



Record 21

Employing Department: Communications, Marine and Natural Resources

Address 29-31 Adelaide Road
Dublin 2

Employee Ms Brid Mc Grath.

Address [REDACTED]

I am directed by the Minister for Communications, Marine and Natural Resources that following Government Decision S180/20/10/0314B of 30/07/2007, he is prepared to offer you an appointment as Special Adviser under Section 11 of the Public Service Management Act 1997 on the following terms and conditions, with effect from 15 June 2007.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 and any other Act for the time being in force or any other regulations relating to your employment in the civil service.

Pay

2. The rate of pay will be €82,016 per annum, it being the 1st point of the Principal Officer (Standard) Modified scale. Normal incremental progression on the Principal Officer (Standard) scale will apply. Long service increments do not apply to your appointment. Payment will be made fortnightly in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

Statutory deductions from salary will be made as appropriate by the Department of Communications, Marine and Natural Resources. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of

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Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the civil service. It carries no entitlement to established status, by way of limited competition or otherwise. Your term of office of Special Adviser shall cease on the date on which the Minister ceases to be a Minister of the Government.
4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.
5. Notwithstanding paragraph 4 above, the appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005.
6. In the event of serious misconduct, the appointment may be terminated without notice.
7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Duties

8. You will be required to perform any duties which may be assigned to you from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997.

Ethics in Public Office Acts

9. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

9.1 As provided for by section 19(3)(a)(iii) of the Ethics in Public Office Act 1995, you undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by you of your official functions.

- 9.2. Each year, during any part of which you hold or held a position to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply, you must prepare:

- a statement of writing of your own registrable interests, as provided in the Second Schedule to the Ethics in Public Office Act 1995 which could

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materially influence you in, or in relation to, the performance of your official functions; and

- a statement in writing of the registrable interests, of which you have actual knowledge, of your spouse, of a child of yours or of a child of your spouse, which could materially influence you in or in relation to your official functions.

9.3 You must furnish these statements of interests to the office holder who selected you for appointment and to the Standards in Public Office Commission, in the form determined by the Minister for Finance, and which, in relation to your personal interests, will be laid before each House of the Oireachtas.

9.4 The first statements must cover the period from your date of appointment to 31 December of that year. Subsequent statements must cover any calendar year or any part thereof you hold any post to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply.

9.5 The statements must be furnished not later than 31 January of the following year. In the year your appointment ends, the statements must be furnished within 28 days of your appointment ending.

9.6 The office holder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official function.

9.7 Where an official function falls to be performed by you, and you have actual knowledge that you, or a connected person, as defined in the Ethics in Public Office Act 1995, have or has a material interest in the matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the office holder who selected you for appointment and to the Standards in Public Office Commission. You must not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you must, before doing so, or, if that is not reasonably practicable, as soon as possible afterwards, furnish a statement in writing of the compelling reasons to the office holder who selected you for appointment and to the Standards in Public Office Commission. The requirements set out in this paragraph apply whether or not an interest has been disclosed in a statement of registrable interests referred to above.

Headquarters

10. Your headquarters will be such as may be designated from time to time by the Secretary General. Where your appointment is to a post in a Department/Office that it is planned to decentralise, your appointment will be on condition that you are prepared to relocate to a particular decentralised location with that Department/Office, as instructed by the Secretary General. The provisions of Circular 6/89, Removal Expenses, will not apply to relocation from headquarters or to a direct appointment to a decentralised location. Travel to and from headquarters will not be eligible for travel expenses; this rule will also apply if the headquarters is in a decentralised location.

Hours of attendance

11. Hours of attendance will be as fixed from time to time but will amount to not less than 41 hours per week. No additional remuneration will be paid for extra attendance.

Annual leave

12. The annual leave allowance will be 31 working days per year, exclusive of the usual public holidays. This annual leave allowance is subject to the usual conditions which apply in the civil service regarding the granting of annual leave, and to the making, at such times as may be determined from time to time by the Secretary General, of returns of annual leave taken.

Organisation of Working Time Act

13. The terms of the Organisation of Working Time Act 1997 will apply, as appropriate, to your appointment.

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social and Family Affairs to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social and Family Affairs within the required time limits.

Superannuation and Retirement

15.1 *Superannuation Terms:*

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. In general, 65 is the minimum age at which pension is payable. I acknowledge that I have been informed of, and had explained to me, the option to take a payment in respect of superannuation contributions in lieu of membership of the aforementioned schemes and that I have chosen not to avail of that option.

15.2 *Retirement Age:*

As you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified retirement age in respect of your appointment to this position.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not while holding the position of Special Adviser to the Minister for Communications, Marine and Natural Resources, or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

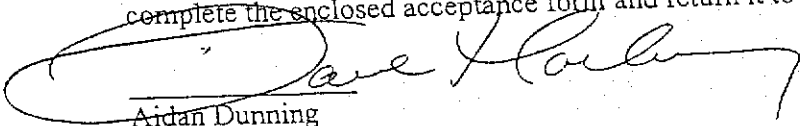
19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Personnel Code

20. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

Acceptance of appointment

21. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.

 3/18/07

Aidan Dunning
Secretary General

Department of Communications, Marine and Natural Resources

Form of Acceptance

I have read and noted the contract and I am prepared to accept an appointment as Special Adviser to the Minister for Communications, Marine and Natural Resources, on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: Brid Mcgrath

Signed: Brid Mcgrath

Dated: 28/11/2007

Secretary General: _____

Signed: Dee Leahy

Dated: 28/11/07

Personnel
Officer



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

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Department of Communications,
Energy and Natural Resources,
Dublin 2.

