



# **DÁIL ÉIREANN**

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## **AN BILLE TOGHCHÁIN (LEASÚ) (MAOINIÚ POLAITÍOCHTA), 2011 [SEANAD] ELECTORAL (AMENDMENT) (POLITICAL FUNDING) BILL 2011 [SEANAD]**

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE TOGHCHÁIN (LEASÚ) (MAOINIÚ POLAITÍOCHTA), 2011 [SEANAD] —AN TUARASCÁIL

## ELECTORAL (AMENDMENT) (POLITICAL FUNDING) BILL 2011 [SEANAD] —REPORT

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### *Leasuithe Amendments*

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1. In page 5, line 23, to delete “2011” and substitute “2012”.  
—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.
2. In page 6, before line 1, to insert the following:  
“the Act of 1938” means the Ministerial and Parliamentary Offices Act, 1938;”.  
—Catherine Murphy.
3. In page 6, between lines 7 and 8, to insert the following:

### “PART 2\* AMENDMENT OF ELECTORAL ACT 1992

Amendment of  
section 25 of Act of  
1992.

3.—Section 25 (amended by section 11 of the Act of 2001) of the Act of 1992 is amended—

(a) in subsection (7)—

(i) by substituting the following paragraphs for paragraphs (f) and (g):

“(f) where the party is registered as organised to contest elections in a specified part of the State, a reference to that fact and to the part of the State concerned,

(g) the name of any political group in accordance with subsection (8), and”,

and

(ii) by inserting the following new paragraph after paragraph (g):

“(h) the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit.”,

and

(b) by inserting the following new subsection after subsection (9):

“(10) In this section and section 25A ‘accounting unit’ and ‘responsible person’ have the same meaning as they have in section 22 of the Electoral Act 1997.”.”

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

[\*The proposed new Part comprehends the inclusion of amendment Nos. 3 and 4.]

4. In page 6, between lines 7 and 8, to insert the following:

“Amendment of section 25A of Act of 1992.

4.—Section 25A (inserted by section 11 of the Act of 2001) of the Act of 1992 is amended by inserting the following new subsection after subsection (4):

“(4A) (a) when replying to an inquiry under subsection (4) the officer of the party shall provide the Registrar with the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit, including any changes that have occurred during the period from when the particulars were last provided to the Registrar,

(b) the Registrar shall enter the particulars provided under paragraph (a) in the Register.”.”

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

5. In page 6, between lines 21 and 22, to insert the following:

“5.—Section 17(1)(b) (as inserted by section 50(c) of the Electoral (Amendment) Act 2001) of the Act of 1997 is amended by substituting “by all candidates” for “by candidates of all qualified parties”.”

—Catherine Murphy.

6. In page 7, to delete lines 1 to 11 and substitute the following:

“(b) in paragraph (aa) (inserted by section 49(b)(ii) of the Act of 2001) by—

(i) substituting “€100” for “£100” in the definition of “accounting unit”,

(ii) substituting “€100” for “£100” in the definition of “third party”, and

(iii) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

(i) a body corporate,

(ii) an unincorporated body of persons, or

(iii) a trust,

which makes a donation, and for the purpose of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;”.”

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

7. In page 7, between lines 11 and 12, to insert the following:

“(c) members of the Oireachtas and members of the European Parliament may donate up to €6,357 to their own party.”.

—Clare Daly, Joe Higgins, Richard Boyd Barrett.

**8.** In page 7, between lines 11 and 12, to insert the following:

“Amendment of section 23 of Act of 1997.

6.—Section 23 (amended by section 49(c) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**9.** In page 7, to delete lines 12 to 15 and substitute the following:

“Amendment of section 23A of Act of 1997.

6.—Section 23A (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended by substituting the following subsection for subsection (1):

“(1) Without prejudice to subsection (2), none of the following persons, namely—

- (a) a member of either House of the Oireachtas,
- (b) a member of the European Parliament,
- (c) a candidate at a Dáil, Seanad or European election,
- (d) a political party,
- (e) a third party, or
- (f) an accounting unit,

shall, directly or through any intermediary, accept from a particular person in a particular year—

- (i) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (a), (b), or (c), €1,000,
- (ii) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (d), (e), or (f), €2,500, or
- (iii) a donation of cash of an amount which exceeds €200.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**10.** In page 7, to delete lines 16 to 40, to delete page 8, and in page 9, to delete lines 1 to 33 and to substitute the following:

“Limits on donations from corporate donors.

