislation', Annual Report 2009);
- adoption of a code of conduct for public servants and members of state boards in the wider public service (Chapter 1, 'Codes of Conduct for Public Servants', Annual Report 2003).

## Proposed legislation regarding public interest disclosure

- a comprehensive public interest disclosure and whistleblower protection law [Chapter 2, 'Whistleblowing', Annual Report 2009]; the Minister for Public Expenditure and Reform published the Protected Disclosures Bill 2013 in July 2013. At the time of writing, the Bill had yet to pass all stages in the Oireachtas.

## Proposed procedural amendment to the Electoral Acts

- As the body with responsibility for supervising the Electoral Acts, the Standards Commission should have a statutory basis on which to review the legislation and report on its findings [Review of the Electoral Acts 2003].

## Proposed amendment to the Electoral Acts relating to the election period

- consideration should be given to imposing some accountability, in the context of the spending limits, in respect of a specified period prior to commencement of the legally defined election period (i.e., that the election period might be extended to include a period prior to the dissolution of the Dáil or moving of the writ at an election) [Review of the Electoral Acts 2003].

## Proposed amendment to the Electoral Acts relating to Third parties

- the definition of what constitutes a "third party" should not be determined on the basis of whether an individual/group has received a donation but should focus on spending by individuals/groups and to regard them as third parties if they intend to incur expenditure over a certain threshold, say €5,000, in relation to a campaign which is for political purposes as defined in the legislation [Review of the Electoral Acts 2003; and 2009 Report on third parties at the Referendum on the Treaty of Lisbon];
- the registration process for "third parties" and for "other persons" (who intend to incur election expenses) should be amalgamated. (There should be no need for an individual/group to register as a "third party" and to also register as an "other person".) [Review of the Electoral Acts 2003];
- registration of third parties should be allowed for a particular campaign or on an on-going basis [2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008].

## Proposed amendment to the Electoral Acts relating to spending at referendums

- to provide for transparency in funding and expenditure on referendum campaigns, third parties and political parties should be required to disclose details of expenditure on referendum campaigns. Similarly, information should be made available on the sources of funding available to both third parties and political parties (2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008).

## Other proposed amendments to the Electoral Acts

- sanctions for non-cooperation with the Standards Commission should be reviewed. In particular, failure to cooperate with enquiries made by the Standards Commission under section 4(4) of the Electoral Act should constitute an offence (2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008);
- to ensure a level playing field between candidates, and a degree of transparency, the use of public funds for electoral purposes should form part of the electoral code rather than other legislation which patently has quite a separate purpose. This would involve a consequential repeal of the provisions dealing with the provision of services and facilities following a dissolution of Dáil Éireann by the Houses of the Oireachtas Commission [Section 4(4A) of the Houses of the Oireachtas Commission Act 2003 (as amended by Section 4(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009)] (Report on the Dáil general election of 2007).

## Proposed amendment to the Party Leaders Allowance legislation relating to the giving of advice

- Either the Standards Commission or the Minister for Finance should be able to publish guidelines or give advice on the appropriate use of the Party Leaders Allowance and for such guidelines and advice to be legally binding on the persons to whom they apply (Annual Report 2007). The passing of the Oireachtas (Ministerial and Parliamentary Offices)(Amendment) Act 2014 goes some way towards meeting this recommendation.





# AO 2

## Appendix

## Appendix 2: Standards Commission Publications in 2013

### January

- Guidelines for TDs, Senators and MEPs re donations and prohibited donations
- Guidelines for Political Parties re donations and prohibited donations
- Guidelines for the Register of Corporate Donors re donations and prohibited donations
- Explanatory Note for Third Parties
- Explanatory Note for Companies
- Explanatory Note for Donors

### February

- Report on Disclosure of Donations received in 2012 by TDs, Senators and MEPs

### March

- Guidelines for the Dáil Bye-Election in Meath East March 2013 (Candidates and Election Agents)
- Guidelines for the Dáil Bye-Election in Meath East March 2013 (National Agents)