Record 22

Employing Department: Communications, Energy and Natural Resources

Address 29-31 Adelaide Road
Dublin 2

Employee Ms Bríd McGrath

Address

I am directed by the Minister for Communications, Energy and Natural Resources that following Government Decision SI80/20/10/0314D of 24 June 2008, he is prepared to offer you an appointment as Special Adviser under Section 11 of the Public Service Management Act 1997 on the following terms and conditions, with effect from 7 May 2008.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 and any other Act for the time being in force or any other regulations relating to your employment in the civil service.

Pay

2. The rate of pay will be €84,066 per annum, it being the 1st point of the Principal Officer (Standard) Modified scale. Normal incremental progression on the Principal Officer (Standard) scale will apply. Payment will be made fortnightly in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

Statutory deductions from salary will be made as appropriate by the Department of Communications, Energy and Natural Resources. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the civil service. It carries no entitlement to established status, by way of limited competition or otherwise. Your term of office of Special Adviser shall cease on the date on which the Minister ceases to be a Minister of the Government.

4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.

5. Notwithstanding paragraph 4 above, the appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Duties

8. You will be required to perform any duties which may be assigned to you from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997.

Ethics in Public Office Acts

9. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

9.1 As provided for by section 19(3)(a)(iii) of the Ethics in Public Office Act 1995, you undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by you of your official functions.

9.2. Each year, during any part of which you hold or held a position to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply, you must prepare:

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- a statement in writing of your own registrable interests, as provided in the Second Schedule to the Ethics in Public Office Act 1995 which could materially influence you in, or in relation to, the performance of your official functions; and

- a statement in writing of the registrable interests, of which you have actual knowledge, of your spouse, of a child of yours or of a child of your spouse, which could materially influence you in or in relation to your official functions.

9.3 You must furnish these statements of interests to the office holder who selected you for appointment and to the Standards in Public Office Commission, in the form determined by the Minister for Finance, and which, in relation to your personal interests, will be laid before each House of the Oireachtas.

9.4 The first statements must cover the period from your date of appointment to 31 December of that year. Subsequent statements must cover any calendar year or any part thereof you hold any post to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply.

9.5 The statements must be furnished not later than 31 January of the following year. In the year your appointment ends, the statements must be furnished within 28 days of your appointment ending.

9.6 The office holder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official function.

9.7 Where an official function falls to be performed by you, and you have actual knowledge that you, or a connected person, as defined in the Ethics in Public Office Act 1995, have or has a material interest in the matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the office holder who selected you for appointment and to the Standards in Public Office Commission. You must not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you must, afterwards, furnish a statement in writing of the compelling reasons to the office holder who selected you for appointment and to the Standards in Public Office Commission. The requirements set out in this paragraph apply whether or not an interest has been disclosed in a statement of registrable interests referred to above.

Headquarters

10. Your headquarters will be such as may be designated from time to time by the Secretary General. Where your appointment is to a post in a Department/Office that is planned to decentralise, your appointment will be on condition that you are prepared to relocate to a particular decentralised location with that Department/Office, as instructed by the Secretary General. The provisions of Circular 6/89, Removal Expenses, will not apply to relocation from headquarters or to a direct appointment to a decentralised location. Travel to and from headquarters

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will not be eligible for travel expenses; this rule will also apply if the headquarters is in a decentralised location.

Hours of attendance

11. Hours of attendance will be as fixed from time to time but will amount to not less than 41 hours per week. No additional remuneration will be paid for extra attendance.

Annual leave

12. The annual leave allowance will be 31 working days per year, exclusive of the usual public holidays. This annual leave allowance is subject to the usual conditions which apply in the civil service regarding the granting of annual leave, and to the making, at such times as may be determined from time to time by the Secretary General, of returns of annual leave taken.

Organisation of Working Time Act

13. The terms of the Organisation of Working Time Act 1997 will apply, as appropriate, to your appointment.

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social and Family Affairs to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social and Family Affairs within the required time limits.

Superannuation and Retirement

15.1 *Superannuation Terms:*

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. In general, 65 is the minimum age at which pension is payable. I acknowledge that I have been informed of, and had explained to me, the option to take a payment in respect of superannuation contributions in lieu of membership of the aforementioned schemes and that I have chosen not to avail of that option.

15.2 *Retirement Age:*

As you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified retirement age in respect of your appointment to this position.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not while holding the position of Special Adviser to the Minister for Communications, Energy and Natural Resources, or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

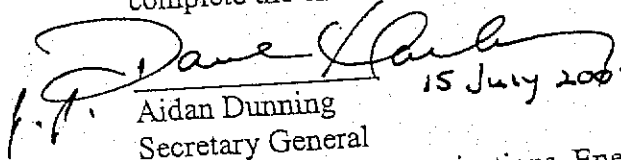
19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Personnel Code

20. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

Acceptance of appointment

21. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.


Aidan Dunning
Secretary General
Department of Communications, Energy and Natural Resources
15 July 2008

Form of Acceptance

I have read and noted the contract and I am prepared to accept an appointment as Special Adviser to the Minister for Communications, Energy and Natural Resources, on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: DAVID MCGRATH

Signed: [Signature]

Dated: 3/09/08

Secretary General: DAVE HADLEY

Signed: [Signature]

Dated: 15/7/08

Personnel Officer

Ethics in Public Office Acts 1995 and 2001

- Special Advisers -

Statement of 'Nil' Interests

for the purposes of Section 19 of the Ethics in Public Office Act 1995

Please complete in BLOCK CAPITALS

Name:	BRID MCGRATH
Position Held:	ADVISOR TO MINISTER RYAN
Department:	DCENR
Date of Appointment:	13 May 2008
Period ¹ Covered by this Statement:	2008
Address for Correspondence:	[REDACTED]

I hereby state that, in respect of the period covered by this statement, there are no interests, as specified in the Ethics in Public Office Act 1995, of my own, or, to my actual knowledge, of a spouse or child, which could materially influence me in, or in relation to, the performance of the functions of the position as a special adviser.

