

Annual Report

2011



Coimisiún um Chaighdeán in Oifigí Poiblí
Standards in Public Office Commission

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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 2011 to the Minister for Public Expenditure and Reform.

A handwritten signature in black ink, which appears to read "M. P. Smith". The signature is written in a cursive style.

Justice M. P. Smith
Chairman
Standards in Public Office Commission
May 2012

The Members



Justice M.P. Smith
Chairman



Michael Smith
Former member of
Dáil Éireann



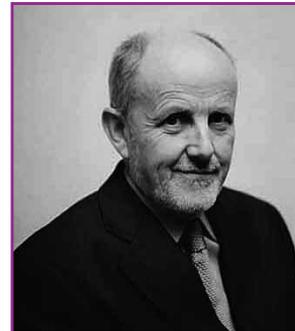
Deirdre Lane
Clerk of Seanad
Éireann



John Buckley
Comptroller and Auditor
General



Emily O'Reilly
Ombudsman



Kieran Coughlan
Clerk of Dáil Éireann

Introduction by the Chairman

The Standards Commission welcomes the proposals for reform in the programme agreed by the government parties following the 2011 general election - Government for National Recovery 2011 - 2016. If implemented, many of the Standards Commission's recommendations for changes in our ethics and electoral legislation would be adopted. The Commission is particularly pleased to see the rapid progress being made on the Electoral (Amendment) (Political Funding) Bill 2011 which will lead to some significant improvements in the transparency of political funding in this country. Another important reform on which progress is being made is the publication of the draft heads of the Protected Disclosure in the Public Interest Bill 2012 - the Commission called for a comprehensive public interest disclosure and whistleblower protection law in its 2009 Annual Report. It is to be hoped that this progress will be maintained in the coming years.

In a Eurobarometer poll (76.1)¹ conducted in September 2011, 86% of Irish people surveyed agreed with the statement that corruption is a major problem in this country. A substantial minority of 36% of the sample believed that they were personally affected by corruption in their daily lives. 65% believed that bribery and abuse of position for personal gain was widespread among politicians at national level. If our trust in public institutions is to be restored and our international reputation improved, then progress in reforming our anti-corruption legislation is absolutely essential. There are encouraging indications that the recommendations of both the Tribunal on Planning Matters (Mahon) and on Payments to Politicians and Related Matters (Moriarty), together with many of the Standards Commission's recommendations for change are being taken seriously by Government. The most important of the Commission's recommendations are:

¹ http://ec.europa.eu/public_opinion/archives/ebs/ebs_374_fact_ie_en.pdf

- the adoption of a high level statement of the ethical principles to be followed by public servants and public representatives;
- the introduction of a comprehensive act consolidating the Ethics Acts and all other legislation providing for disclosure of interests and related provisions for public officials along with wider disclosure of interests;
- the power to appoint an Inquiry Officer to conduct preliminary inquiries under the Ethics Acts in the absence of a complaint;
- the adoption of a code of conduct in the wider public service;
- the granting of statutory powers to the Standards Commission to review the Electoral Acts;
- amendments to the Electoral Acts regarding the election period during which spending limits apply;
- improved regulation of third parties;
- regulation of spending at referendums;
- sanctions for non-cooperation with the Standards Commission should be reviewed and
- a comprehensive public interest disclosure and whistleblower protection law should be adopted.

A comprehensive summary of the Standards Commission's recommendations is set out in Appendix I.

Finally, I would like to thank my fellow Commissioners for their contributions during the year. I would also like to thank the staff of our secretariat and our secretary for their efficiency, dedication and commitment to their work during 2011.

Chapter

01

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 registration of “third parties” (i.e., campaign/lobby groups or individuals which accept a donation for political purposes which exceeds €126.97 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, Election Expenses Statements, etc., 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.

Chapter

02

Chapter 2 - Ethics

Complaints

The number of complaints received by the Standards Commission under the Ethics Acts remains low. 2011 saw a decrease from the previous year's total of 56 complaints (31 of which were valid within the terms of the Ethics Acts) to 38 of which 22 were valid. The Standards Commission found that one of the complaints (relating to Councillor Oisín Quinn, Dublin City Council) which it had received in 2010 provided a basis on which to initiate an investigation.

The Commission reported in its Annual Report for 2010 on two other investigations which it concluded in 2011, relating to Mr Kieran Lynn, Senior Executive Engineer, Mayo County Council and Councillor Terence Slowey, Donegal County Council. Accordingly, the Commission completed three investigations under the Ethics Acts in less than a twelve month period.

Dublin City Council Investigation

The Commission received a complaint 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 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 Quinn had contravened Part 15 of the Local Government Act.

The Standards Commission published its report of the investigation in February 2012. The report set out its findings and determinations in respect of each alleged

contravention. It found that Councillor Quinn had on four occasions contravened the provisions of Part 15 of the Local Government Act 2001. It found that the contraventions were committed inadvertently, and that each was, in all the circumstances, minor in nature. In relation to these contraventions, the Standards Commission found Councillor Quinn had acted in good faith.

The Standards Commission sent its report to the complainants, to Councillor Quinn, to the local authority and also to the Minister for Public Expenditure and Reform and to the Minister for the Environment, Community and Local Government.

The report of the investigation, including the transcript of the investigation hearing, is available on the website of the Standards Commission.

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 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, such as Dublin City Council, 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 shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

A 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 his interest was 'remote' and therefore not a pecuniary or other beneficial interest and that no obligations arose. In seeking such advice, he made no reference to the interests of his brothers and sisters. 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 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.

Complaint against former Minister John Gormley

In its Annual Report for 2010, the Standards Commission reported on a complaint received from Deputy Phil Hogan, (now Minister for the Environment, Community and Local Government) in July 2010 in relation to the actions of the then Minister for the Environment, Heritage and Local Government in connection with the proposed Poolbeg incinerator. Deputy Hogan contended that Minister Gormley, who was the awarding authority for a foreshore licence for the proposed waste to energy facility in Poolbeg, had delayed the granting of the licence for over 2 years and that he had made a number of deliberate and calculated attempts to frustrate and delay the project. He also said that Minister Gormley had a vested interest in seeking to delay and derail the project and that he was prepared to use his position as Minister to advance his local and party political objectives notwithstanding that the project was consistent with Government policy. In a further letter in October 2010, Deputy Hogan clarified that his complaint concerned certain alleged 'specified acts' by the then Minister:

The Standards Commission noted its concerns at the legalistic approach taken by the Department in responding to the complaint as set out in the 2010 report. The Secretary General of the Department had questioned the jurisdiction of the Standards Commission under the Ethics Acts and indicated that in her view the appointment by the Commission of an Inquiry Officer to conduct a preliminary inquiry was a necessary step. While it did not accept the Secretary General's contention, the Commission appointed an Inquiry Officer in November 2010. However, the Inquiry Officer experienced significant difficulties in gaining access to Departmental records, which led to an order for discovery being issued by the Chairman of the Standards Commission to the Secretary General. An affidavit of discovery by the Secretary General was received in April 2011. However, while a large number of documents were provided with the affidavit, a considerable number were withheld.

