

Seanad General Election
25 & 26 April 2016

*Report by the Standards in Public Office Commission
to the Ceann Comhairle pursuant to the Electoral Act 1997, as amended.*



Coimisiún um Chaighdeáin in Oifigí Poiblí
Standards in Public Office Commission

December 2016

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Foreword

I am pleased to furnish this report to the Chairman of Dáil Éireann (Ceann Comhairle) in accordance with the provisions of section 4(1) of the Electoral Act 1997, as amended (the Act). The donation statements/statutory declarations referred to in the report were furnished to the Standards in Public Office Commission pursuant to section 24(2)(b) of the Act while the certificates of monetary donations/statutory declarations and statements from financial institutions were furnished pursuant to section 23B(4) of the Act.

Detailed information about the requirements of the legislation, relating to:

- disclosure of political donations,
- limits on the values of donations which may be accepted,
- prohibited donations and
- tax clearance requirements

is contained in the Guidelines for the Seanad General Election 2016 which are available on www.sipo.ie.

Justice Daniel O'Keeffe
Chairperson
December 2016

Chapter 1: Introduction

The 31st Dáil was dissolved on 3 February 2016. In accordance with section 8 of Article 18 of the Constitution, a general election for the Seanad must take place not later than ninety days after a dissolution of the Dáil. Ballot papers for panel members were issued on 11 April 2016 and the poll was closed on 25 April 2016. Ballot papers for the university constituencies were issued and posted on 21 March 2016 and the poll was closed on 26 April 2016.

171 candidates contested the election (125 Panel candidates and 46 University candidates). The names and addresses of panel candidates were provided to the Standards Commission by the Office of the Seanad Returning Officer and by the universities concerned. Forty-three Senators are elected by the vocational panels and six Senators from the 2 university panels were elected (3 from the National University of Ireland and 3 from the University of Dublin (Trinity College)).

The provisions of the Act regarding the disclosure and limitation of donations applied to all candidates at the Seanad general election. There are no limits on spending at a Seanad election. Accordingly, this report deals only with the disclosure of donations by unsuccessful candidates at the election and related matters.

In accordance with the provisions of Part IV of the Act, unsuccessful candidates at the Seanad general election were required, within 56 days after the relevant day on which the poll closed, to furnish to the Standards Commission a donation statement and accompanying documentation. Details of all donations with a value greater than €600.00 received by unsuccessful candidates in relation to the election were required to be disclosed. The date by which donation statements were required to be received by the Standards Commission was 20 June 2016 in the case of unsuccessful panel candidates and 21 June 2016 in the case of unsuccessful university candidates.

Successful candidates at the election are required, as members of Seanad Éireann, to furnish an annual donation statement and accompanying documentation to the Standards Commission by 31 January each year. The donation statements to be furnished to the Standards Commission in respect of 2016 by members of Seanad Éireann must include details of any donations received by them during 2016 in relation to the Seanad general election. These statements must be furnished to the Standards Commission by 31 January 2017.

Chapter 2: Disclosure of Donations by unsuccessful candidates

2.1 Donation Statements and Certificates of Monetary Donations received from unsuccessful candidates

24 candidates referred to the DPP

The Standards Commission issued Guidelines on the acceptance and disclosure of donations to Seanad General Election candidates on 22 March 2016. Subsequently, a donation statement/statutory declaration form and certificate of monetary donations/statutory declaration form issued to 122 unsuccessful candidates (82 panel candidates and 40 university candidates) on 3 May 2016.

Completed donation statements and certificates of monetary donations were required to be returned to the Standards Commission by 20 June 2016 in the case of unsuccessful panel candidates and by 21 June 2016 in the case of unsuccessful university candidates.

64 of the 122 unsuccessful candidates returned their donation statements/statutory declaration form, a certificate of monetary donations/statutory declaration form and, where required, an accompanying bank statement by the relevant statutory deadline.

On 5 July 2016 the Standards Commission wrote to all candidates who had failed to provide the statutory documentation as requested advising that if the documentation was not received by the Standards Commission by Tuesday 19 July 2016, a file on the matter would be referred to An Garda Síochána. This letter also advised that no further reminders would issue on the subject. On foot of this a further 34 candidates furnished the required statutory documentation to the Standards Commission.

It is an offence under section 25(1)(c) of the Act to fail to furnish a donation statement/statutory declaration form and, where required, a certificate of monetary donations/statutory declaration form and accompanying bank statement by the statutory deadline. Unsuccessful candidates are given a significant amount of time after an election to comply.