I am also aware of the obligations placed on me by Section 19(3)(a)(ii) and (iii) of the Ethics in Public Office Act 1995² (see below) and of the requirement to furnish a statement of interests not later than 28 days from the date on which the office holder to whom I act as a special adviser ceases to hold that office.

Signed: [Signature] Date: 27/1/09

¹ Standard registration year (1 January to 31 December) or any part thereof.

² 19(3)(a)(ii) in any case where such a function [as a special adviser] falls to be performed and he or she has knowledge that he or she or a connected person has a material interest in a matter to which the function relates, he or she—

- (i) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts.
- (ii) shall not perform the function unless there are compelling reasons requiring him or her to do so, and
- (iii) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid, and

19(3)(a)(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.

Ethics in Public Office Acts 1995 and 2001

- Special Advisers -


Statement of 'Nil' Interests

for the purposes of Section 19 of the Ethics in Public Office Act 1995

Name:	BRIAN McGRATH
Position Held:	PRESS ADVISOR
Department:	DEPT. COMMUNICATIONS, ENERGY & RESOURCES NAT. L
Date of Appointment:	15/6/07
Period ¹ Covered by this Statement:	1 JAN 2008 / 6 MAY 08
Address for Correspondence:	DCENR, ADELAIDE RD, DUB 2

I hereby state that, in respect of the period covered by this statement, there are no interests, as specified in the Ethics in Public Office Act 1995, of my own, or, to my actual knowledge, of a spouse or child, which could materially influence me in, or in relation to, the performance of the functions of the position as a special adviser.

I am also aware of the obligations placed on me by Section 19(3)(a)(ii) and (iii) of the Ethics in Public Office Act 1995² (see below) and of the requirement to furnish a statement of interests not later than 28 days from the date on which the office holder to whom I act as a special adviser ceases to hold that office.

Signed:  Date: 6th June '08

¹ Standard registration year (1 January to 31 December) or any part thereof.

² 19(3)(a)(ii) in any case where such a function [as a special adviser] falls to be performed and he or she has knowledge that he or she or a connected person has a material interest in a matter to which the function relates, he or she—

- (I) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts,
- (II) shall not perform the function unless there are compelling reasons requiring him or her to do so, and
- (III) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid, and

19(3)(a)(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.

Ethics in Public Office Acts 1995 and 2001

- Special Advisers -

Statement of Interests for the purposes of Section 19 of the

Ethics in Public Office Act 1995

The declaration requirements of the Ethics Acts apply to any special adviser whose remuneration exceeds the maximum salary (standard scale, Class B PRSI) of a higher executive officer in the Civil Service.

Name:	BRIO MCGRATH
Position Held:	PRESS ADVISOR
Department:	DEPARTMENT OF COMMUNICATIONS, ENERGY and NATURAL RESOURCES
Date of Appointment:	
Period comprehended by this Statement:	
Address for correspondence:	DEENR, ADELAIDE RD, DUBLIN 2

In relation to each of the following registrable interests, you should state any interest held by you which could materially influence¹ you in or in relation to the performance of your official functions. It will not be necessary to specify the amount or monetary value of any interest or the remuneration of any trade, profession, employment, vocation or other occupation included in this statement. Explanatory notes on certain of the required statements are attached.

This statement will be laid before each House of the Oireachtas.

1. OCCUPATIONAL INCOME, ETC.

n/a

Details of any remunerated trade, profession, employment, vocation or other occupation (other than the special advisership described on the first page of this statement), the remuneration from which exceeded €2,600, during the period comprehended by this statement, should be listed here.

Description of Occupation	Business Address

2. SHARES, ETC.

n/a

Details of any holding of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking, where the aggregate value of the holding exceeded €13,000 at any time during the period comprehended by this statement, should be listed here².

Type of Holding	Where held	Nature of Business

3. DIRECTORSHIPS

n/a

Details of any directorship or shadow directorship of any company held during the period comprehended by this statement should be listed here³.

Type of Directorship	Business Address	Nature of Business

4. LAND

n/a

Details of any interest in land where the value of such interest exceeded €13,000 at any time during the period comprehended by this statement should be listed here, including -

- (i) any contract entered into for the purchase of land, whether or not a deposit or part payment has been made under the contract; and
- (ii) any option held to purchase land, whether or not any consideration has been paid in respect thereof, or land in respect of which such an option has been exercised but has not yet been conveyed⁴.

Property Address	Purpose for which used

5. TRAVEL, ACCOMMODATION, MEALS, ETC.

n/a

Details of travel facilities, living accommodation, meals or entertainment supplied during the period comprehended by this statement, free of charge or at a price that was less than the commercial price or prices, should be listed here⁵.

Full Description	Name and Address of Supplier

6. OTHER REMUNERATED POSITIONS

n/a

Details of any remunerated positions held as a political or public affairs lobbyist, consultant or adviser during the period comprehended by this statement, should be listed here.

Full Description of Position	Name and Address of Person / Company / Organisation

n/a

7. PUBLIC SERVICE CONTRACTS

Details of any contract to which the person concerned was a party, or was in any other way, directly or indirectly interested, for the supply of goods or services to a Minister of the Government, or a public body during the period comprehended by this statement, if the value of the goods or services supplied exceeded €6,500 or, in case other goods or services were supplied under such a contract if the aggregate of their value and the value aforesaid exceeded €6,500, should be listed here.