There was an exchange of correspondence between the Standards Commission and the Secretary General of the Department which was conducted for a number of months and which resulted in a small number of further documents being provided. The Standards Commission considered taking a High Court action to seek the enforcement of the Chairman's discovery order. However, it decided that it would not be appropriate to incur the expenditure of scarce resources both by itself and by the Department and no such action was taken.

The Standards Commission instructed the Inquiry Officer to complete his report on the basis of the information available to him at that time. He presented his report to the Standards Commission in January 2012. The Commission decided that there was no basis on which to initiate an investigation under the Ethics Acts into the matters complained of. It informed Mr Gormley and Minister Hogan of its decision.

The Standards Commission remains disappointed at the approach of the Department in its response to legitimate requests for information. This resulted in the examination of the complaint taking eighteen months and absorbing much time and scarce resources both on the part of the Commission and of the Department. It remains of the view that complaints should be dealt with as quickly and as informally as possible consistent with its responsibilities under the Ethics Acts and the rights of all concerned parties to fair procedures. However, it will ensure that to the greatest degree possible complaints are examined comprehensively and in the light of all relevant information.

Complaint against Deputy Michael Healy-Rae and Councillor Danny Healy-Rae

A complaint was made by a member of the public about Deputy Michael Healy-Rae relating to his previous capacity as a member of Kerry County Council and Councillor Danny Healy-Rae, Kerry County Council. The complaints concerned alleged failures to disclose property interests by Deputy Healy-Rae and participation by him and by Councillor Danny Healy-Rae, a 'connected person' to Deputy Healy-Rae in matters in which it was alleged he had a pecuniary or other beneficial interest.

The Standards Commission appointed an Inquiry Officer to conduct a preliminary inquiry into the complaints. Having received the report of the Inquiry Officer in March 2012, the Standards Commission decided that there was no basis on which to initiate an investigation under the Ethics Acts.

Tax Clearance Provisions - Elected Members

Members elected to Dáil Éireann and Seanad Éireann during 2011 were obliged under the 2001 Act to provide evidence of tax compliance to the Standards Commission within nine months of the date on which they were declared elected. In the event of a member failing to comply with the legislation and failing to produce the required evidence (a statutory declaration and either a tax clearance certificate or an application statement), the Standards Commission must then decide whether to investigate the matter and to provide any subsequent report to the Committee on Members' Interests.

In the event, some members were in breach of the legislation in that they failed either to make their statutory declaration, to have a tax clearance certificate/ application statement issued to them by the Collector General, or to furnish the necessary evidence within the time frames set down in the legislation. All outstanding documents were subsequently received from all TDs apart from one member - Deputy Arthur Spring. Accordingly, with the exception of Deputy Spring, the Standards Commission has a complete set of the required documentation from each TD elected during 2011 and there were no substantive contraventions of the legislation. The position regarding Senators was under review at the time of writing.

The Standards Commission decided that as the contraventions by TDs (other than those by Deputy Spring) were technical in nature, rather than substantive, it would be disproportionate to investigate and report on the matter.

Deputy Spring failed to provide a statutory declaration and either a tax clearance certificate or an application statement to the Commission within nine months of the date of his election. In accordance with the provisions of the 2001 Act, the Commission investigated the contraventions and requested the Deputy to provide an explanation. No explanation was forthcoming. A report of the investigation was forwarded to the Committee on Members' Interests of Dáil Éireann on 13 March 2012.

Deputy Spring subsequently supplied his statutory declaration on 20 March 2012 and his Tax Clearance Certificate on 27 March 2012. The Chairman of the Standards Commission informed the Chairman of the Committee on Members' Interests of Dáil Éireann on 27 March 2012 that Deputy Spring had now complied with his obligations under section 21(1) of the 2001 Act.

On 3 May 2012, Dáil Éireann passed a motion which noted the Standards Commission's investigation report, stated that it is of the opinion that any

contravention of the legislation is a serious matter; noted that this is the first occasion such a contravention has been reported by the Commission, that Deputy Spring is now in compliance with section 21(1) of the Act, that he has apologised for failing to comply with the legislation as of the required date and that it considered that no further action is required.

Codes of Conduct

The Standards in Public Office Act 2001 provides for the adoption of codes of conduct, which would set down the standards of conduct and integrity to be followed by public servants and public representatives in the performance of their functions. To date, codes have been published for office holders, TDs, Senators and civil servants. The intention of the Oireachtas in enacting the Standards in Public Office Act 2001 was that each public servant would be provided with a clear statement of the standards of conduct and integrity which they are required to follow in the course of their duties.

In each annual report since 2003, the Standards Commission has noted that while the 2001 Act provides for a code of conduct for the wider public service to be drafted by the Minister for Finance (now the Minister for Public Expenditure and Reform), no such code has been produced. While the Standards Commission noted in its annual report for 2009 that it had been made aware that the Department of Finance was actively pursuing the issue, there has been no movement on this matter since that time.

The Standards Commission remains strongly of the view that a draft code for the wider public service should be produced as a matter of urgency in order to reinforce ethical standards for public servants.

Code of Ethics for An Garda Síochána

The Garda Síochána Act 2005 provides for the drafting by the Garda Commissioner of a code of ethics for An Garda Síochána. The Act also provides that the Commissioner must consult with a number of persons and bodies, including the Standards Commission, about the draft code. Having been consulted in November 2007, the Standards Commission provided observations on the draft code. These were summarised in the Standards Commission's Annual Report for 2008. The report noted that the Commission was pleased to report that An Garda Síochána had accepted all of its observations. It is understood that the draft code had been sent at that time to the Minister for Justice, Equality and Law Reform in order that it be brought in by regulations.

The Standards Commission is disappointed to note that the draft code has yet to be brought into effect and urges the Minister for Justice and Equality to give early consideration to its implementation.

Houses of the Oireachtas Commission - Code of Conduct

The Houses of the Oireachtas Commission is required under section 4A of the Houses of the Oireachtas Commission Acts 2003 to 2009 to prepare and publish, following consultation with the Standards Commission, a code of conduct for Oireachtas Commission members in the performance of their duties in that capacity. The code sets out its purpose and objectives and provides general guidance as to the standards of conduct and integrity which are expected of Oireachtas Commission members when they are acting in that capacity.