7.—The Act of 1997 is amended by inserting the following section after section 23A (inserted by section 49(d) of the Act of 2001):

“23AA.—(1) None of the following persons namely—

- (a) a member of either House of the Oireachtas,
- (b) a member of the European Parliament,
- (c) a candidate at a Dáil, Seanad or European election,
- (d) a political party,

- (e) a third party, or
- (f) an accounting unit,

shall not directly or through any intermediary accept any corporate donations.

(2) Notwithstanding subsection (1), a donation shall not be prohibited under that subsection where—

- (a) a provider of a programme of education and training,
- (b) the students' union or other representative body recognised by a provider of a programme of education and training,

makes a payment to a club, society or other body, operating with the permission and on the premises of the provider of a programme of education and training, and every member of which is a student who is enrolled or registered with the provider of a programme of education and training.

(3) Where, notwithstanding subsection (1) a donation the acceptance of which is prohibited by that subsection, is made to a person referred to therein, the donee shall, not later than 14 days after the receipt of the donation either, return the donation or, in the case of a donation which is a monetary donation, the part of it exceeding the limit concerned to the corporate donor and keep a written record of that return for the purposes of it being furnished to the Standards in Public Office Commission, if required by it.

(4) The Standards in Public Office Commission shall dispose of all moneys, property or goods received under subsection (3) in such manner as may be directed by the Minister for Finance.”.”

—Brian Stanley.

11. In page 9, between lines 33 and 34, to insert the following:

“Donations by intermediaries.

8.—The Act of 1997 is amended by inserting the following new section after section 23AA (inserted by *section 7 of the Electoral (Amendment) (Political Funding) Act 2012*):

“23AB.—A person who makes a donation on behalf of another person shall notify in writing—

- (a) the member of either House of the Oireachtas,
- (b) the member of the European Parliament,
- (c) the candidate at a Dáil, Seanad or European election,
- (d) the political party,
- (e) the third party, or
- (f) the accounting unit,

to whom the donation is made—

- (i) that the donation is made on behalf of a person other than the person making the donation, and

- (ii) the name, description and postal address of the person on whose behalf the donation is made.””.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**12.** In page 9, between lines 33 and 34, to insert the following:

“Amendment of section 23B of Act of 1997.

9.—Section 23B (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**13.** In page 9, between lines 33 and 34, to insert the following:

“Amendment of section 23C of Act of 1997.

10.—Section 23C (inserted by section 49(d) of the Act of 2001) of the Act of 1997 is amended by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**14.** In page 9, to delete lines 34 to 45, to delete pages 10 to 12 and in page 13, to delete lines 1 to 3.

—Brian Stanley.

**15.** In page 13, between lines 4 and 5, to insert the following:

“(a) in paragraph (a) of subsection (1)—

- (i) by substituting the following subparagraphs for subparagraphs (i) and (ii):

“(i) the value of the donation,

(ii) the name, description and postal address of the person by or on whose behalf the donation was made,”

and

- (ii) by inserting the following subparagraphs after subparagraph (ii):

“(iii) the date on which the donation was received,

(iv) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and

(v) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.””.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**16.** In page 13, between lines 7 and 8, to insert the following:

“(b) in subsection (2)—

(i) in paragraph (a) by substituting “(i) to (v)” for “(i) and (ii)”, and

(ii) in paragraph (b) by substituting “(i) to (v)” for “(i) and (ii)”

and”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**17.** In page 13, lines 23 to 31, to delete all words from and including “knowingly” in line 23 down to and including “respect.” in line 31 and substitute the following:

“knowingly accepts payments of the kind outlined in section 23AA(1)(ii) (inserted by section 7 of the *Electoral (Amendment) (Political Funding) Act 2012*).”.

—Brian Stanley.