Description of Contract and Interest	Name and Address of Contractor	Minister / Public Body Concerned

8. GIFTS, PROPERTY & SERVICES

Details of:

- (i) any gift given during the period comprehended by this statement⁶;
- (ii) property supplied or lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, for a consideration or considerations, or at a price or prices less than the commercial consideration or considerations, or the commercial price or prices, by more than €650; and
- (iii) property lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, free of charge if the commercial consideration or considerations, or the commercial price or prices was, or were more than €650⁷;

should be listed here⁸.

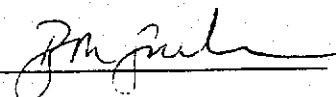
n/a

Full Description of Gift, Property and/or Service	Name and Address of Benefactor, Supplier and/or Lender

9. OTHER INTERESTS

n/a

In line with the provisions of Section 30 of the Ethics in Public Office Act 1995, voluntary statements in respect of any interests not specified in the Second Schedule to that Act (i.e. other than those specified at 1. to 8. above), and which are held by you may be listed here if it is considered that such interests could materially influence you in or in relation to the performance of your official duties.

Signed:  Date: 12/03/08

NOTES

¹ which could materially influence you in or in relation to the performance of the functions of a special adviser by reason of the fact that such performance could so affect those interests as to confer on or withhold from you a substantial benefit,

² "holding" does not include money in a current, deposit or other similar account with a financial institution.

³ "shadow directorship" means the position held by a person who is a shadow director within the meaning of the Companies Acts 1963 to 1990, or, 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 to the Ethics in Public Office Act 1995, the position held by the person in accordance with whose instructions or directions, the members of the body, or the members of the board or other body that controls manages or administers that body, are accustomed to act.

⁴ but excluding any interest in land consisting of any private home of the person or of his or her spouse, that is to say, a building or part of a building that is occupied by the person, or his or her spouse, or a child of the person, or of the spouse, as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

⁵ but excluding:

provided (a) travel facilities, living accommodation, meals or entertainment
adviser, or (i) within the State, or
(ii) in the course and for the purpose of:
- the performance of the functions of the person as a special
- the trade, profession, employment, vocation or other occupation of the
person (other than current position);

(b) travel facilities, living accommodation, meals or entertainment
supplied to the person by a relative or friend of the person, or of his or her spouse, or
of a child of the person or of his or her spouse, where such supply was in the nature of
a gift to the person and for personal reasons only, unless the acceptance of such
facilities, accommodation, meals or entertainment might reasonably be seen to have
been capable of influencing him or her in the performance of his or her functions as a
special adviser;

(c) travel facilities, living accommodation, meals or entertainment
supplied to the person, once or more than once by the same person during the period
comprehended by this statement, free of charge if the commercial price, or the

aggregate of the commercial prices, of the facilities, accommodation, meals or entertainment did not exceed €650; or

(d) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, at a price or prices less than the commercial price or prices by not more than €650.

⁶ but excluding:

(i) a gift to the person by a relative or friend of the person or of his or her spouse, or of a child of the person or of his or her spouse, for purely personal reasons only, unless the acceptance of the gift by the person could have materially influenced him or her in the performance of his or her functions as a special adviser; and

(ii) a gift given to the person, or gifts given to the person by the same person, during the period comprehended by the statement, as respects which the value, or the aggregate value, of the property the subject of the gift or gifts did not exceed €650 at any time during the period comprehended by the statement.

⁷ other than property supplied or lent, or a service supplied to a person by a relative or friend of the person, or of his or her spouse, or of a child of the person or of his or her spouse, where such supply or loan was in the nature of a gift to the person and for personal reasons only, unless the acceptance of the property or loan or the service by the person could have materially influenced him or her in the performance of his or her functions as a special adviser.

⁸ insofar as services in (ii) and (iii) relate to legal or medical services (including psychiatric or psychological services), it is only necessary to state that such services were supplied to you or to a person (who need not be identified) in respect of whom you are required to make a statement.

ETHICS IN PUBLIC OFFICE ACT 1995 SECTION 19

Special advisers.

19.—(1) In this section "special adviser" means a person who—

(a) occupies or occupied an excluded position (within the meaning of the Civil Service Commissioners Act 1956), 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.

(2) The period for which a person acting as a special adviser occupies the excluded position concerned or is employed under the contract for services concerned shall end not later than the date on which the office holder to whom he or she is acting as a special adviser ceases to hold the office by reference to which he or she is an office holder.

(3) (a) If the remuneration of a person as a special adviser exceeds a prescribed amount, then—

(i) subject to section 20 (3), in each year during any part of which the person is a special adviser, he or she shall prepare and furnish to the office holder concerned and the Commission a statement in writing of—

- (I) the interests of the person, and
 - (II) the interests of which he or she has actual knowledge of his or her spouse or a child of the person or of his or her spouse,
- during the appropriate period specified in section 20 (1) which could materially influence the person in or in relation to the performance of his or her functions as a special adviser by reason of the fact that such

performance could so affect those interests as to confer on or withhold from the person or the spouse or child a substantial benefit,

(ii) in any case where such a function falls to be performed and he or she has knowledge that he or she or a connected person has a material interest in a matter to which the function relates, he or she—

(I) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts,

(II) shall not perform the function unless there are compelling reasons requiring him or her to do so, and

(III) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid, and

(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.

(b) Different amounts may be prescribed under paragraph (a) in relation to different categories of special adviser.

(4) An office holder shall, in respect of a person who acts or acted as a special adviser to him or her, lay the following documents before each House of the Oireachtas, that is to say—

(a) a copy of the contract, or a statement in writing of the terms and conditions, under which the person acts or acted as a special adviser,

(b) a copy of any statement under subsection (3)

(a) (i) of the interests of the person furnished to the office holder,

- (c) a statement as to whether the person is a relative of the office holder, and
- (d) if subsection (3) applies to the person, a statement of the qualifications of the person relevant to his or her functions as a special adviser.

