



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE TOGHCHÁIN (LEASÚ) (MAOINIÚ POLAITÍOCHTA), 2011 —AN COISTE

ELECTORAL (AMENDMENT) (POLITICAL FUNDING) BILL 2011 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government amendments are
denoted by an asterisk.*

SECTION 2

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

“ ‘Act of 2001’ in *section 25* means Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001.”

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O'Brien,
Marie-Louise O'Donnell, Martin McAleese, Katherine Zappone.*

SECTION 5

* 2. In page 6, before section 5, to insert the following new section:

“Amendment of
section 22 of Act of
1997.

5.—Section 22(2) of the Act of 1997 is amended—

(a) in paragraph (a) (amended by section 4 of the Electoral (Amendment) Act 2002)—

(i) in subparagraph (vi) by substituting “from the event,” for “from the event, or”,

(ii) in subparagraph (vii) by substituting “the latter purpose, or” for “the latter purpose;”, and

(iii) by inserting the following subparagraph after subparagraph (vii):

“(viii) a payment by the person on their own behalf, or on behalf of one or more than one other person, of a fee or subscription for membership or continued membership of a political party;”,

and

(b) in paragraph (aa) (inserted by section 49(b)(ii) of the Act of 2001) by inserting the following definitions:

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

‘corporate donor’ means—

(i) a body corporate,

[SECTION 5]

- (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;”.”.

[Acceptance of this amendment involves the deletion of section 5 of the Bill.]

SECTION 7

3. In page 7, to delete lines 11 to 41, to delete page 8 and in page 9, to delete lines 1 to 15 and substitute the following:

“shall directly or through any intermediary accept any corporate donations.”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O'Brien, Marie-Louise O'Donnell, Martin McAleese, Katherine Zappone.*

4. In page 7, to delete lines 11 to 37 and substitute the following:

“shall directly or through any intermediary accept any corporate donations.”.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

5. In page 7, line 13, to delete “exceeds €200 unless—” and substitute “exceeds €1 unless—”.

—*Senator Rónán Mullen.*

6. In page 7, line 13, to delete “€200” and substitute “€100”.

—*Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O'Brien, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*

7. In page 7, between lines 19 and 20, to insert the following:

“(2) None of the persons referred to in paragraph (a), (b), (c), (d), (e) or (f) of subsection (1) shall, directly or through any intermediary, accept a donation the value of which exceeds €100 from a particular corporate donor in a particular year.”.

—*Senator Rónán Mullen.*

8. In page 8, to delete lines 9 to 22.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

9. In page 8, line 22, before “shall” to insert “and subsection (2)*”.

—*Senator Rónán Mullen.*

[*Note: This is a reference to the inserted subsection proposed to be inserted by amendment No. 7.]

10. In page 8, line 23, before “a donation” to insert “and subsection (2)*”.

—*Senator Rónán Mullen.*

[*Note: This is a reference to the inserted subsection proposed to be inserted by amendment No. 7.]

[SECTION 7]

11. In page 8, lines 32 to 37, to delete all words from and including “, or” in line 32 down to and including “Commission” in line 37.
—*Senators David Cullinane, Kathryn Reilly, Trevor O’Clochartaigh.*
12. In page 8, to delete lines 42 to 50 and in page 9, to delete lines 1 to 12.
—*Senators David Cullinane, Kathryn Reilly, Trevor O’Clochartaigh.*

SECTION 8

13. In page 9, line 23, to delete “exceeds €200” and substitute “exceeds €1”.
—*Senator Rónán Mullen.*

Section opposed.

—*Senators David Cullinane, Kathryn Reilly, Trevor O’Clochartaigh.*

SECTION 9

14. In page 12, before section 9, to insert the following new section:

“9.—Full disclosure on all donations must be declared to the Standards in Public Office Commission.”

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

[*Acceptance of this amendment involves the deletion of section 9 of the Bill.*]

15. In page 12, paragraph (b)(i), line 40, to delete “€1,500” and substitute “€1000”.
—*Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O’Brien, Brian Ó Domhnaill, Denis O’Donovan, Labhrás Ó Murchú, Ned O’Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 10

16. In page 13, lines 11 to 19, to delete all words from and including “knowingly” in line 11 down to and including “respect.” in line 19 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*.”