In February 2011, the Houses of the Oireachtas Commission forwarded a draft code for consideration by the Standards Commission. The Standards Commission proposed that a member of the Houses of the Oireachtas Commission would withdraw from performing a function in which he/she has a material interest and that Houses of the Oireachtas Commission members would have due regard to the obligations of members, office holders and staff of the Houses of the Oireachtas Service under their respective codes of conduct under the Standards in Public Office Act 2001. The Houses of the Oireachtas Commission accepted these proposals and published the code in July 2011. The code is available on the Houses of the Oireachtas website www.oireachtas.ie.

In November 2011, the Standards Commission wrote to the Houses of the Oireachtas Commission regarding the obligations of members under the Ethics Acts. It clarified that the Houses of the Oireachtas Commission is a public body for the purposes of the Ethics Acts and that accordingly, a person may make a complaint to the Standards Commission about an alleged 'specified act' by a person acting in his or her capacity as a member the Houses of the Oireachtas Commission.

It also indicated that it is open to the Minister for Public Expenditure and Reform to prescribe in regulations membership of the Houses of the Oireachtas Commission as a designated directorship for the purposes of the Ethics Acts and recommended that the Oireachtas Commission propose to the Minister that this be done. The Houses of the Oireachtas Commission accepted the proposal.

Moriarty Tribunal

The Tribunal of Inquiry into Payments to Politicians and Related Matters (the Moriarty Tribunal) published its final report in March 2011. It made a number of recommendations including that consideration be given to the introduction of a voluntary system whereby office holders could elect to have their financial affairs audited by an inspector appointed by the Standards Commission at any time during their period in office and for a defined period thereafter (recommendation 62.15).

The Department of Public Expenditure and Reform wrote to the Standards Commission regarding this recommendation and indicating that its view was that if implemented as proposed, the recommendation could have serious resource implications in that the audit of an office holder's financial affairs could well require specialist investigative skills (e.g. accountancy, auditing, tax expertise, etc.). It also noted that there would also be the possibility, if one office holder elected to have their affairs audited, that all office holders would feel compelled to do so to prove their financial affairs were in order and that this would, in effect, give the Commission, in addition to its supervisory and investigative roles, a role of certification, which was not envisaged when the Commission was set up. It noted that the recommendation is designed to safeguard against abuses, and, suggested that its objective could be achieved by providing the Commission with the power to appoint an inspector to audit an office holder's financial affairs, in the course of an investigation by the Commission, either on its own initiative or following a complaint, of an infringement of the Ethics Acts or the Electoral Acts, stating that such an approach would allow an office holder's financial affairs to be audited, but only where there is a real concern on standards in public life.

The Standards Commission replied to the Department informing it that it agreed with its views that the recommendation would require the Standards Commission to certify that office holders' financial affairs were in order and that such a role is not in accordance with the Standards Commission's existing mandate under ethics or electoral legislation. However, it did not consider that the Department's proposal was necessary, as it would be open to an Inquiry Officer appointed by the Standards Commission to conduct an audit of an office holder's financial affairs prior to the initiation of an investigation under the existing statutory provisions and that this would seem to obviate the need to appoint a separate inspector to conduct such an audit in the course of an investigation, where a complaint has been made and found to warrant investigation.

However, it pointed to two difficulties which arise in relation to the existing powers in relation to inquiry officers. In the first instance, although the Standards Commission

has the statutory function of deciding whether to initiate an investigation concerning a possible contravention of the Ethic Acts on its own initiative in the absence of a complaint, it does not have the power in those circumstances to appoint an Inquiry Officer to assist it in such a decision. It has sought this power since 2004 in order that it can carry out its statutory duties in relation to the initiation of an investigation on the same basis regardless of whether a complaint has been received. The Standards Commission remains strongly of the view that such a power is required to give full effect to the purpose of the Ethics Acts in relation to the investigation of possible contraventions of the legislation. It considers that this view is bolstered by the intention of the Moriarty Tribunal in making its recommendation in that it is clearly possible to consider that circumstances may arise where there may be a possible breach of the Ethics Acts by an office holder (or other person) which require a financial audit to be conducted, but which could not be conducted in the absence of a complaint.

Secondly, the fact that cooperation with an Inquiry Officer is voluntary may serve to frustrate the conduct of any financial audit or other inquiries in the course of a preliminary inquiry. It would appear that the Department's intention in proposing the appointment of an inspector to conduct financial audits in the course of investigations was that cooperation with such audits would not be voluntary. The Chairman of the Standards Commission has certain powers under section 32 of the Ethics in Public Office Act 1995 (1995 Act) to direct a person to attend before the Commission or to send any document or thing in his or her possession to the Commission. The Chairman also has powers under section 18 of the 2001 Act to direct a person to make discovery on oath of any document in his or her possession or control. The Standards Commission requested the Department to consider whether these powers are sufficient to allow the Chairman to compel evidence to be provided to the Standards Commission which could then be used by an Inquiry Officer in the course of a preliminary inquiry or whether additional powers are required to compel the production of relevant evidence are required.

Ethical Framework for the Local Government Service

In April 2008, the Minister for the Environment, Heritage and Local Government published a Green Paper, Stronger Local Democracy - Options for Change, which included several suggestions for reform in the ethical area. These were reported on in the Commission's annual report for 2008. The Department of the Environment, Heritage and Local Government had confirmed to the Standards Commission that its view was that the implementation of the ethical framework should be kept within local authorities as much as possible and that the role of the Standards Commission

would be restricted to matters of significant concern. The Standards Commission's view is that there should be an explicit complaints procedure in the ethical framework clearly setting out the responsibilities at local level and those of the Standards Commission. It was noted that there is provision under the Ethics Acts for statutory guidelines and advice to be given by the Standards Commission, which could usefully be applied under the ethical framework.

To date, no such legislation has been introduced. The Commission remains of the view that the procedures for examination and investigation under the framework are inadequate and that an explicit statutory procedure for complaints about local authority members and employees should be introduced as a priority. The Standards Commission is strongly of the view that such procedures would best be provided on the same basis as in other areas of the public service by way of the introduction of a single comprehensive act consolidating the Ethics Acts and all other legislation providing for disclosure of interests and related provisions for public officials.

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 has prescribed designated directorships and designated positions of employment. In its report for 2010, it stated that over 880 public bodies including subsidiaries were within remit.

Further regulations made by the Minister for Public Expenditure and Reform came into effect on 1 January 2012. As a result of these regulations, 75 bodies (including 66 subsidiaries) were included within the remit of the Ethics Acts, while 41 bodies (including 25 subsidiaries) were removed. Accordingly, there are now around 915 public bodies within the scope of the legislation.