(5) Section 13 (3) of the Civil Service Commissioners Act 1956, does not apply to the appointment to an established position (within the meaning of that Act) of a person who acts or has acted as special adviser.

(6) There shall be deemed to be included in the terms on which a person who is acting as a special adviser to an office holder occupies the excluded position concerned or is employed under the contract for services concerned—

- (a) a term that the period for which the person occupies the excluded position or is employed under the contract for services shall end not later than the date on which the office holder ceases to hold the office by reference to which he or she is an office holder, and
- (b) if subsection (3) applies to the person, a term that he or she shall comply with that subsection.

(7) Subsection (4) shall be complied with not later than 60 days after the person concerned was appointed to act as a special adviser and, in case a document referred to in paragraph (b) of that subsection is furnished to the office holder concerned at any time after the expiration of the period aforesaid, not later than 60 days after that time, and such compliance shall, in a case where the office holder concerned dies or becomes incapacitated, be effected by the Taoiseach.

STATUTORY INSTRUMENT S.I. No 698 of 2004

Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004

AND WHEREAS it is appropriate to prescribe the amount of remuneration of a person as special adviser, for the purposes of section 19(3)(a):

5. The amount of the maximum salary (standard scale, Class B PRSI) of a higher executive officer in the Civil Service is prescribed for the purposes of section 19(3)(a) of the Act.



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Náúrtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

Record 26

29-31 Bóthar Adelaide
Baile Átha Cliath 2

March 2008

Houses of the Oireachtas
Leinster House
Kildare St.
Dublin 2

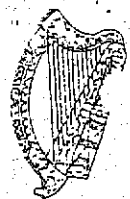
**Re: Obligations of Office Holders under the Ethics in Public Office Acts
1995 and 2001 (the Ethics Acts)**

- Special Advisors-

This is to certify that the following appointee is not a relative of mine:

Ms. Brid McGrath, Press Advisor.

Eamon Ryan, T.D.
Minister for Communications, Energy & Natural Resources



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Record 27

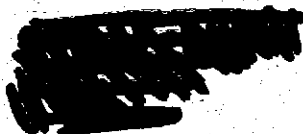
Employing Department: Communications, Energy and Natural Resources

Address 29-31 Adelaide Road

Dublin 2

Employee Ms Suzanne Duke

Address



I am directed by the Minister for Communications, Energy and Natural Resources that following Government Decision No S180/20/10/0314D of 29 April 2008, he is prepared to offer you an appointment as Special Adviser to Mr Tony Killeen, T.D., Minister of State at the Department of Communications, Energy and Natural Resources under Section 11 of the Public Service Management Act 1997 on the following terms and conditions, with effect from 21 June 2007.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 and any other Act for the time being in force or any other regulations relating to your employment in the civil service.

Pay

2. The rate of pay will be €84,066 per annum, it being the 1st point of the Principal Officer (Standard) Modified scale. Normal incremental progression on the Principal Officer (Standard) scale will apply. Long service increments do not apply to your appointment. Payment will be made fortnightly in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

Statutory deductions from salary will be made as appropriate by the Department of Communications, Energy and Natural Resources. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the civil service. It carries no entitlement to established status, by way of limited competition or otherwise. Your term of office of Special Adviser shall cease on the date on the date of expiration of the assignment of the Minister of State to the Department of Communications, Energy and Natural Resources.

4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.

5. Notwithstanding paragraph 4 above, the appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Duties

8. You will be required to perform any duties which may be assigned to you from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997.

Ethics in Public Office Acts

9. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

9.1 As provided for by section 19(3)(a)(iii) of the Ethics in Public Office Act 1995, you undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by you of your official functions.

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9.2. Each year, during any part of which you hold or held a position to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply, you must prepare:

- a statement in writing of your own registrable interests, as provided in the Second Schedule to the Ethics in Public Office Act 1995 which could materially influence you in, or in relation to, the performance of your official functions; and

- a statement in writing of the registrable interests, of which you have actual knowledge, of your spouse, of a child of yours or of a child of your spouse, which could materially influence you in or in relation to your official functions.

9.3. You must furnish these statements of interests to the office holder who selected you for appointment and to the Standards in Public Office Commission, in the form determined by the Minister for Finance, and which, in relation to your personal interests, will be laid before each House of the Oireachtas.

9.4. The first statements must cover the period from your date of appointment to 31 December of that year. Subsequent statements must cover any calendar year or any part thereof you hold any post to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply.

9.5. The statements must be furnished not later than 31 January of the following year. In the year your appointment ends, the statements must be furnished within 28 days of your appointment ending.

9.6. The office holder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official function.

9.7. Where an official function falls to be performed by you, and you have actual knowledge that you, or a connected person, as defined in the Ethics in Public Office Act 1995, have or has a material interest in the matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the office holder who selected you for appointment and to the Standards in Public Office Commission. You must not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you must, afterwards, furnish a statement in writing of the compelling reasons to the office holder who selected you for appointment and to the Standards in Public Office Commission. The requirements set out in this paragraph apply whether or not an interest has been disclosed in a statement of registrable interests referred to above.

Headquarters

10. Your headquarters will be such as may be designated from time to time by the Secretary General. Where your appointment is to a post in a Department/Office that it is planned to decentralise, your appointment will be on condition that you are

prepared to relocate to a particular decentralised location with that Department/Office, as instructed by the Secretary General. The provisions of Circular 6/89, Removal Expenses, will not apply to relocation from headquarters or to a direct appointment to a decentralised location. Travel to and from headquarters will not be eligible for travel expenses; this rule will also apply if the headquarters is in a decentralised location.

Hours of attendance

11. Hours of attendance will be as fixed from time to time but will amount to not less than 41 hours per week. No additional remuneration will be paid for extra attendance.

