



Statement in writing of the terms and conditions (contract)
under which Special Adviser, **Finbarr O'Malley**,
acts or acted as a Special Adviser to
Deputy **Pat Rabbitte**, Minister of the Government
at the Department of **Communications, Energy and Natural
Resources**, with effect from 28 March, 2011 pursuant to
section 19(4)(a) of the Ethics in Public Office Acts 1995 and
2001.



Contract of Employment for the post of Special Adviser

Employing Department: Communications, Energy and Natural Resources

Address



Employee Mr Finbarr O'Malley, B.L.

Address 81 Parkgate Place
Parkgate Street
Dublin 8

I am directed by the Minister for Communications, Energy and Natural Resources to inform you that following Government Decision S180/20/10/0314F of 24 May 2011, 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 28 March 2011.

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 salary scale for this position is:
€80,051- €83,337- €86,604- €89,898- €92,672

The rate of pay will be €83,337 per annum. 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.

The rate of pay may be adjusted from time to time in line with Government policy.

"Fáiltítear roimh comhfhreagras i nGaeilge

29-31 Bóthar Adelaide.
Baile Átha Cliath 2.

☎ +353 1 6782000
LóGhlao 1890 44 99 00 LoCall
Faeics +353 1 6783 ____ Fax

29-31 Adelaide Road.
Dublin 2.

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. The Department of Communications, Energy and Natural Resources reserves the right to terminate your employment prior to the date of cessation on giving of the appropriate notice set down in the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Department of Communications, Energy and Natural Resources also reserves the right to terminate your employment for stated reasons. The appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 and 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 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 Officeholder 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 Officeholder who selected you for appointment will also lay before the Houses of the Oireachtas a statement of your qualifications relevant to your official functions.

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 Officeholder 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 Officeholder 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. The provisions of Department of Finance 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 33 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 Protection 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 Protection 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. The minimum age at which pension is payable is 65.

15.2 Retirement Age

Based on the information provided by you and with your agreement you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified maximum retirement age in respect of your appointment to this position. Tenure is co-terminus with the Minister.

15.3 Pension-Related Deduction

This appointment is subject to the pension-related deduction in accordance with the Financial Emergency Measures in the Public Interest Act, 2009.

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.


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 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: F. INBARR O'MALLEY

Signed: F. Inbarr O'Malley

Dated: 27/05/11

 Secretary General: Patricia Cronin

Signed: Patricia Cronin

Dated: 27/5/11

20104067



DOCUMENT(S) TO BE LAID BEFORE HOUSE OF OIREACHTAS

Clerk of Dáil



I enclose 3 copies of the under mentioned documents to be laid before the House. The information sought below is as set out.

For Head of Department or other body (please print)

Communications, Energy & Natural Resources

Date: 2/8/11

Telephone: 01 6792951

E-mail:

adcent.gov.ie

1. Department or other body laying document ..
2. Title of document
3. Parliamentary number (Prn)
(available from Government Supplies Agency (01) 647 6628)
4. ¹If the requirement to lay the document is set out in an Act please state the title and specific section of the Act
5. If specified in the Act, within how many sitting days may the House annul or disapprove the document? (e.g. 21 sitting days)
6. Does the Act specify whether the House must approve the document? (e.g. by resolution)
7. Full URL if the document is available online ..

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

Statements in respect of staff appointed by the Minister Rabbitte at the Department of Communications, Energy and Natural Resources in accordance with the Ethics in Public Office Act, 1995 (please see names & titles attached)

Amber O'Boyle

Section 19(4) of the Ethics in Public Office Act, 1995

Yes / No (delete as appropriate)

..... http://

*Three copies of the document in respect of each House, or six copies where it is to be laid before one House only.

(Irish version overleaf)

¹ The information required for questions 4 – 6 inclusive can, in general, be found in the specific section of the Act containing the requirement to lay the document before the House.

Statement in writing of the terms and conditions (contract)
under which Special Adviser, **Finbarr O'Malley**,
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at the Department of **Communications, Energy and Natural
Resources**, with effect from 28 March, 2011 pursuant to
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DL 104067

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Clerk of Seanad

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[Redacted], Department of Communications, Energy + Natural Resources
For Head of Department or other body (please print)

Date: 2/8/11Telephone: 01 678 2951E-mail: [Redacted]@dcenr.gov.ie

- | | |
|--|---|
| 1. Department or other body laying document .. | Department of Communications, Energy and Natural Resources..... |
| 2. Title of document | Statements in respect of staff appointed by the Minister Rabbitte at the Department of Communications, Energy and Natural Resources in accordance with the Ethics in Public Office Act, 1995 (please see names & titles attached) |
| 3. Parliamentary number (Pm)
(available from Government Supplies Agency (01) 647 6628) | |
| 4. ¹ If the requirement to lay the document is set out in an Act please state the title and specific section of the Act | Section 19(4) of the Ethics in Public Office Act, 1995 |
| 5. If specified in the Act, within how many sitting days may the House annul or disapprove the document? (e.g. 21 sitting days) | |
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