In its 2006 Annual Report, the Standards Commission recommended that where a public body is being set up, consideration should be given by the Minister for Finance to the introduction of regulations which, if he considers it to be in the public interest to do so, would prescribe directorships and/or positions of employment within the body for the purposes of the Ethics Acts with effect from the date of the body's establishment. This has been done on two occasions since that date in regard to Anglo Irish Bank Corporation Limited (now Irish Bank Resolution Corporation Limited) and its subsidiaries (SI 320 of 2009) and the National Asset Management Agency (NAMA) and its committees and group entities (SI 126 of 2010).

While the Standards Commission welcomed those regulations, it is clear that the vast majority of new public bodies are not being included within the scope of the Ethics legislation until the year after their establishment. The view of the Standards Commission as expressed in the 2006 report is that there are strong arguments in favour of ensuring that all new public bodies are included within the remit of the Ethics Acts as soon as they are established and that where a new body is being established, it is important that persons who are charged with making decisions during the process of establishment should be fully accountable for their actions and should appropriately disclose any relevant interests.

The Standards Commission also noted that while NAMA and its committees and group entities had been brought into the scope of the Ethics Acts with effect from 10 March 2010 under SI 126 of 2010, they were omitted from the schedule to SI 645 of 2010 which came into effect on 1 January 2011. While regulations could have been made to bring NAMA and its related bodies back into the scope of the Ethics Acts during 2011, this was not done until the annual update to the regulations which came into effect from 1 January 2012. Accordingly, board members and employees of NAMA and board members of its committees and group entities were not subject to the disclosure obligations of the Ethics Acts for the whole of the calendar year 2011. It is understood that NAMA decided to apply the obligations to relevant persons on a non-statutory basis, which the Standards Commission welcomes. However, the Commission wishes to express its concern that the omission was not rectified at an early date.

The Standards Commission requests the Department of Public Expenditure and Reform and all other government departments to ensure that relevant persons in newly established bodies are covered by the Ethics Acts from their establishment.

Chapter

03

Chapter 3 - Electoral

The year 2011 was a particularly busy one in relation to elections with a Dáil general election on 25 February, a Seanad general election on 26/27 April and a presidential election and the Dublin West bye-election on 27 October. (There was also a referendum on 27 October which impacted on the working of the Standards Commission insofar as the Secretariat of the Referendum Commission is provided by the Standards Commission.)

Dáil general election

The 30th Dáil was dissolved on 1 February 2011 and polling for the general election to the 31st Dáil took place on 25 February 2011. 566 candidates contested the election.

Donations disclosed by the unsuccessful candidates at the general election amounted to €285,618. Donations disclosed by successful candidates are included below under [Disclosure of Donations in respect of 2011 by TDs, Senators and MEPs](#).

The national spend by political party headquarters on the national campaigns for all parties was €2,757,835. Expenditure totalling €6,519,803 was disclosed by candidates' election agents and the national agents of political parties directly on the candidates. The overall election expenses incurred on behalf of candidates and political parties at the 2011 general election, therefore, amounted to €9,277,638, a decrease of approximately 16% on the €11.08m figure reported for the 2007 general election even though there were 100 additional candidates in 2011.

In accordance with section 24 of the Electoral Act 1997, as amended, (the Act) candidates who were not elected at the general election were required to furnish to the Commission a donation statement and statutory declaration within 56 days after polling day indicating whether, in relation to the election, the candidate received a donation exceeding €634.87. Such candidates were also required to provide a

certificate of monetary donations and statutory declaration certifying that all monetary donations received were lodged to their political donations account and that all amounts debited from that account were used for political purposes. They were also required to provide a bank statement where appropriate.

254 of the 401 unsuccessful candidates returned their Donation Statements by the statutory deadline of 22 April 2011.

In accordance with section 36 of the Act, the election agent (EA) of each candidate was required to provide an election expenses statement and statutory declaration setting out all election expenses incurred in relation to the election. They were also required to provide a receipt, invoice or voucher in respect of any expense incurred in excess of €126.97. In cases where the candidate nominated himself or herself to be the election agent, all the relevant documentation was required to be provided by the candidate.

399 out of 566 election agent Election Expenses Statements were received by the same statutory deadline.

It is an offence under the Act to fail to furnish the statutory documentation by the statutory deadline. It is, however, the practice of the Standards Commission not to refer files to the Director of Public Prosecutions (DPP) unless, after a significant period of time, and having issued a number of reminders, the documentation remains outstanding.

Referral of files to the Gardaí

In early September 2011, having issued a number of reminders, the Standards Commission sent files to the Gardaí concerning 23 candidates who had failed to return the required statutory documentation. These referrals included candidates/election agents who failed to return Donation Statements, Certificates of Monetary Donations or Election Expenses Statements.

The 23 candidates/election agents referred to the Gardaí for failure to comply with the statutory requirements are listed hereunder:

[For information - EES/SD means Election Expenses Statement/Statutory Declaration; CMD/SD means Certificate of Monetary Donations/Statutory Declaration and DS/SD means Donation Statement/Statutory Declaration.]

Person referred to Gardaí	Constituency	Party	Status
Michael Beirne	Kildare North	Non Party	Outstanding documentation furnished on 15 November 2011
Patrick Brassil	Clare	Non Party	EES, DS, CMD + receipts still outstanding. Referred to the Director of Public Prosecutions on 2 September 2011
John Andrew Carey	Mayo	Green Party	Outstanding documentation furnished on 8 September 2011
Claire Cullinane	Cork East	Non Party	EES, DS, CMD. Referred to the Director of Public Prosecutions on 2 September 2011
Liam Dumpleton	Laois-Offaly	Non Party	Outstanding documentation furnished on 23 September 2011.
Dermot Finn	Kerry South	Non Party	EES, DS, CMD. Referred to the Director of Public Prosecutions on 2 September 2011
Eddie Fitzpatrick	Laois-Offaly	Non Party	Outstanding documentation furnished on 15 November 2011
Sean Forkin	Mayo	Non Party	EES, DS, CMD. Referred to the Director of Public Prosecutions on 2 September 2011
Robert Glynn	Louth	Non Party	Outstanding documentation furnished on 28 October 2011
Louann Guerin (election agent for Jimmy Guerin)	Dublin North-East	Non Party	Outstanding documentation furnished on 5 September 2011

Person referred to Gardaí	Constituency	Party	Status
Sean Kearns	Roscommon -South Leitrim	Non Party	EES, DS, CMD. Referred to the Director of Public Prosecutions on 2 September 2011. When the Commission wrote to Mr Kearns informing him of this, the letter was returned by An Post marked "Gone away". No further action was taken.
Kate Bopp	Tipperary North	Non Party	Outstanding documentation furnished on 27 September 2011
Sharon Keogan	Meath East	Non Party	Outstanding documentation furnished on 13 September 2011
Gerard Kiersey	Waterford	Non Party	Outstanding documentation furnished on 13 September 2011
Matt Larkin	Limerick City	Non Party	Outstanding documentation furnished on 13 September 2011
Antóin MacCómháin (election agent for Sean Connolly Farrell)	Dublin South-Central	Non Party	Outstanding documentation furnished on 8 February 2012
Seamus McDonagh	Meath West	Workers Party	Outstanding documentation furnished on 28 October 2011
Dominic Mooney	Dublin South-Central	Non Party	Outstanding documentation furnished on 2 November 2011
John O'Hara	Carlow-Kilkenny	Non Party	Outstanding documentation furnished on 9 November 2011