—*Senators David Cullinane, Kathryn Reilly, Trevor O’Clochartaigh.*

SECTION 11

17. In page 13, line 27, to delete “substituting “€200” for” and substitute “substituting “€1” for”.
—*Senator Rónán Mullen.*

SECTION 17

- * 18. In page 16, line 15, to delete “Principal Act” and substitute “Act of 1997”.

[SECTION 18]

SECTION 18

* 19. In page 16, before section 18, but in Part 3, to insert the following new section:

“Amendment of section 2 of Act of 1999.

18.—Section 2(1) of the Act of 1999 is amended in the definition of “donation”—

(a) in paragraph (e), by substituting “commercial price,” for “commercial price, and”,

(b) in paragraph (f), by substituting “the event, and” for “the event,” and

(c) by inserting the following new paragraph after paragraph (f):

“(g) a payment by the person on their own behalf, or on behalf of one or more than one other person, of a fee or subscription for membership or continued membership of a political party,”.

20. In page 16, before section 18, but in Part 3, to insert the following new section:

“18.—Full disclosure on all donations must be declared to the Standards in Public Office Commission.”

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O'Brien, Marie-Louise O'Donnell, Martin McAleese, Katherine Zappone.*

[*Acceptance of this amendment involves the deletion of section 18 of the Bill.*]

SECTION 19

21. In page 16, to delete lines 35 to 37.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

SECTION 21

22. In page 17, to delete lines 10 to 44 and in page 18, to delete lines 1 to 7 and substitute the following:

“ “19BB.—(1) A candidate at an election shall not directly or through any intermediary accept any corporate donations.”

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

23. In page 18, to delete lines 20 to 29.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

24. In page 18, lines 40 to 45, to delete all words from and including “, or” in line 40 down to and including “authority” in line 45.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

25. In page 18, to delete line 50 and in page 19, to delete lines 1 to 19.

—*Senators David Cullinane, Kathryn Reilly, Trevor O'Clochartaigh.*

SECTION 24

26. In page 19, to delete lines 38 to 44 and substitute the following:

[SECTION 24]

“(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*),”.

—*Senators David Cullinane, Kathryn Reilly, Trevor O’Clochartaigh.*

SECTION 25

27. In page 20, between lines 22 and 23, to insert the following subsection:

“(2) The inserted subsection (5) in subsection (1) also applies in relation to the Act of 2001.”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

SECTION 26

28. In page 21, between lines 47 and 48, to insert the following:

“(4) There shall be immediate disclosure of all corporate and personal donations during an election campaign.”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

29. In page 25, between lines 15 and 16, to insert the following:

“(2) The inserted Part IX in subsection (1) also applies to Independent and Non-Party Members of Dáil Éireann and Independent, Non-Party and nominated Members of Seanad Éireann.”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

SECTION 27

* 30. In page 25, between lines 18 and 19, to insert the following:

“(a) in subparagraph (i) of subsection (2)(b) by substituting:

(i) “general increase or decrease” for “general increase”, and

(ii) “shall be increased or decreased” for “shall be increased”,.”.

31. In page 25, line 35, to delete “30 per cent” and substitute “40 per cent”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

32. In page 25, line 41, to delete “general election” and substitute the following:

“general election, Seanad Éireann or local elections”.

—*Senators Fiach Mac Conghail, Jillian van Turnhout, Mary Ann O’Brien, Marie-Louise O’Donnell, Martin McAleese, Katherine Zappone.*

33. In page 26, between lines 13 and 14, to insert the following:

“(e) Once the number of women elected to Dáil Éireann reaches at least 40 per cent of the total number of TDs elected in one general election and remains at that level following the next two general elections, the gender-related criteria for State funding to political parties set out in this Act shall no longer apply to general elections to Dáil Éireann.”.

[SECTION 27]

—Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O'Brien, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.

Section opposed.

—Senator Rónán Mullen.

SECTION 28

34. In page 26, before section 28, to insert the following new section:

“28.—Section 17 of the Act of 1997 is amended by inserting the following subsection after subsection (4A) (inserted by section 50(c)(iv) of the Act of 2001):

“(4B) (a) The amount of State funding allocated to a qualified political party in line with the provisions of this Act shall be reduced after the following local elections by up to 50 per cent unless at least 30 per cent of the candidates whose candidatures were authenticated by the qualified party at those local elections were women and at least 30 per cent were men.