### April

- Report regarding Donation Statements furnished by Political Parties for 2012

### May

- Report on Exchequer Funding received by Political Parties for 2012
- Report on Expenditure of Party Leaders Allowance 2012

## June

- Report re Meath East Bye-Election of 27 March 2013
- Draft Political Party Accounts Guidelines - 28 day consultation

## July

- Annual Report 2012

## August

- Submissions received in relation to Draft Political Party Accounts Guidelines

## September

- Record of Decision to discontinue investigation of complaints referred by the Committee on Members' Interests of Dáil Éireann re Mr Michael Lowry TD

## November

- Public Service Guidelines 10th Edition





# O3

Appendix

## Appendix 3: Glossary of Terms

- Accounting unit** an “accounting unit” of a political party is a branch or other subsidiary organisation of the party which, in any particular year, receives a donation the value of which exceeds €100 (prior to 1 January 2013 the limit was €126.97). The appropriate officer of a political party is required to provide the Standards Commission with the name and address of each accounting unit of the party, including the name of its “responsible person”. (The responsible person is the treasurer or any other person responsible for dealing with donations to the unit.) (Section 22(2)(aa) of the Electoral Act 1997, as amended)
- Civil partner** ‘civil partner’, in relation to a person, means a civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 but does not include a civil partner who is living separately and apart from the person” (Section 97(2) and Part One of the Schedule, Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010);  
“For the purposes of this Act a civil partner is either of two persons of the same sex who are (a) parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity, or (b) parties to a legal relationship of a class that is the subject of an order made under section 5 that has not been dissolved or the subject of a decree of nullity” (Section 3, Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010)
- Connected person** “Any question whether a person is connected with another shall be determined in accordance with the following provisions of this paragraph (any provision that one person is connected with another person being taken to mean also that that other person is connected with the first-mentioned person) -

- (i) a person is connected with an individual if that person is a relative of the individual,
- (ii) a person, in his or her capacity as a trustee of a trust, is connected with an individual who or any of whose children or as respects whom any body corporate which he or she controls is a beneficiary of the trust,
- (iii) a person is connected with any person with whom he or she is in partnership,
- (iv) a company is connected with another person if that person has control of it or if that person and persons connected with that person together have control of it,
- (v) any two or more persons acting together to secure or exercise control of a company shall be treated in relation to that company as connected with one another and with any person acting on the directions of any of them to secure or exercise control of the company". (Section 2(2)(a) of the Ethics in Public Office Act 1995)

## Control

"has the meaning assigned to it by Section 157 of the Corporation Tax Act 1976, as amended, and any cognate words shall be construed accordingly" (section 1, Ethics in Public Office Act 1995). Section 157 of the Corporation Tax Act 1976, as amended, in turn refers to section 102 of that Act, which has subsequently been re-enacted in section 432 of the Taxes Consolidation Act 1997, which provides -

"a person shall be taken to have control of a company if he exercises, or is able to exercise or is entitled to acquire control, whether direct or indirect, over the company's affairs, and in particular, but without prejudice to the generality of the preceding words, if he possesses or is entitled to acquire-

- (a) the greater part of the share capital or issued share capital of the company or of the voting power in the company; or
- (b) such part of the issued share capital of the company as would, if the whole of the income of the company were in fact distributed among the participators (without regard to any rights which he or any other person has as a loan creditor), entitle him to receive the greater part of the amount so distributed; or
- (c) such rights as would, in the event of the winding up of the company or in any other circumstances, entitle him to receive the greater part of the assets of the company which would then be available for distribution among the participators. (Section 2(2)(b) of the Ethics in Public Office Act 1995)