Person referred to Gardaí	Constituency	Party	Status
Diarmaid Ó Cadhla	Cork South-Central	Non Party	Referred to the Director of Public Prosecutions on 2 September 2011
Ryan Stewart	Donegal North-East	Non Party	Outstanding documentation furnished on 3 November 2011
Raymond Whitehead	Dublin South	Non Party	Outstanding documentation furnished on 16 and 30 September 2011
Robin Wilson	Louth	Non Party	Outstanding documentation furnished on 9 September 2011

It is a matter of some concern to the Commission that candidates put themselves forward for election to the Dáil and then fail or refuse to comply with the legislative provisions in relation to the running of elections. Considerable time then has to be wasted by the Commission staff and the Gardaí in pursuing the completion of these statutory forms by this small number of candidates.

Incomplete documentation

In respect of the candidates listed below, statutory documentation has been provided but an error was made in the documentation or receipts have not been provided as required.

Despite much correspondence and telephone calls, the amended forms and/or receipts were still awaited at the end of December 2011 as outlined hereunder:

List of those from whom the Standards Commission did not receive fully completed documentation

Name	Party	Constituency	Documentation awaited
Michael Beirne - EA/ Candidate	Non Party	Kildare North	Amended DS/SD and CMD/ SD and 9 receipts

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Name	Party	Constituency	Documentation awaited
Noel Bennett - EA/Candidate	Non Party	Dublin South Central	Amended EES/SD, DS/SD and CMD/SD
Billy Clancy - EA/Candidate	Non Party	Tipperary North	Amended EES/SD and 8 receipts
Michael Clarke - Candidate	Non Party	Sligo/Leitrim	Amended EES/SD
Paul Clarke - EA/Candidate	Non Party	Dublin North Central	Amended EES/SD and DS/SD
Cornelius Cremin - EA/Candidate	Non Party	Limerick	2 Receipts
Ciaran Cuffe - Candidate	Green Party	Dun Laoghaire	Clarification on use of Oireachtas facilities during election period
David D'Arcy - Candidate	Non Party	Longford/Westmeath	2 receipts and amended EES/SD and DS/SD
Eugene Finnegan - EA/Candidate	Non Party	Wicklow	1 Receipt
Shane Fitzgerald - Candidate	Green Party	Kildare North	8 Receipts
Eddie Fitzpatrick - Candidate	Non Party	Laois/Offaly	1 Receipt
Ann Foley - Candidate	People Before Profit Alliance	Cork North West	Bank Statement
Ramie Leahy - Candidate	Non Party	Carlow/Kilkenny	2 Receipts

Name	Party	Constituency	Documentation awaited
Brian Markham - EA/Candidate	Non Party	Clare	Amended EES/SD and DS/SD
David McCarthy - Candidate	Non Party	Cork South Central	1 Receipt
Bart Murphy - EA/Candidate	Non Party	Kildare North	Amended EES/SD, DS/SD, CMD/SD and 2 receipts
Colm Ó Callanan - EA/Candidate	Christian Solidarity Party	Dublin South Central	Amended EES/SD and 2 receipts
Hugh Sheehy - EA/Candidate	Non Party	Dublin South East	Amended EES/SD, ES/SD, DS/SD and CMD/DS
Noel Walsh - EA/Candidate	Non Party	Carlow/Kilkenny	Amended EES/SD, DS/SD, CMD/SD and 11 receipts.

In 1997, the DPP informed the Commission that *“From a practical point of view the Gardaí can be asked to investigate only those cases where no declarations have been furnished (as distinct from those cases where the declarations have been furnished late)”*. The Commission has taken this to mean that once the statutory documentation has been received, even if not completed properly, it would not be practical for the Gardaí to investigate a case. Therefore, there were no grounds for referring any of those candidates/election agents mentioned in the table above to the DPP because documentation had been furnished even though it was somewhat deficient.

Cases where no documentation was received and files were not referred to the Gardaí

In the past, the Commission failed to get the required statutory documentation from two candidates, i.e., Jim Tallon, Non Party, Wicklow and Thomas King, Non Party, Galway West in respect of the Dáil general election in 2007 and the European election of 2009. Considerable time was spent by the Commission, the DPP and the Gardaí in pursuing these candidates. Ultimately the DPP decided that there would not be a prosecution in the case of Mr Tallon as “the public interest does not require a prosecution”. In the case of Mr King, the Chief Superintendent in Galway recommended that no prosecution be initiated in his case.

Mr Tallon and Mr King were candidates again in 2011 and again failed to submit the statutory documentation. The Commission decided that no further action would be taken in either case.

In five other cases, Eric Isherwood, Non Party, Cork South Central; Gerard Linehan, Non Party, Cork South Central; John Joseph McCabe, Non Party, Clare; Michael Deegan, Non Party, Dun Laoghaire; and Nicky Kelly, Non Party, Wicklow, statutory documentation was received but there was a failure to comply fully with all the requirements of the legislation, e.g. statutory declaration not properly completed, failure to provide receipts/invoices. The Commission decided that as there was substantial compliance with the legislation, a file would not be referred to the Gardaí.

Reimbursement of election expenses

A total of 328 candidates qualified for reimbursement of election expenses. The maximum amount which may be reimbursed to qualified candidates at Dáil elections is €8,700 or the actual amount of election expenses incurred on their behalf at the election, whichever is the lesser. The total amount of reimbursements was €2,503,857.

Further information about the general election can be found on www.sipo.gov.ie.

Seanad general election

The 30th Dáil was dissolved on 1 February 2011. 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 7 April 2011 and the poll was closed on 26 April 2011. Ballot papers for the university constituencies were issued and posted on 21 March 2011 and the poll was closed on 27 April 2011.

166 candidates contested the election (120 Panel candidates and 46 University candidates). 43 panel candidates and 6 university candidates were elected. (The Taoiseach nominated 11 people to fill the remaining vacancies.)

There are no limits on spending at a Seanad election.

107 of the 114 unsuccessful candidates returned their statutory documentation in relation to donations by the deadline of 22 April 2011. The Standards Commission sent files to the Gardaí in relation to the following 7 candidates who had failed to return the required documentation.