Annual leave

12. The annual leave allowance will be 31 working days per year, exclusive of the usual public holidays. This annual leave allowance is subject to the usual conditions which apply in the civil service regarding the granting of annual leave, and to the making, at such times as may be determined from time to time by the Secretary General, of returns of annual leave taken.

Organisation of Working Time Act

13. The terms of the Organisation of Working Time Act 1997 will apply, as appropriate, to your appointment.

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social and Family Affairs to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social and Family Affairs within the required time limits.

Superannuation and Retirement

15.1 *Superannuation Terms:*

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. In general, 65 is the minimum age at which pension is payable.

15.2 *Retirement Age:*

As you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified retirement age in respect of your appointment to this position.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not while holding the position of Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

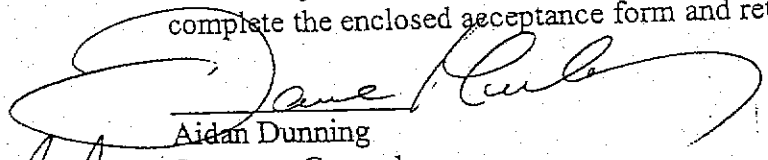
19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Personnel Code

20. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

Acceptance of appointment

21. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.

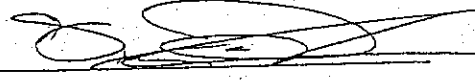


Aidan Dunning
Secretary General
6th May 2008
Department of Communications, Energy and Natural Resources

Form of Acceptance

I have read and noted the contract and I am prepared to accept an appointment as Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: SUZANNE DUKE

Signed: 

Dated: _____

Secretary General: _____

Signed: _____

Dated: _____



An Roinn Cumarsáide,
Fuinnimh, agus Acmhainní Nádurtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Record 28

Employing Department: Communications, Energy and Natural Resources

Address 29-31 Adelaide Road
Dublin 2

Employee Ms Suzanne Duke

Address [Redacted]

I am directed by the Minister for Communications, Energy and Natural Resources that following Government Decision SI80/20/10/0314D of 24 June 2008, he is prepared to offer you an appointment as Special Adviser to Mr Seán Power, T.D., Minister of State at the Department of Communications, Energy and Natural Resources under Section 11 of the Public Service Management Act 1997 on the following terms and conditions, with effect from 13 May 2008.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 and any other Act for the time being in force or any other regulations relating to your employment in the civil service.

Pay

2. The rate of pay will be €84,066 per annum, it being the 1st point of the Principal Officer (Standard) Modified scale. Normal incremental progression on the Principal Officer (Standard) scale will apply. Payment will be made fortnightly in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

Statutory deductions from salary will be made as appropriate by the Department of Communications, Energy and Natural Resources. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the civil service. It carries no entitlement to established status, by way of limited competition or otherwise. Your term of office of Special Adviser shall cease on the date on the date of expiration of the assignment of the Minister of State to the Department of Communications, Energy and Natural Resources.

4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.

5. Notwithstanding paragraph 4 above, the appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Duties

8. You will be required to perform any duties which may be assigned to you from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997.

Ethics in Public Office Acts

9. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

9.1 As provided for by section 19(3)(a)(iii) of the Ethics in Public Office Act 1995, you undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by you of your official functions.

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9.2. Each year, during any part of which you hold or held a position to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply, you must prepare:

- a statement in writing of your own registrable interests, as provided in the Second Schedule to the Ethics in Public Office Act 1995 which could materially influence you in, or in relation to, the performance of your official functions; and
- a statement in writing of the registrable interests, of which you have actual knowledge, of your spouse, of a child of yours or of a child of your spouse, which could materially influence you in or in relation to your official functions.

9.3 You must furnish these statements of interests to the office holder who selected you for appointment and to the Standards in Public Office Commission, in the form determined by the Minister for Finance, and which, in relation to your personal interests, will be laid before each House of the Oireachtas.

9.4 The first statements must cover the period from your date of appointment to 31 December of that year. Subsequent statements must cover any calendar year or any part thereof you hold any post to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply.

9.5 The statements must be furnished not later than 31 January of the following year. In the year your appointment ends, the statements must be furnished within 28 days of your appointment ending.

9.6 The office holder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official function.

9.7 Where an official function falls to be performed by you, and you have actual knowledge that you, or a connected person, as defined in the Ethics in Public Office Act 1995, have or has a material interest in the matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the office holder who selected you for appointment and to the Standards in Public Office Commission. You must not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you must, before doing so, or, if that is not reasonably practicable, as soon as possible afterwards, furnish a statement in writing of the compelling reasons to the office holder who selected you for appointment and to the Standards in Public Office Commission. The requirements set out in this paragraph apply whether or not an interest has been disclosed in a statement of registrable interests referred to above.

Headquarters

10. Your headquarters will be such as may be designated from time to time by the Secretary General. Where your appointment is to a post in a Department/Office that it is planned to decentralise, your appointment will be on condition that you are

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prepared to relocate to a particular decentralised location with that Department/Office, as instructed by the Secretary General. The provisions of Circular 6/89, Removal Expenses, will not apply to relocation from headquarters or to a direct appointment to a decentralised location. Travel to and from headquarters will not be eligible for travel expenses; this rule will also apply if the headquarters is in a decentralised location.

Hours of attendance

11. Hours of attendance will be as fixed from time to time but will amount to not less than 41 hours per week. No additional remuneration will be paid for extra attendance.

Annual leave

12. The annual leave allowance will be 31 working days per year, exclusive of the usual public holidays. This annual leave allowance is subject to the usual conditions which apply in the civil service regarding the granting of annual leave, and to the making, at such times as may be determined from time to time by the Secretary General, of returns of annual leave taken.