<b>Corporate Donor</b>	A “corporate donor” is defined as: a body corporate, an unincorporated body of persons, or a trust which makes a donation. A body corporate and any subsidiary thereof are deemed to be one person.
<b>Designated directorship</b>	“in relation to a public body, means a prescribed directorship of that body” (Section 2(1) of the Ethics in Public Office Act 1995)
<b>Designated position</b>	“in relation to a public body, means a prescribed position of employment in that body” (Section 2(1) of the Ethics in Public Office Act 1995)
<b>Director</b>	“means a director within the meaning of the Companies Acts 1963 to 1990, but includes, in the case of a public body that is not a company (within the meaning of the Companies Act 1963) and is specified in subparagraph (8), (9), (10), (11) or (12), or stands prescribed for the purposes of subparagraph (13), of paragraph 1 of the First Schedule, a person who is a member of it or a member of any board or other body that controls, manages or administers it, and any cognate words shall be construed accordingly”. (Section 2(1) of the Ethics in Public Office Act 1995)
<b>Donation</b>	<p>a donation means “any contribution given for political purposes by any person, whether or not a member of a political party.....” [A “person” means an individual, a body corporate or an unincorporated body of persons. An unincorporated body of persons includes a political party and any of its subsidiary organisations.] A donation can include -</p> <ul style="list-style-type: none"> <li>(i) a donation of money (including money given by a political party to a TD, Senator or MEP or a candidate at an election);</li> <li>(ii) a donation of property or goods;</li> <li>(iii) the free use of property or goods (i.e. conferring the right to use, without payment or other consideration, indefinitely or for a specified period of time, any property or goods);</li> <li>(iv) a free supply of services (i.e. the supply of services without payment or other consideration);</li> <li>(v) the difference between the usual commercial price and the (lower) price charged for the purchase, acquisition or use of property or goods, or the supply of any service, where the price, fee or other consideration is less than the usual commercial price (this can include a loan provided by a third party or by a financial institution at terms and conditions which are more favourable than that provided by a financial institution to other individuals in the normal course of business);</li> </ul>

(vi) a contribution made by a person to a fund-raising event organised for the purpose of raising funds for a political purpose. The donation is that proportion of the contribution which is attributable to the net profit, if any, deriving from the event. Donations are deemed to have been received on the date of the actual fund-raiser (and not when actually received).

(vii) a payment by the person on their own behalf, or on behalf of one or more than one other person, of a fee or subscription for membership or continued membership of a political party (membership fees include any membership fees/levies/subscriptions paid to any sub-unit of a political party);

(viii) a notional donation/donation in kind. This means that where a person/organisation pays for work/expenses from its own resources (i.e. not party funds) then this is considered a donation of the notional value/cost of the work/expenses to the donee. Donations in kind or notional donations are to be valued at the usual commercial price charged for the purchase, use or acquisition of the property or goods or the supply of any service donated.

### Political Purposes

Political purposes means:

(i) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament, or

(ii) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a third party, or

(iii) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament or a third party with regard to the policy or policies of another political party, political group, member of either House of the Oireachtas, representative in the European Parliament, third party or candidate at an election or referendum or otherwise, or

(iv) to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority, or

(v) to promote or oppose, directly or indirectly, the election of a

candidate at a Dáil, Seanad, Presidential or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political party or a political group or of another candidate at the election or otherwise, or  
 (vi) otherwise to seek to influence the outcome of an election, referendum or campaign.

#### Material interest

“A person or a connected person has a material interest in a matter if the consequence or effect -

- (a) of the performance by the person of a function of his or her office, directorship, designated position, or position as a special adviser, as the case may be, or
- (b) of any decision made in relation to or in the course or as a result of the performance of such a function by the person,

concerning that matter may be to confer on, or withhold from, the person, or the connected person, a significant benefit without also conferring it on, or withholding it from, persons in general or a class of persons which is of significant size having regard to all the circumstances and of which the person or the connected person is a member”. (Section 2(3) of the Ethics in Public Office Act 1995)  
 (NB. this definition applies other than in relation to a material interest of a member of the Oireachtas in Oireachtas proceedings where the provisions of section 7(3) of the Ethics in Public Office Act 1995 apply.)