Name	Panel/ Constituency	Current Position
Michael Clarke	Agricultural	Outstanding documentation furnished on 11 November 2011
John Dillon	Agricultural	Outstanding documentation furnished on 16 September 2011
Mary Hanna Hourigan	Administrative	Outstanding documentation furnished on 29 November 2011
Paul Keogh	Industrial & Commercial	Outstanding documentation furnished on 5 December 2011
Michael O'Reilly	Labour	Outstanding documentation furnished on 15 September 2011
Diarmuid Ó Cadhla	NUI	Referred to Director of Public Prosecutions on 9 September 2011.
Robin Hanan	TCD	Outstanding documentation furnished on 19 October 2011

Again, it is a matter of concern to the Commission that considerable time was wasted by the Commission staff and the Gardaí in pursuing the completion of these statutory forms by this small number of candidates.

9 candidates disclosed donations totalling €22,246. The remaining candidates did not disclose any donations.

Presidential election

Seven candidates were nominated to contest the presidential election. Total expenditure disclosed by presidential election agents amounted to €2,318,577.09. The total donations disclosed amounted to €304,570.75.

Donations and election expenses disclosed in respect of the candidates

Name of Candidate	Presidential election agent	Value of cash donations received €	Election expenses incurred €	Amount of reimbursement €
Michael D. Higgins	Kevin O'Driscoll	121,421.53	359,935.48	200,000
Sean Gallagher	Cathal Lee	28,759.00	323,318.45	200,000
Martin McGuinness	Treasa Quinn	4,348.00	302,563.47	200,000
David Norris	Liam McCabe	17,929.98	331,974.89	Nil
Dana Rosemary Scallan	Brendan Kelly	12,017.24	59,591.47	Nil
Gay Mitchell	Tom Curran	Nil	527,152.01	Nil
Mary Davis	Ronan King	120,095.00	414,041.32	Nil
Totals		304,570.75	2,318,577.09	600,000

Supervision of the Dublin West Dáil Bye-election

Total expenditure disclosed by election agents and national agents at the Dublin West bye-election amounted to €143,571.02. The total donations disclosed amounted to €22,608.00.

A total of €47,333.73 was paid by the Exchequer to six candidates who qualified for a reimbursement of election expenses. Four candidates, Deputy Patrick Nulty, Ruth Coppinger, David McGuinness and Eithne Loftus, qualified for the maximum reimbursement of €8,700.00. The report is available on the Standards Commission's website.

One candidate, Jim Tallon, Non Party, failed to provide any documentation. For the reasons already set out under the Dáil general election above, the Commission decided not to pursue the matter further.

Disclosure of Donations in respect of 2011 by TDs, Senators and MEPs

As there was a general election to the Dáil and Seanad in 2011, those required to provide a Donation Statement in respect of 2011 included -

- all those who are currently members of both Houses of the Oireachtas or MEPs, and
- those who were members of the Houses up to the date of the elections.

As those outgoing TDs and Senators who unsuccessfully contested the Dáil or Seanad elections were required, within 56 days after the relevant election, to provide to the Commission a Donation Statement disclosing any donations received in relation to the election, the Commission decided that it was not necessary for them to provide another Donation Statement.

However, those TDs and Senators who did not contest the elections were required to provide a Donation Statement as they were Members of one or other of the Houses for part of 2011, i.e., up to the date of dissolution of the Dáil or Seanad.

A total of 334 Members or former Members were required to furnish Donation Statements in respect of 2011, as follows -

- 166 TDs (includes Patrick Nulty but does not include Brian Lenihan RIP)
- 60 Senators
- 12 MEPs
- 73 former TDs
- 23 former Senators

The Commission decided that 38 former TDs and 11 former Senators, who had furnished Donation Statements as unsuccessful candidates at the general election, were not required to furnish another Donation Statement. This means that 285 Members furnished Donation Statements.

Donations with a total value of €378,920.31 were disclosed. Of this total, €179,628.65 was also disclosed by current Senators who were unsuccessful candidates at the Dáil general election (€39,603.31) or by candidates at the Presidential election in 2011 (President Michael D. Higgins - €121,421.53 and Senator David Norris - €17,929.98). This leaves donations of €199,291.66 disclosed in respect of 2011 that were not previously disclosed.

Some Members disclosed donations under the disclosable limit even though they were not required to do so.

Details of the donations disclosed in respect of 2011 are available in a report to the Ceann Comhairle, which is also available on the Standards Commission's website.

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 €5,078.95 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.

No Donation Statements from individual donors were received for 2011.

Donations disclosed by political parties

Each political party was required to furnish a Donation Statement to the Standards Commission by 31 March 2012 in respect of donations received in 2011. Donations received by a political party exceeding an aggregate value of €5,078.95 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 €6,348.69. 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 2011 was €30,997, the lowest amount disclosed since the introduction of the disclosure requirement 15 years ago. Neither of the two main political parties (Fine Gael nor the Labour Party) disclosed any donations in 2011.

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. At the time of writing, one party (the Communist Party of Ireland) had not yet furnished a Donation Statement/Statutory Declaration and Certificate of Monetary Donations/Statutory Declaration to the Standards Commission.

Details of the donations disclosed by political parties in respect of 2011 are available in a report on the Standards 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.

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. In this regard, a significant percentage of accounting units continuously fail to comply with their statutory requirements, as the following tables show.

Table of Accounting Units returns received in respect of 2010

Political Party	Returns Received before the Deadline	Returns Received after the Deadline
Fianna Fáil	57	0
Fine Gael	39	9
Labour Party	27	11
Green Party	15	16
Sinn Féin	7	7
Total	145	43

Following a number of reminders, all but two accounting units had furnished the required statutory documentation by early June 2011. On 9 June 2011, the following accounting units were referred to the Gardaí.

Party	Accounting units
Green Party	Cork South Central; NUI Maynooth

These two accounting units furnished the relevant documents after the intervention of the Gardaí. It is a matter of regret that it was necessary to refer two accounting units to the Gardaí. However, there was a major improvement on the level of compliance by accounting units in respect of 2011 and the Standards Commission wishes to acknowledge the efforts of the political parties in bringing about this improvement.

Table of Accounting Units returns received in respect of 2011

Political Party	Returns Received before the Deadline	Returns Received After the Deadline	Outstanding Returns*
Fine Gael	49	4	1
Fianna Fáil	44	0	0
Labour Party	29	6	3
Green Party	12	5	11
Sinn Féin	11	2	1
Total	145	17	16

* returns outstanding at the time of writing

The Standards Commission continues to follow up all accounting units from which we have not received returns. It restates its intention to refer non-compliant accounting units to the Gardaí in the future, if necessary.

Third Parties

On receipt of a donation exceeding €126.97 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.

Third Parties 2010

In early March 2011 the Standards Commission wrote to 15 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 of 2011, in respect of 2010.