Organisation of Working Time Act

13. The terms of the Organisation of Working Time Act 1997 will apply, as appropriate, to your appointment.

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social and Family Affairs to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social and Family Affairs within the required time limits.

Superannuation and Retirement

15.1 *Superannuation Terms:*

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. In general, 65 is the minimum age at which pension is payable.

15.2 *Retirement Age:*

As you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified retirement age in respect of your appointment to this position.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not while holding the position of Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

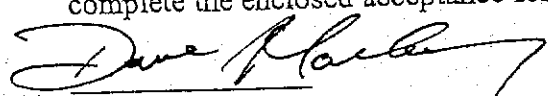
19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Personnel Code

20. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

Acceptance of appointment

21. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.



Aidan Dunning
Secretary General

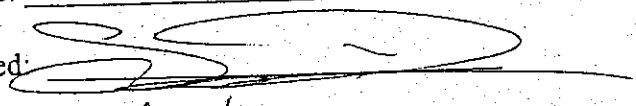
15 July 2008

Department of Communications, Energy and Natural Resources

Form of Acceptance

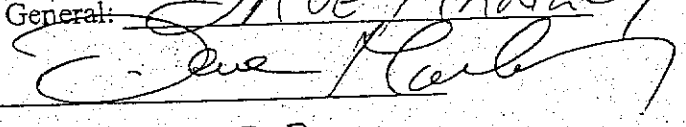
I have read and noted the contract and I am prepared to accept an appointment as Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: SUZANNE DUKE


Signed: 

Dated: 16/07/08

Secretary General: DAVE HANLEY *Personal Officer*

Signed: 

Dated: 15.7.08



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

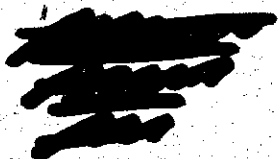
95
Department of Communications,
Energy and Natural Resources,
Dublin 2.

Record 29

Employing Department: Communications, Energy and Natural Resources

Address 29-31 Adelaide Road
Dublin 2

Employee Ms Suzanne Duke

Address 

I am directed by the Minister for Communications, Energy and Natural Resources that, following Government Decision No S180/20/10/0314E of 26 May 2009, he is prepared to offer you an appointment as Special Adviser to Mr Conor Lenihan, T.D., Minister of State at the Department of Communications, Energy and Natural Resources under Section 11 of the Public Service Management Act 1997 on the following terms and conditions, with effect from 22 April 2009.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 and any other Act for the time being in force or any other regulations relating to your employment in the civil service.

Pay

2. The rate of pay will be € 89,819 per annum, it being the 2nd point of the Principal Officer (Standard) Modified scale. Normal incremental progression on the Principal Officer (Standard) scale will apply. Payment will be made fortnightly in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

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Statutory deductions from salary will be made as appropriate by the Department of Communications, Energy and Natural Resources. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the civil service. It carries no entitlement to established status, by way of limited competition or otherwise. Your term of office of Special Adviser shall cease on the date on the date of expiration of the assignment of the Minister of State to the Department of Communications, Energy and Natural Resources.

4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.

5. Notwithstanding paragraph 4 above, the appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Duties

8. You will be required to perform any duties which may be assigned to you from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997.

Ethics in Public Office Acts

9. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of the Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

9.1 As provided for by section 19(3)(a)(iii) of the Ethics in Public Office Act 1995, you undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by you of your official functions.

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9.2. Each year, during any part of which you hold or held a position to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply, you must prepare:

- a statement in writing of your own registrable interests, as provided in the Second Schedule to the Ethics in Public Office Act 1995 which could materially influence you in, or in relation to, the performance of your official functions; and
- a statement in writing of the registrable interests, of which you have actual knowledge, of your spouse, of a child of yours or of a child of your spouse, which could materially influence you in or in relation to your official functions.

9.3 You must furnish these statements of interests to the office holder who selected you for appointment and to the Standards in Public Office Commission, in the form determined by the Minister for Finance, and which, in relation to your personal interests, will be laid before each House of the Oireachtas.

9.4 The first statements must cover the period from your date of appointment to 31 December of that year. Subsequent statements must cover any calendar year or any part thereof you hold any post to which the provisions of section 19 of the Ethics in Public Office Act 1995 apply.

9.5 The statements must be furnished not later than 31 January of the following year. In the year your appointment ends, the statements must be furnished within 28 days of your appointment ending.

9.6 The office holder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official function.

9.7 Where an official function falls to be performed by you, and you have actual knowledge that you, or a connected person, as defined in the Ethics in Public Office Act 1995, have or has a material interest in the matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the office holder who selected you for appointment and to the Standards in Public Office Commission. You must not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you must, before doing so, or, if that is not reasonably practicable, as soon as possible afterwards, furnish a statement in writing of the compelling reasons to the office holder who selected you for appointment and to the Standards in Public Office Commission. The requirements set out in this paragraph apply whether or not an interest has been disclosed in a statement of registrable interests referred to above.

Headquarters

10. Your headquarters will be such as may be designated from time to time by the Secretary General. Where your appointment is to a post in a Department/Office that it is planned to decentralise, your appointment will be on condition that you are

prepared to relocate to a particular decentralised location with that Department/Office, as instructed by the Secretary General. The provisions of Circular 6/89, Removal Expenses, will not apply to relocation from headquarters or to a direct appointment to a decentralised location. Travel to and from headquarters will not be eligible for travel expenses; this rule will also apply if the headquarters is in a decentralised location.

Hours of attendance

11. Hours of attendance will be as fixed from time to time but will amount to not less than 41 hours per week. No additional remuneration will be paid for extra attendance.