(b) Paragraph (a)—

(i) comes into operation on the date that *section 27 of the Electoral (Amendment) (Political Funding) Act 2012* comes into operation, and

(ii) ceases to have effect on the polling day at the local election held next after the expiration of 4 years from the polling day specified in subparagraph (i).

(c) The amount of State funding allocated to a qualified political party in line with the provisions of this Act shall be reduced after the following local elections by up to 50 per cent unless at least 40 per cent of the candidates whose candidatures were authenticated by the qualified party at those local elections were women and at least 40 per cent were men.

(d) Paragraph (c) comes into operation on the day after the day on which paragraph (a) ceases to have effect.

(e) Once the number of women elected to local authorities reaches at least 40 per cent of the total number of councillors elected in one local election and remains at that level following the next two local elections, the gender-related criteria for State funding to political parties set out in this Act shall no longer apply to elections to local authorities.””.

—Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O'Brien, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.

35. In page 26, before section 28, to insert the following new section:

[SECTION 28]

“28.—Section 17 of the Act of 1997 is amended by inserting the following subsection after subsection (4A) (inserted by section 50(c)(iv) of the Act of 2001):

“(4B) (a) The amount of State funding allocated to a qualified political party in line with the provisions of this Act shall be reduced after the following Seanad general election by up to 50 per cent unless at least 30 per cent of the candidates whose candidatures were authenticated by the qualified party at that Seanad general election were women and at least 30 per cent were men.

(b) Paragraph (a)—

(i) comes into operation on the date that *section 27 of the Electoral (Amendment) (Political Funding) Act 2012* comes into operation, and

(ii) ceases to have effect on the polling day at the Seanad general election held next after the expiration of 4 years from the polling day specified in subparagraph (i).

(c) The amount of State funding allocated to a qualified political party in line with the provisions of this Act shall be reduced after the following Seanad general election by up to 50 per cent unless at least 40 per cent of the candidates whose candidatures were authenticated by the qualified party at that Seanad election were women and at least 40 per cent were men.

(d) Paragraph (c) comes into operation on the day after the day on which paragraph (a) ceases to have effect.

(e) Once the number of women elected to Seanad Éireann reaches at least 40 per cent of the total number of Senators elected in one election and remains at that level following the next two elections, the gender-related criteria for State funding to political parties set out in this Act shall no longer apply to elections to Seanad Éireann.”.”.

—*Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O'Brien, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*

36. In page 26, before section 28, to insert the following new section:

“28.—Section 17 of the Act of 1997 is amended by inserting the following subsection after subsection (4A) (inserted by section 50(c)(iv) of the Act of 2001):

“(4B) The total gender-related deduction for any qualified party arising out of the combined impact of the gender-based criteria for the elections specified in this Act shall not exceed 50 per cent of the total funding which that qualified party would have been entitled to in the absence of the gender-based requirements in this Act.”.”.

—*Senators Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Darragh O'Brien, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*

[SECTION 28]

Section opposed.

—*Senator Rónán Mullen.*

SECTION 29

Section opposed.

—*Senator Rónán Mullen.*

NEW SECTION

37. In page 26, after line 22, to insert the following new section:

“30.—(1) *Sections 27, 28 and 29*, notwithstanding *section 27(b)* shall cease to be in operation on and from the date that is the polling day at the general election held next after the passing of this Act unless a resolution has been passed by each House of the Oireachtas resolving that *sections 27, 28 and 29* should continue in operation.

(2) This section may be continued in operation from time to time by a resolution passed by each House of the Oireachtas before its expiry for such period as may be specified in the resolutions.

(3) Before a resolution is passed by either House of the Oireachtas under this section, the Minister for the Environment, Community and Local Government shall prepare a report, and shall cause a copy of it to be laid before that House, of the operation of *Part 5* of this Act during the period beginning on the passing of this Act, or as may be appropriate, the date of the latest previous report under this subsection in relation to *Part 5* of the Act and ending not later than 21 days before the date of the moving of the resolution in that House.”

—*Senator Rónán Mullen.*