**18.** In page 13, to delete line 31 and substitute the following:

“2012) which is false or misleading in any material respect.

(1E) A person shall be guilty of an offence if he or she—

(a) contravenes section 23AB (inserted by section 8 of the *Electoral (Amendment) (Political Funding) Act 2012*), or

(b) knowingly furnishes information under section 23AB which is false or misleading in any material respect.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**19.** In page 13, line 33, to delete “(1C) or (1D)” and substitute “(1C), (1D), or (1E)(b)”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**20.** In page 13, between lines 39 and 40, to insert the following:

“(2) Section 26(2)(b) of the Act of 1997 is amended by deleting the words “Trade Union”.”.

—Clare Daly, Joe Higgins, Richard Boyd Barrett.

**21.** In page 13, to delete lines 40 to 42 and in page 14, to delete lines 1 to 9 and substitute the following:

“Amendment of section 46 of Act of 1997.

12.—Section 46(2) of the Act of 1997 is amended in paragraph (aa) (inserted by section 49(f) of the Act of 2001) by—

(a) substituting “€100” for “£100” in the definition of “third party”, and

(b) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

(a) a body corporate,

(b) an unincorporated body of persons, or

(c) a trust,

which makes a donation, and for the purposes of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**22.** In page 14, between lines 9 and 10, to insert the following:



“Amendment of section 47 of Act of 1997.

13.—Section 47 (amended by section 49(g) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**23.** In page 14, to delete lines 10 and 11 and substitute the following:

“Amendment of section 48 of Act of 1997.

13.—Section 48 of the Act of 1997 is amended in subsection (1)—

(a) by substituting “€600” for “£500”,

(b) by substituting the following paragraphs for paragraphs (a) and (b):

“(a) the value of the donation,

(b) the name, description and postal address of the person by or on whose behalf the donation was made,”

and

(c) by inserting the following paragraphs after paragraph (b):

“(c) the date on which the donation was received,

(d) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and

(e) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**24.** In page 14, to delete lines 12 to 15 and substitute the following:

“Amendment of section 48A of Act of 1997.

14.—Section 48A (inserted by section 49(h) of the Act of 2001) of the Act of 1997 is amended by substituting the following subsection for subsection (1):

“(1) Without prejudice to subsection (2), none of the following persons, namely—

(a) a candidate,

(b) a presidential election agent, or

(c) a third party at a presidential election,

shall directly or through any intermediary, accept from a particular person in a particular year—

(i) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (a) or (b), €1,000,

(ii) a donation the value of which exceeds, in case the first-mentioned person falls within paragraph (c), €2,500, or

(iii) a donation of cash of an amount which exceeds €200.”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

25. In page 16, between lines 7 and 8, to insert the following:

“Donations by intermediaries at presidential election.

16.—The Act of 1997 is amended by inserting the following new section after section 48AA (inserted by *section 15* of the *Electoral (Amendment)(Political Funding) Act 2012*):

“48AB.—A person who makes a donation on behalf of another person shall notify in writing—

- (a) the candidate,
- (b) the presidential election agent, or
- (c) the third party at a presidential election,

to whom the donation is made—

- (i) that the donation is made on behalf of a person other than the person making the donation, and
- (ii) the name, description and postal address of the person on whose behalf the donation is made.”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

26. In page 16, between lines 7 and 8, to insert the following:

“Amendment of section 48B of Act of 1997.

17.—Section 48B (inserted by section 49(h) of the Act of 2001) of the Act of 1997 is amended in subsection (1) by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

27. In page 16, between lines 7 and 8, to insert the following:

“Amendment of section 48C of Act of 1997.

18.—Section 48C (inserted by section 49(h) of the Act of 2001) of the Act of 1997 is amended by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

28. In page 16, to delete lines 18 to 23 and substitute the following:

“(b) by inserting the following subsections after subsection (2):

“(2A) A person shall be guilty of an offence if he or she knowingly furnishes a statement referred to in section 48AA(1)(ii) (inserted by *section 15* of the *Electoral (Amendment)(Political Funding) Act 2012*) which is false or misleading in any material respect,

(2B) A person shall be guilty of an offence if he or she—

- (a) contravenes section 48AB (inserted by *section 16* of the *Electoral (Amendment) (Political Funding) Act 2012*), or
- (b) knowingly furnishes information under section 48AB which is false or misleading in any material respect.”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

29. In page 16, line 26, to delete “subsection (2A)” and substitute “subsection (2A), (2B)(b)”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**30.** In page 17, to delete lines 9 to 22 and substitute the following:

“Amendment of section 19A of Act of 1999.