#### Office holder

A Minister of the Government; a Minister of State; the Attorney General; the Ceann Comhairle; the Leas Ceann Comhairle; the Cathaoirleach of Seanad Éireann and the Leas Cathaoirleach of Seanad Éireann (Section 2(1) of the Ethics in Public Office Act 1995)

#### Relative

in relation to a person, means a brother, sister, parent or spouse of the person or a child of the person or of the spouse (Section 2(1) of the Ethics in Public Office Act 1995)

- Special adviser** “special adviser” has the meaning assigned to it by section 19 (1) of the 1995 Act, namely a person who -
- (a) occupies or occupied a position to which section 7(1) (e) of the Public Service Management (Recruitment and Appointments) Act 2004 relates, having been selected for appointment to that position by an office holder personally otherwise than by means of a competitive procedure,
  - or
  - (b) is or was employed under a contract for services by an office holder, having been selected for the award of the contract by an office holder personally otherwise than by means of a competitive procedure,
- and whose function or principal function as such a person is or was to provide advice or other assistance to or for the office holder (Section 19 of the Ethics in Public Office Act 1995)
- (A special adviser also includes a person appointed, by order of the Government, pursuant to section 11 of the Public Service Management Act 1997).
- Specified act** an act or an omission that is, or the circumstances of which are, such as to be inconsistent with the proper performance by the specified person of the functions of the office or position by reference to which he or she is such a person or with the maintenance of confidence in such performance by the general public, and the matter is one of significant public importance. (Section 4(1)(a) of the Standards in Public Office Act 2001)
- Specified person** an office holder or the holder of the office of Attorney General who is not a member of the Oireachtas; a special adviser; a designated director or a designated employee of a public body; a director or an employee of a public body. (Section 4(6)(a) of the Standards in Public Office Act 2001)
- Third party** a “third party” is defined as any person, other than a political party or a candidate at an election, who accepts, in a particular year, a donation, the value of which exceeds €100 (prior to 1 January 2013 the limit was €126.97). (A contribution given in support of a campaign at a referendum is regarded as a contribution for political purposes.) (Section 22(2)(aa) of the Electoral Act 1997, as amended)



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Appendix

## Appendix 4: Costs in 2013

The table below outlines the expenditure attributed to the Standards Commission in 2013. The figures for 2012 are also shown for comparison purposes. The Office of the Ombudsman provides services to the Standards Commission in order to allow it to carry out its functions. The expenditure is provided for in Subhead B of Vote 18 [Office of the Ombudsman].

	2013 €000	2012 €000
Staff Salaries	602	601
Travel and Subsistence	2	2
Incidental Expenses	51	57
Postal Telecommunications	9	13
Office Machinery and Other Office Supplies and Related Services	55	44
Office Premises Expenses	21	24
Consultancy Services	25	28
Legal Fees	408	101
<b>Total</b>	<b>1,173</b>	<b>870</b>

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Appendix



## Appendix 5: Annual Energy Efficiency Report

The secretariat to the Standards Commission is provided by the Office of the Ombudsman at its offices in 18 Lower Leeson Street, Dublin 2, which also houses the Office of the Information Commissioner, the Office of the Commissioner for Environmental Information and the Commission for Public Service Appointments. This report itemises energy usage across the whole office.

Monthly Energy Report		OPW - Office of Public Works Ombudsmans Office	
Summary		Dec 2013	
<b>Month to month</b>			
Energy usage has decreased by -22.0% from 58,955kWh in Dec 2010 to 45,999kWh in Dec 2013. As a result, CO2 emissions for this period have decreased by -17.0% from 19,886kg to 16,507kg, (-3,379Kg).			
<b>Annual</b>			
The base year used for all these calculations is 2010.			
Compared to this base year, energy consumption on site has decreased by -48,105kWh or -10.4% over the last 12 months.			
In terms of total CO2, production has decreased by -12.1%, since 2010 or by -24,953Kg			
Normalised for weather variations, CO2 has decreased by -8.3%, since 2010 or by -17,132Kg			
Energy use - Dec 2013			
<b>Annualised energy usage</b>			
Description	Electricity	Gas	Total
Benchmark Year	284,062	179,086	463,148
Previous 12 months	245,683	169,360	415,043
% Difference	-13.5%	-5.4%	-10.4%