Annual leave

12. The annual leave allowance will be 31 working days per year, exclusive of the usual public holidays. This annual leave allowance is subject to the usual conditions which apply in the civil service regarding the granting of annual leave, and to the making, at such times as may be determined from time to time by the Secretary General, of returns of annual leave taken.

Organisation of Working Time Act

13. The terms of the Organisation of Working Time Act 1997 will apply, as appropriate, to your appointment.

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social and Family Affairs to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social and Family Affairs within the required time limits.

Superannuation and Retirement

15.1 *Superannuation Terms:*

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. In general, 65 is the minimum age at which pension is payable.

15.2 *Retirement Age:*

As you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified retirement age in respect of your appointment to this position.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Act 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not while holding the position of Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

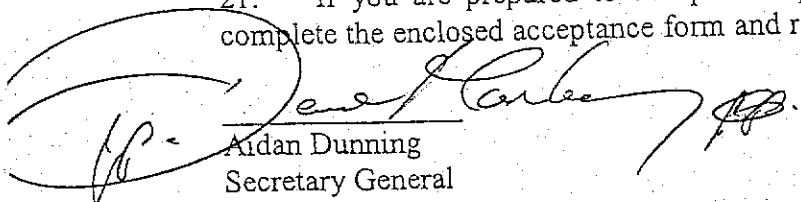
19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Personnel Code

20. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

Acceptance of appointment

21. If you are prepared to accept the appointment on these terms please complete the enclosed acceptance form and return it to me at the above address.

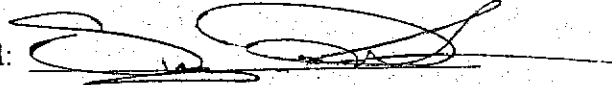

Aidan Dunning
Secretary General

Department of Communications, Energy and Natural Resources

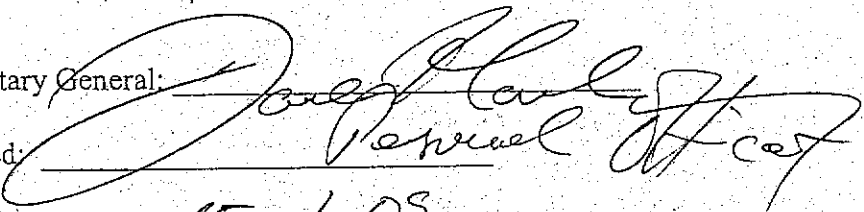
Form of Acceptance

I have read and noted the contract and I am prepared to accept an appointment as Special Adviser to the Minister of State at the Department of Communications, Energy and Natural Resources, on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: SUZANNE DUKE

Signed: 

Dated: 26/06/09

Secretary General: 

Signed: _____

Dated: 15-6-09

Record 30

Ethics in Public Office Acts 1995 and 2001

- Special Advisers -

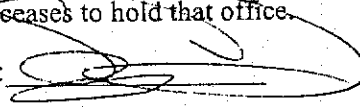
Statement of 'Nil' Interests

for the purposes of Section 19 of the Ethics in Public Office Act 1995

Name:	SUZANNE DUKE
Position Held:	SPECIAL ADVISER
Department:	Communications, Energy & Nat Resources
Date of Appointment:	28/06/2007
Period ¹ Covered by this Statement:	01/01/08 - 06/05/08
Address for Correspondence:	29-31 Adelaide Rd, D.2

I hereby state that, in respect of the period covered by this statement, there are no interests, as specified in the Ethics in Public Office Act 1995, of my own, or, to my actual knowledge, of a spouse or child, which could materially influence me in, or in relation to, the performance of the functions of the position as a special adviser.

I am also aware of the obligations placed on me by Section 19(3)(a)(ii) and (iii) of the Ethics in Public Office Act 1995² (see below) and of the requirement to furnish a statement of interests not later than 28 days from the date on which the office holder to whom I act as a special adviser ceases to hold that office.

Signed:  Date: 05/06/08

¹ Standard registration year (1 January to 31 December) or any part thereof.

² 19(3)(a)(ii) in any case where such a function [as a special adviser] falls to be performed and he or she has knowledge that he or she or a connected person has a material interest in a matter to which the function relates, he or she—

- (i) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts,
- (ii) shall not perform the function unless there are compelling reasons requiring him or her to do so, and
- (iii) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid, and

19(3)(a)(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.

Ethics in Public Office Acts 1995 and 2001

- Special Advisers -

Statement of 'Nil' Interests


for the purposes of Section 19 of the Ethics in Public Office Act 1995

Please complete in **BLOCK CAPITALS**

Name:	SUZANNE DUKE
Position Held:	SPECIAL ADVISER
Department:	ENERGY, COMMUNICATIONS & N.R
Date of Appointment:	13 May 2008
Period ¹ Covered by this Statement:	2009
Address for Correspondence:	29-31 ADELAIDE ROAD, D.2

I hereby state that, in respect of the period covered by this statement, there are no interests, as specified in the Ethics in Public Office Act 1995, of my own, or, to my actual knowledge, of a spouse or child, which could materially influence me in, or in relation to, the performance of the functions of the position as a special adviser.

I am also aware of the obligations placed on me by Section 19(3)(a)(ii) and (iii) of the Ethics in Public Office Act 1995² (see below) and of the requirement to furnish a statement of interests not later than 28 days from the date on which the office holder to whom I act as a special adviser ceases to hold that office.

Signed:  Date: 15/01/09

¹ Standard registration year (1 January to 31 December) or any part thereof.

² 19(3)(a)(ii) in any case where such a function [as a special adviser] falls to be performed and he or she has knowledge that he or she or a connected person has a material interest in a matter to which the function relates, he or she—

- (I) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts,
- (II) shall not perform the function unless there are compelling reasons requiring him or her to do so, and
- (III) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid, and

19(3)(a)(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.