The table below identifies the third parties that were registered in 2010 and the date by which documentation was received, along with the status at the end of 2011. In this regard, some third parties continue with their 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 2011 in respect of 2010	Status at end of 2011
CÓIR	No (received on 06/05/11)	Registered
Democratic Alliance	No (received on 27 and 29/04/11)	Registered
European Youth for Ireland	No (received on 01/04/11)	Registered
Generation Yes	No (received 20/04/11)	De-registered
Immigration and Control Platform	Yes	Registered
Ireland for Europe - Midlands	No	No response - De-registered

Third Parties	Statutory Documentation received by 31 March 2011 in respect of 2010	Status at end of 2011
Irish Society for Christian Civilisation	Yes	Registered
Peace and Neutrality	No (received 12/04/11)	Registered
People's Movement	No (received 11/04/11)	Registered
Pro-Life Campaign	Yes	Registered
The Charter Group	No (received 04/04/11)	Registered
The Liberal Society	Yes	Registered
RISE!	Yes	Registered
We Belong	No (received 14/04/11)	Registered
Women for Europe	No (received on 03/06/11)	De-registered

No third parties were referred to the Gardaí.

Third Parties 2011

In early March 2012 the Standards Commission wrote to 16 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 2012, in respect of 2011.

The table below identifies the third parties that were registered in 2011 and the date by which documentation was received, along with the current status. In this regard some third parties continue with the 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 2012 in respect of 2011	Current Status
Change Ireland	Yes	Registered
CÓIR	No (received on 11/04/12)	Registered
Alliance for Freedom and Democracy (name change from Democratic Alliance)	No (received on 02/04/12)	Registered
European Youth for Ireland	No (received on 18/04/12)	De-registered
Immigration Control Platform	Yes	Registered
National Campaign for the Arts	No (received on 04/04/12)	Registered
Irish Society for Christian Civilisation	Yes	Registered
Peace and Neutrality Alliance	No (received 03/04/12)	Registered
People's Movement	No (received 04/04/12)	Registered
Pro-Life Campaign	Yes	Registered
RISE!	No (received on 13/04/12)	Registered
The Charter Group	No (received on 16/04/12)	Registered
The Irish Council for Civil Liberties	Yes	De-registered
The Liberal Society	No	Letter Returned - no forwarding address. De-registered
United Left Alliance	No (received 03/04/12)	Registered
We Belong Ltd	No (received 03/04/12)	De-registered

No third parties were referred to the Gardaí.

Exchequer funding of political parties

The Electoral Acts and the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001 (Party Leaders Allowance Act) provide for the Exchequer funding of qualified political parties. Political parties received a total of €12,663,793 in state funding for 2011. The money was paid to the parties under the Electoral Acts and under the Party Leaders Allowance legislation.

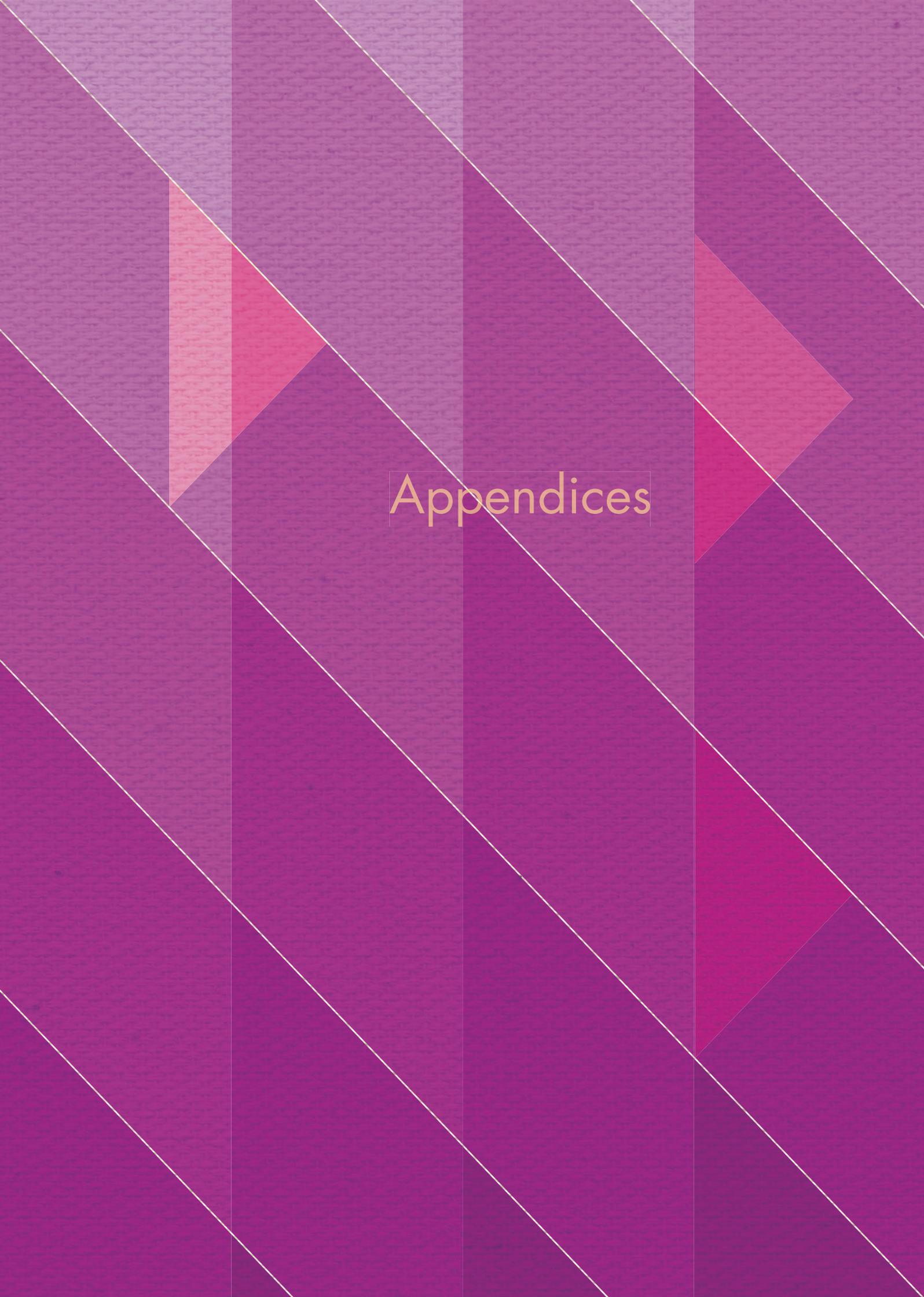
In order to qualify for funding under the Electoral Acts, a political party must be included in the Register of Political Parties and must have obtained at least 2% of the first preference votes at the last Dáil general election. Funding was paid to four qualified parties (Fianna Fáil, Fine Gael, Sinn Féin and The Labour Party) during 2011 on the basis of the results of the 25 February 2011 general election. Funding was paid to the Green Party for part of 2011 on the basis of the results of the 2007 general election. As the Green Party ceased to be a qualified party, payments (under the Electoral Acts) to that party ended on 24 February 2011. The parties received a total of €5,452,391 under the Electoral Acts.