20.—Section 19A (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended by—

- (a) substituting “€100” for “£100” in the definition of “third party”, and
- (b) inserting the following definitions:

“ ‘company’ means a company established under the Companies Acts;

‘corporate donor’ means—

- (a) a body corporate,
- (b) an unincorporated body of persons, or
- (c) a trust,

which makes a donation, and for the purposes of this definition a body corporate and any subsidiary thereof shall be deemed to be one person;

‘register of corporate donors’ means the register established under section 23D (inserted by section 8 of the *Electoral (Amendment) (Political Funding) Act 2012*) of the Act of 1997;”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**31.** In page 17, to delete lines 20 to 22.

—Brian Stanley.

**32.** In page 17, between lines 22 and 23, to insert the following:

“(2) A candidate at an election shall not directly or through any intermediary accept any corporate donations.”.

—Brian Stanley.

**33.** In page 17, line 23, after “2001)” to insert “of the Act of 1999”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**34.** In page 17, to delete lines 25 to 30 and substitute the following:

“(a) by substituting the following subsection for subsection (1):

“(1) (a) Without prejudice to subsection (2) a candidate at an election shall not, directly or through any intermediary, accept in connection with the election from a particular person—

- (i) a donation the value of which exceeds €1,000, or
- (ii) a donation of cash of an amount which exceeds €200.

(b) Without prejudice to subsection (2), none of the following persons, namely—

- (i) a member of a local authority,
- (ii) a political party, or
- (iii) a third party,

shall, directly or through any intermediary, accept from a particular person in a particular year—

(I) a donation the value of which exceeds, in case the first-mentioned person falls within subparagraph (i), €1,000,

(II) a donation the value of which exceeds, in case the first-mentioned person falls within subparagraph (ii) or (iii), €2,500, or

(III) a donation of cash of an amount which exceeds €200.””.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

35. In page 17, to delete lines 34 to 39, to delete pages 18 and 19, and in page 20, to delete lines 1 to 7 and substitute the following:

“22.—The Act of 1999 is amended by inserting the following section after section 19B (inserted by section 58(*m*) of the Act of 2001):

“19BB.—(1) A candidate at an election shall not, directly or through any intermediary, accept in connection with the election from a particular corporate donor a donation the value of which exceeds €200 unless—

(2) Notwithstanding subsection (1), a donation shall not be prohibited under that subsection where—

(a) a provider of a programme of education and training, or

(b) the students’ union or other representative body recognised by a provider of a programme of education and training, makes a payment to a club, society or other body, operating with the permission and on the premises of the provider of a programme of education and training, and every member of which is a student who is enrolled or registered with the provider of a programme of education and training.

(3) Where, notwithstanding subsection (1), a donation the acceptance of which is prohibited by that subsection, is made to a person referred to therein the donee shall, not later than days after the receipt of the donation, either—

(a) return the donation, or in the case of a donation referred to in subsection (1) which is a monetary donation, the part of it exceeding the limit concerned, to the corporate donor and keep a written record of that return for the purposes of its being furnished to the local authority concerned, if required by it, or

(b) notify the local authority concerned of such receipt and remit the donation, or in the case of a donation referred to in subsection (1) which is a monetary donation, the part of it exceeding the limit concerned or the value thereof to the local authority.

(4) A local authority shall dispose of all moneys, property or goods received by it under subsection (3) in such manner as it determines.

(5) In this section—

‘provider of a programme of education and training’ has the same meaning as it has in section 2 of the Qualifications (Education and Training) Act 1999.’”.

—Brian Stanley.

**36.** In page 20, between lines 7 and 8, to insert the following:

“Donations by intermediaries.