In November 2016 the Standards Commission sent files to Garda Headquarters concerning the remaining 24 candidates who had failed to return the required statutory documentation. Tables 1 and 2 below contain additional details of those persons referred to the Gardaí.

Table 1 Persons referred to the Gardaí.

Name	Panel/Constituency
Bannon, James	Industry & Commerce
Blaney, Niall	Industry & Commerce
Carey, Declan	Culture & Education
Casey, Peter	Industry & Commerce
de Róiste, Daithi	Labour
Golden-Bannon, Ross	National University of Ireland
Hearne, Rory	National University of Ireland
Hunt, Carol	National University of Ireland
Kennelly, Mike	Industry & Commerce
Lawlor, Anthony	Agriculture
Monahan, Paddy	National University of Ireland
Ó Laoi, Seosamh	Culture & Education
O'Malley Dunlop, Ellen	National University of Ireland
O'Neill, Pat	Agriculture
Owens, Danny	Industry & Commerce
Spiers, Madeline	Labour

While the candidates below have provided a donation statement, the Standards Commission has not to date received one or more of the other required statutory documents from these candidates, (namely: Certificate of Monetary Donations, Statutory Declaration form, statement from a financial institution).

Table 2

Name	Panel/Constituency	Offence
Comiskey, Michael	Agriculture	Certificate of Monetary Donations and Statutory Declaration not provided/completed
Daly, Dr. Martin	National University of Ireland	Certificate of Monetary Donations not provided/completed
Kelleher, Niall	Industry & Commerce	Bank statement not provided
MacBride, Sean	Culture & Education	Certificate of Monetary Donations not provided/completed
Ó Ceallaigh, Seosamh	Culture & Education	Certificate of Monetary Donations not provided/completed
O'Shea Farren, Linda	Industry & Commerce	Certificate of Monetary Donations not provided/completed
Smith, Michael	Agriculture	Statutory Declaration not provided/completed
Walsh, Seamus	Culture & Education	Certificate of Monetary Donations not provided/completed

2.2 Donations disclosed

In accordance with section 4(1) of the Act, the Standards Commission considered the donation statements furnished by each of the unsuccessful candidates at the Seanad general election.

Seven candidates disclosed donations totalling €8,458.58. Details of these donations disclosed by unsuccessful candidates at the Seanad general election are contained in the Appendix to this report. The remaining candidates furnished a nil donation statement.

Chapter 3: Publication of Donation statements furnished to the Standards Commission

In accordance with section 24(7)(a) of the Act, a copy of all donation statements received by the Standards Commission from unsuccessful candidates at the Seanad general election has been electronically laid before each House of the Oireachtas.

In accordance with section 73 of the Act, the donation statements received by the Standards Commission are being made available for public inspection and copying at the offices of the Standards Commission.

Certificates of monetary donations/statutory declarations and statements from financial institutions, while retained by the Standards Commission, are not made public or otherwise disclosed, unless required by court order or an enquiry by the Standards Commission.

**Appendix - Donations disclosed by unsuccessful candidates at the Seanad
general election 2016**

Candidate Name	Panel/ Constituency	Value of Donation €	Nature of Donation	Name, address and description of donor
Connolly, John	Culture & Educational	1,000	Cheque	Irish National Teachers Organisation, 35 Parnell Square, Dublin 1 (Trade Union)
Coughlan, Oisín	University of Dublin	1,000	On-line	Cathy Maguire 13 Dunmurry Lodge, Belfast, BT10 0GR (Individual)
Davitt, Edward Robert	University of Dublin	1,739	On-Line	29 separate donors (ranging from between €10 and €100)
Field, Luke	National University of Ireland	1,000	Bank Transfer	Patrick Field, Raheen, Innishannon, Co. Cork (Individual)
Field, Luke	National University of Ireland	1,000	Bank Transfer	Anne Marie Kelleher, Raheen, Innishannon, Co. Cork (Individual)
McGreal, Daragh	National University of Ireland	724.00	Bank Transfer	Chanel McCarrick, 59 Hollybrook Road, Clontarf, Dublin 3 (Individual)
McKiernan, Sean	Industry & Commerce	995.58	Letter/SMS	Restaurants Association of Ireland, 11 Bridge Court, City Gate, St Augustine Street, Dublin 8 (nominating body)
O'Rourke, Aengus	Industry & Commerce	1,000	Cheque	Athlone Fianna Fáil Comhairle Cealtair, c/o Tommy Gavin, Treasurer, Mayfield Grove, Athlone