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. As the Green Party has ceased being a qualified party, payments to that party finished on 24 February 2011. Therefore, seven political parties received payments during 2011 under the Party Leaders Allowance Act. The parties received a total of €7,211,402 under the Party Leaders Allowance Act.

The funding is not subject to income tax and may not be used for electoral or referendum purposes. The level of funding is linked to pay increases in the civil service; however, the legislation which governs the funding is silent on pay decreases. Qualified political parties must furnish to the Standards Commission Statements of Expenditure of the funding received.

Non-party members of Dáil and Seanad Éireann also receive funding under the Party Leaders Allowance legislation. The amount payable to each non-party member elected to Dáil Éireann during 2011 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 €713,885 (€505,091 to non-party members of the Dáil and €208,794 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.

Reports on the exchequer funding received in 2011 by political parties under both pieces of legislation are available on the Standards Commission's website.



Appendices

Appendix I - 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 (now the Minister for Public Expenditure and Reform) 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 Chairman) 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](#));
- 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, Brendan Howlin, T.D. published the draft heads of the Protected Disclosure in the Public Interest Bill 2012 in February 2012. The Standards Commission very much welcomes this development.

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](#)).

Appendix 2 - Standards Commission Publications in 2011

1. Investigations under the Ethics in Public Office Acts 1995 and 2001 and the Local Government Act 2001 - Statement of Intended Procedures (January 2011)
2. Guidelines for the General Election to the 31st Dáil (Candidates and Election Agents) 2011 (January 2011)
3. Guidelines for the General Election to the 31st Dáil (National Agents) 2011 (January 2011)
4. Report under section 24 of the Ethics in Public Office Acts 1995 and 2001 - Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 and Part 15 of the Local Government Act 2001 - Mr Kieran Lynn, Senior Executive Engineer, Mayo County Council (March 2011)
5. Guidelines on acceptance and disclosure of donations for the Seanad General Election 2011 (March 2011)
6. Report to Ceann Comhairle re Donegal South West Bye-Election of 25 November 2010 (April 2011)
7. Report under section 24 of the Ethics in Public Office Acts 1995 and 2001 - Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 and Part 15 of the Local Government Act 2001 - Councillor Terence Slowey, Donegal County Council (April 2011)
8. Report on donations disclosed by TDs, Senators and MEPs for 2010 (May 2011)
9. Report regarding Donation Statements furnished by Political Parties for 2010 (May 2011)
10. Report on Expenditure of the Party Leaders Allowance 2010 (May 2011)
11. Report on Exchequer Funding received by Political Parties for 2010 (May 2011)
12. Annual Report 2010 (July 2011)
13. Guidelines for the Presidential Election 2011 (Candidates and Election Agents) (September 2011)
14. Guidelines for the Dáil Bye-Election in Dublin West 2011 (National Agents) (October 2011)
15. Guidelines for the Dáil Bye-Election in Dublin West 2011 (Candidates and Election Agents) (October 2011)
16. Report to Ceann Comhairle re Dáil General Election of 25 February 2011 (October 2011)

- 17.** Report to Ceann Comhairle Re Seanad General Election 26 and 27 April 2011 (October 2011)
- 18.** Guidelines on compliance with the provisions of the Ethics in Public Office Acts 1995 and 2001 Public Servants (9th Edition) (November 2011)
- 19.** Guidelines on compliance with the provisions of the Ethics in Public Office Acts 1995 and 2001 Office Holders (4th Edition) (November 2011)

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 €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)

Designated directorship “in relation to a public body, means a prescribed directorship of that body” (Section 2(1) of the Ethics in Public Office Act 1995)

Designated position “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)

Director “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)

Donation 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 -

- (i) a donation of money (including money given by a

- political party to a TD, Senator or MEP or a candidate at an election);
- (ii) a donation of property or goods;
 - (iii) the free use of property or goods;
 - (iv) a free supply of services;
 - (v) the difference between the commercial price and the (lower) price charged for property, goods or services;
 - (vi) a donation received by way of a contribution made to the net profit from a fund-raising event organised for the benefit of a candidate. (Section 22(2)(a) of the Electoral Act 1997, as amended)

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)

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 €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)

Appendix 4 - Costs in 2011

The table below outlines the expenditure attributed to the Standards Commission in 2010. The figures for 2009 are also shown for comparison purposes. The expenditure is provided for in Subhead B of Vote 18 [Office of the Ombudsman].

	2011 €000	2010 €000
Staff Salaries	613	584
Travel and Expenses	4	6
Incidental Expenses	65	76
Postal Telecommunications	16	17
Office Machinery and Other Office Supplies	43	48
Office Premises	46	36
Consultancy Fees	3	19
Legal Fees	71	76
Total	861	862

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.

Energy usage for 2011 decreased by 10.8% from the same period in 2010, which resulted in a reduction of CO2 emissions of 7.5%. Staff of the Office met regularly with the Office of Public Work's energy consultant during 2011. These meetings developed an awareness of the efforts required to continue the reduction in the Office's energy consumption. Further meetings are planned for 2012 and more initiatives will be introduced to ensure the overall target of a 20% reduction in energy usage is realised. Additionally, the Office will receive a Display Energy Certificate indicating its current rating in the scheme. Overall our efforts have been noted positively by the energy consultant.

The reduction in energy usage is illustrated by the below charts which display a comparison between December 2010 and December 2011 as well as a full year comparison between 2010 and 2011. The charts show favourable reductions in energy usage resulting from a more optimal approach to energy usage throughout the Office.

Energy usage was as follows for 2011:

- Electricity: 267,081 Kwh
- Gas: 140,100 Kwh

Monthly Energy Report
Office of the Ombudsman

Office of the Ombudsman

Dec 2011

Summary

Month to month

Energy usage has decreased by -18.3% from 58,955KWh in Dec 2010 to 48,174kWh in Dec 2011. As a result, CO2 emissions for this period have decreased by -9.9% from 20,155kg to 18,168kg. (-1987Kg)

Annual

2011 year to date energy consumption is 407,181KWh which has decreased by -10.8% on the same period of last year (456,634KWh). This equates to a -49,453KWh difference between the periods. In terms of total CO2, production has decreased by -7.5%, so the year to year comparison figures are 203,439Kg for 2010 & 188,266Kg for 2011 Which is a difference of -15,173Kg.

Energy Use