23.—The Act of 1999 is amended by inserting the following new section after section 19BB (inserted by *section 22* of the *Electoral (Amendment)(Political Funding) Act 2012*):

“19BC.—(1) A person who makes a donation on behalf of another person shall notify in writing the candidate at an election to whom the donation is made—

(a) that the donation is made on behalf of a person other than the person making the donation, and

(b) the name, description and postal address of the person on whose behalf the donation is made.

(2) A person who makes a donation on behalf of another person shall notify in writing—

(a) the member of a local authority,

(b) the political party, or

(c) the third party,

to whom the donation is made—

(i) that the donation is made on behalf of a person other than the person making the donation, and

(ii) the name, description and postal address of the person on whose behalf the donation is made.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**37.** In page 20, between lines 10 and 11, to insert the following:

“Amendment of section 19D of Act of 1999.

24.—Section 19D (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended in subsection (1) by substituting “€100” for “£100”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**38.** In page 20, to delete lines 11 to 13 and substitute the following:

“Amendment of section 19E of Act of 1999.

24.—Subsection (1) of section 19E (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended—

(a) by substituting “€600” for “£500”,

(b) by substituting the following subparagraphs for subparagraphs (i) and (ii):

“(i) the value of the donation,

- (ii) the name, description and postal address of the person by or on whose behalf the donation was made,”

and

(c) by inserting the following subparagraphs after subparagraph (ii):

- “(iii) the date on which the donation was received,
- (iv) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and
- (v) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.”.
- An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**39.** In page 20, between lines 13 and 14, to insert the following:

“Amendment of section 19F of Act of 1999.

25.—Section 19F (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended in subsection (1) by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**40.** In page 20, between lines 13 and 14, to insert the following:

“Amendment of section 19G of Act of 1999.

26.—Section 19G (inserted by section 58(m) of the Act of 2001) of the Act of 1999 is amended by substituting “€100” for “£100”.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**41.** In page 20, to delete lines 21 to 29 and substitute the following:

“(iii) by inserting the following new paragraphs after paragraph (b):

“(bb) knowingly furnishes a statement referred to in subparagraph (ii) of section 19BB(1)(a) or clause (II) of section 19BB(1)(b) (inserted by section 22 of the *Electoral (Amendment) (Political Funding) Act 2012*) which is false or misleading in any material respect,

(bc) contravenes section 19BC(1) or (2) (inserted by section 23 of the *Electoral (Amendment) (Political Funding) Act 2012*), or

(bd) knowingly furnishes information under section 19BC (1) or (2) which is false or misleading in any material respect.”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

**42.** In page 20, to delete lines 23 to 29 and substitute the following:

““(bb) knowingly accepts payments of the kind outlined in section 19BB(1)(b) (inserted by section 21 of the *Electoral (Amendment) (Political Funding Act) 2012*),”.”.

—Brian Stanley.

**43.** In page 20, line 34, to delete “19BB, 19D” and substitute “19BB, 19BC, 19D”.

—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.

44. In page 20, line 36, to delete “(4B)(bb)” and substitute “(4B)(bb), (4B)(bd)”.  
—An tAire Comhshaoil, Pobail agus Rialtais Áitiúil.
45. In page 21, line 18, to delete “Part after Part VIII” and substitute “Parts after Part VIII”.  
—Catherine Murphy.
46. In page 23, line 21, to delete “Chairman” and substitute “Chairperson”.  
—Catherine Murphy.
47. In page 24, line 20, to delete “Chairman” and substitute “Chairperson”.  
—Catherine Murphy.
48. In page 24, line 35, to delete “Chairman” and substitute “Chairperson”.  
—Catherine Murphy.
49. In page 24, line 41, after “parties” to insert “and Oireachtas members”.  
—Catherine Murphy.
50. In page 24, line 42, after “accounts” to insert “and records of expenditure”.  
—Catherine Murphy.
51. In page 25, line 39, after “party” to insert “and Oireachtas member”.  
—Catherine Murphy.
52. In page 26, between lines 4 and 5, to insert the following:

#### “PARTX

##### MEMBERS OF DÁIL ÉIREANN AND SEANAD ÉIREANN

91.—In this Part—

“Commission” means the Standards in Public Office Commission;

“financial year” means a period of 12 months ending on 31 December;

“guidelines” means guidelines published by the Commission under section 89 of this Act.

