



19<sup>th</sup> October 2011

The Hon. Mr. Francis D. Murphy (Chairman)  
C/O  
The Secretary,  
Office of the Commissioners of Charitable Donations and Bequests for Ireland,  
12 Clare Street,  
Dublin 2.

**Re: Irish Red Cross**

Dear Chairman,

Reference Oireachtas Public Accounts Committee Hearing Thursday, 13<sup>th</sup> October 2011.

In the course of the above hearing, Ms Orla Barry Murphy very helpfully informed the proceedings that if a charity wished to spend monies donated by the public for purposes other than that originally intended by the donor the charity must apply to the courts or alternatively to the Commissioners of Charitable Donations and Bequests for Ireland. The exact wording is as follows:

*Chairman (Deputy John Mc Guinness): Is that correct? Are organisations that collect for various appeals advised that they must send 100%, as Mr. Howard stated?*

*Ms. Orla Barry Murphy: I am not sure whether they are so advised because up to now there has been no regulation of charities and there is no general adviser. Anyway, there is an obligation on charities to apply the moneys they collect for the purpose they claim they will apply it for. If money is left over or if they cannot apply it as they have stated, there is a legal mechanism to apply it for a different purpose. Depending on the level of funding, generally speaking, that mechanism would involve going to the High Court for an order to apply the money differently.*

*Chairman: Must organisations go to the courts to apply it?*

*Ms. Orla Barry Murphy: Previously, it was to the courts but since 2002 they have gone to the Commissioners of Charitable Donations and Bequests for Ireland. It can make an order authorising the trustees of a charity.*

In relation to the Irish Red Cross they would not appear to be adhering to legislation in this regard. Appeals issued by the Irish Red Cross carry a statement that in the event the appeal is over funded or the money cannot be spent on the stated purpose the money will be used elsewhere within the organisation. This appears to give the organisation *carte blanche* in reallocating funds to uses other than that which it was originally stated and/or advertised.

It is entirely a subjective matter to determine whether an appeal is over funded or not and as such arbitrary figures can be applied and anything over this amount allocated elsewhere, a situation I believe many donors would not be entirely comfortable with. The exact wording used by the Irish Red Cross is as follows:

*In the unlikely event that we raise more money than can be reasonably and efficiently spent, any surplus funds will be used to help us prepare for and respond to other humanitarian disasters either overseas or Ireland*

I have attached Irish Red Cross's latest appeal for the Horn of Africa which as can be seen includes the above wording.

It would appear from Ms. Barry Murphy's statement to the Public Accounts Committee Hearing that the Irish Red Cross is not unilaterally entitled to re-allocate funds from their specified purpose upon a subjective and arbitrary determination that an appeal has 'surplus funds'. It would seem that by failing to go to the courts and/or the Commissioners of Charitable Donations and Bequests for Ireland the Irish Red Cross could be in breach of legislation.

I am not sure if this is a matter that the Commissioners of Charitable Donations and Bequests for Ireland can address but I felt it important to bring it to your attention nevertheless.

Yours sincerely,



Noel Wardick

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Cc: Mr. Alan Shatter TD-Minister for Justice and Defence, Mr. John Mc Guinness TD-Chairman, Public Accounts Committee



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## East Africa Food Crisis

8 July 2011 - 31 December 2011

Red Cross societies across East Africa look to increase their relief efforts for local people

In Kenya – home of the world’s largest refugee camp – the local Red Cross society is hard at work keeping the disaster at bay wherever they can.





### **Nairobi**

The Kenyan Red Cross has already rehabilitated 9 boreholes giving water to 85,585 people and their livestock. Now they plan to:

- Supply clean and safe water for 250,000 people
- Provide supplementary food (intensive nutrition) for 20,000 school children in Marsarbit, Waji, Garissa
- Distribute drought resistant seeds to farmers in the Tana River area
- Truck in 24 million litres of water across the region, regenerate pipe lines and boreholes and wells to help people develop a more secure water supply.

In Somalia, the local society volunteers are working amongst their drought stricken and war torn communities.

- They are providing mobile health teams, medicine, nutrition and food to children under 5, pregnant and nursing mothers
- Helping communities to recover their crops, water supplies and livestock and to be more resilient to the drought/flooding cycle.

All local Red Cross societies in East Africa are looking to their own people and to the world. They need our support and practical aid to stop people dying of hunger, thirst and disease. Please give what you can today.

We haven't seen anything as bad as this since 1984 and we worry that it is going to get worse.

The International Red Cross is responding now. Water is being delivered to 5,000 people in Kenya, food aid is being given to families, mobile health teams are working in Somalia.

We can stop the dying before it starts. And you can help today.

A donation will feed stricken children.

A donation will deliver water to refugee centres.

<http://www.redcross.ie/news/appeals/east-africa-food-crisis/>

19/10/2011

A donation will provide food to a family during the crisis.

A donation will help families survive droughts and head-off food shortages in the future.

The East Africa Food Crisis Appeal will cover all currently affected and those potentially affected in the future.

In the unlikely event that we raise more money than can be reasonably and efficiently spent, any surplus funds will be used to help us prepare for and respond to other humanitarian disasters either overseas or Ireland.

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