92.—Each member of the Oireachtas shall—

(1) Retain or cause to be retained in such form, including electronic form, as may be set out in guidelines, for a period of 5 years evidence of expenses incurred in relation to public payments received, other than salary, by virtue of their having been elected or nominated to the Oireachtas under the terms of the Electoral Acts 1992 to 2011.

(2) As soon as may be, but not later than 120 days, after the end of the financial year in which public payments referred to in subsection (1) of this section have been paid, prepare, or cause to be prepared, a statement of any expenditure from such payments and shall furnish that statement to the Commission.

(3) The Commission shall after the end of the financial year in which public payments referred to in subsection (1) of this section have been paid cause to be audited, not less than 10 per cent of members of the Oireachtas, selected on a random basis in accordance with the terms set out in section 93 of this Act.

93.—(1) The Commission shall consider every annual statement of accounts and auditor's report furnished to it under section 92 of this Act and, where it considers it appropriate to do so, shall furnish a report in writing to the Chairperson of the Dáil on any matter arising in relation to such statement or report.

(2) Where the Commission, following consideration by it of an annual statement of accounts furnished to it under section 92 of this Act, finds a minor error or omission in the statement, the Commission shall furnish to the Oireachtas member by whom the statement was furnished details of the error or omission, as the case may be, and the Commission shall inform the Oireachtas member that he or she may correct the error or make good the omission within the period of 14 days from the date on which the notification issued to the Oireachtas member concerned.

(3) (a) Where the Commission, following consideration by it of an annual statement of accounts furnished to it under section 92 of this Act, is of the opinion that the statement of accounts does not comply with the guidelines, the Commission shall furnish to the Oireachtas member a written notice containing details of the non-compliance and the Commission shall inform the Oireachtas member that he or she may furnish comments on the matter to the Commission within 14 days from the date on which the notice issued to the Oireachtas member and that any such comments will be considered by the Commission before considering the matter further.

(b) Where the Oireachtas member furnishes to the Commission his or her comments on the matter referred to in the notice furnished under paragraph (a) within the period referred to in that paragraph, the Commission shall have regard to the said comments.

(c) Where, following consideration of any comments received by the Commission under paragraph (a), or where the Oireachtas member fails to make any comments under that paragraph, and the Commission continues to be of the opinion that there may have been non-compliance with the guidelines it shall report the matter (together with any relevant document or other thing in its possession) to the Minister for Public Expenditure and Reform and the Chairperson of the Dáil.

(4) Where the Commission is satisfied that the annual statement of accounts complies with this Part and with the guidelines, the Commission shall notify the Minister for Public Expenditure and Reform accordingly.

(5) The Commission may make such inquiries as it considers appropriate and may require any person to furnish any information, document or thing in the possession or procurement of the person which the Commission may require for the performance of its functions under this Part.

(6) Where the Oireachtas member fails to comply with section 92, the Commission shall—

(a) furnish a statement to that effect to the Chairperson of the Dáil and the Minister for Public Expenditure and Reform, and



(b) publish details of the non-compliance on the Commission’s website.”

—Catherine Murphy.

53. In page 26, to delete line 42, and in page 27, to delete lines 1 and 2 and substitute the following:

“at the general election held subsequent to the polling day specified in the subparagraph (i)”.

—Stephen S. Donnelly.

54. In page 27, after line 20, to insert the following:

“PART 6\*

PARTY LEADERS ALLOWANCE AND PARLIAMENTARY GROUP STAFFING

Amendment of section 10 of Act of 1938.

31.—The Act of 1938 is amended by substituting the following for section 10 (inserted by section 5 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act, 1996) and amended by section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act, 2001):

“10.—(1) In relation to expenses arising from the parliamentary activities set out in subsection (2) of this section, the Minister for Finance may—

(a) pay an annual allowance of not more than €37,037 to a member of Dáil Éireann, or

(b) pay an annual allowance of not more than €21,045 to a member of Seanad Éireann.

(2) An allowance under subsection (1) or a facility under subsection (10) of this section shall not be paid or be payable in respect of the period in office of—

(a) the Ceann Comhairle of Dáil Éireann,

(b) the Cathaoirlach of Seanad Éireann,

(c) a Minister of the Government or Minister of State.

(3) In the case of a member of Dáil Éireann or Seanad Éireann who or whose parliamentary party or parliamentary group form or forms part of the Government, an allowance under subsection (1) or a facility under subsection (10) of this section shall be reduced by one-third.

(4) Expenses arising from parliamentary activities shall for the purposes of this section mean expenses not otherwise reimbursed, directly or indirectly, by the Minister for Finance and which are incurred for the purposes of—

(a) the general administration of the parliamentary activities of a member of Dáil Éireann or Seanad Éireann or a parliamentary group or parliamentary party of which he or she is a member,

(b) the provision of technical or specialist advice likely to be required in connection with legislative proposals or potential parliamentary initiatives,

(c) research and training,

- (d) policy formulation,
  - (e) the provision of consultants' services, including the engagement of public relations consultants,
  - (f) polling or public attitude sampling in connection with parliamentary debates or initiatives,
  - (g) the transfer of a portion or the entirety of the sum payable under subsection (1) of this section to the parliamentary party or parliamentary group to which the member belongs for the purposes of:
    - (i) the general administration of the parliamentary activities of a parliamentary party or parliamentary group,
    - (ii) the provision of technical or specialist advice likely to be required in connection with legislative proposals or potential parliamentary initiatives,
    - (iii) research and training,
    - (iv) policy formulation,
    - (v) the provision of consultants' services, including the engagement of public relations consultants,
    - (vi) polling or public attitude sampling in connection with parliamentary debates or initiatives,
    - (vii) the purchase of support services for a parliamentary party from the party, provided that such support services can be shown not to have been funded in whole or in part by funds paid to that party by the Minister for Finance,
    - (viii) the payment to a parliamentary leader of any salary or honorarium in respect of duties arising from his or her activities as such leader as distinct from those of a member of Dáil Éireann or a holder of a ministerial office,
    - (ix) the payment to another person of any salary or honorarium in respect of duties arising from the person's activities in a parliamentary party or parliamentary group,
    - (x) the provision for, or recoupment of, transport and personal expenditure incurred by a parliamentary leader, officers or a parliamentary party or parliamentary group spokesperson as a result of their parliamentary party or parliamentary group function.
- (5) Allowances payable under subsection (1) of this section shall in all cases—
- (a) be calculated for each week a member of Dáil Éireann or Seanad Éireann was at any time during that week a member thereof,
  - (b) be paid directly to each member concerned for such period in arrears as the Minister for Finance considers appropriate,

- (c) be paid in addition to any other allowance or salary payable under the Oireachtas (Allowances to Members) Acts, 1938 to 2009, or the Ministerial and Parliamentary Offices Acts, 1938 to 1998,
- (d) not be liable to income tax,
- (e) be accounted for in full in accordance with the terms of subsections (6), (7), (8) and (9) of this section,
- (f) cease to be paid should a member, or parliamentary party or parliamentary group, concerned fail to comply with the terms of this section for such period of non-compliance.

(6) A member of Dáil Éireann or Seanad Éireann who is paid an amount under subsection (1) of this section shall—

- (a) retain for a period of 5 years evidence of the expenses incurred, including any vouchers, receipts or bills, and shall make such evidence available to any auditor appointed by the Standards in Public Office Commission for the purpose of audit under subsection (9) of this section,
- (b) as soon as may be, but not later than 120 days, after the end of the financial year in which an annual allowance under this section has been paid, prepare, or cause to be prepared, a statement of any expenditure from that allowance and shall furnish that statement to the Standards in Public Office Commission.

(7) A parliamentary party or parliamentary group in receipt of monies under subsection (4)(h) of this section shall nominate a member or officer whose duty it shall be—

- (a) to retain, or cause to be retained, for a period of 5 years evidence of the expenses incurred, including any vouchers, receipts or bills, and shall make such evidence available to any auditor appointed by the Standards in Public Office Commission for the purpose of audit under paragraph (c) of this subsection,
- (b) as soon as may be, but not later than 120 days, after the end of the financial year in which an annual allowance under this section has been paid, to prepare, or cause to be prepared, a statement of any expenditure from that allowance,
- (c) to cause a statement of expenditure prepared according to paragraph (a) of this subsection, to be audited by a public auditor and to furnish that statement and the relevant report of the auditor to the Standards in Public Office Commission.

(8) The period of 120 days referred to in subsections (6)(b) and (7)(b) of this subsection shall be extended by any period for which Dáil Éireann stands dissolved which coincides with that period.

(9) The Standards in Public Office Commission shall—

- (a) in all cases consider the statement and, as the case may be, the auditor's report furnished to it under subsections (6) and (7) of this section,

- (b) cause to be audited, not less than 10 per cent of members, selected on a random basis, in respect of a relevant period paid under this section,
- (c) if it considers appropriate, consult with:
  - (i) the nominee of a parliamentary party or parliamentary group as appointed under subsection (7) of this section, or
  - (ii) a member of Dáil Éireann or Seanad Éireann who is paid an amount under subsection (1) of this section,

on any matter contained in it before furnishing its report to the Minister for Finance under paragraph (d) of this subsection,
- (d) furnish a report in writing on the statement and auditor's report referred to in subsections (4) and (5) of this section to the Minister for Finance indicating whether they—
  - (i) have been made within the specified period,
  - (ii) disclose any expenditure which does not comply with subsection (4) of this section,
  - (iii) are adequate, or
  - (iv) are appropriate,
- (e) cause a copy of that report to be laid before each House of the Oireachtas, and
- (f) retain at its offices every copy of a statement and auditor's report furnished to it under subsections (6), (7) and (8) of this section, in whatever format it considers appropriate, for a period of 3 years and shall permit any person to inspect such documents free of charge, and to take a copy or an extract of it on payment of a fee not exceeding a reasonable cost of copying, at such times and subject to such conditions as the Standards in Public Office Commission considers appropriate.

(10) Subject to the approval of the Minister for Finance and to such exceptions, restrictions and conditions as may be provided for by regulations, secretarial facilities may be provided to a parliamentary party or parliamentary group of Dáil Éireann or Seanad Éireann for the purposes of facilitating the parliamentary activities of its elected members.

(11) An allowance paid by virtue of this section shall not be used for, or to recoup, election or poll expenses incurred for the purposes of any election or poll held under—

- (a) the Electoral Acts, 1923 to 1990, or the Electoral Acts, 1992 to 2011,
- (b) the European Parliament Elections Acts, 1977 to 1993, or the European Parliament Elections Acts, 1992 to 1999,
- (c) the Presidential Elections Acts, 1937 and 1992, or the Presidential Elections Acts, 1992 to 1997,

(d) the Referendum Acts, 1942 to 1992, or the Referendum Acts, 1992 to 1998,

(e) the Seanad Electoral (Panel Members) Acts, 1947 to 1972, or

(f) the Seanad Electoral (University Members) Acts, 1937 to 1973.

‘public auditor’ means a public auditor for the purposes of the Industrial and Provident Societies Acts, 1892 to 1978, and the Friendly Societies Acts, 1896 to 1977;

‘parliamentary party’ means a political party registered in the Register of Political Parties which contested the last preceding general election or any subsequent bye-election and which had a member or members elected to Dáil Éireann or elected or nominated to Seanad Éireann at that general election or any subsequent bye-election;

‘parliamentary group’ means any group composed of members of Dáil Éireann or members of Seanad Éireann recognised by the House to which its members belong, but which is not a ‘parliamentary party’.”

—Catherine Murphy.

[\*The proposed new Part comprehends the inclusion of amendment Nos. 54 and 55.]

**55.** In page 27, after line 20, to insert the following:

“31.—Sections 3, 4, 5, 6, 7 and 8 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act, 1998 are hereby repealed.”

—Catherine Murphy.