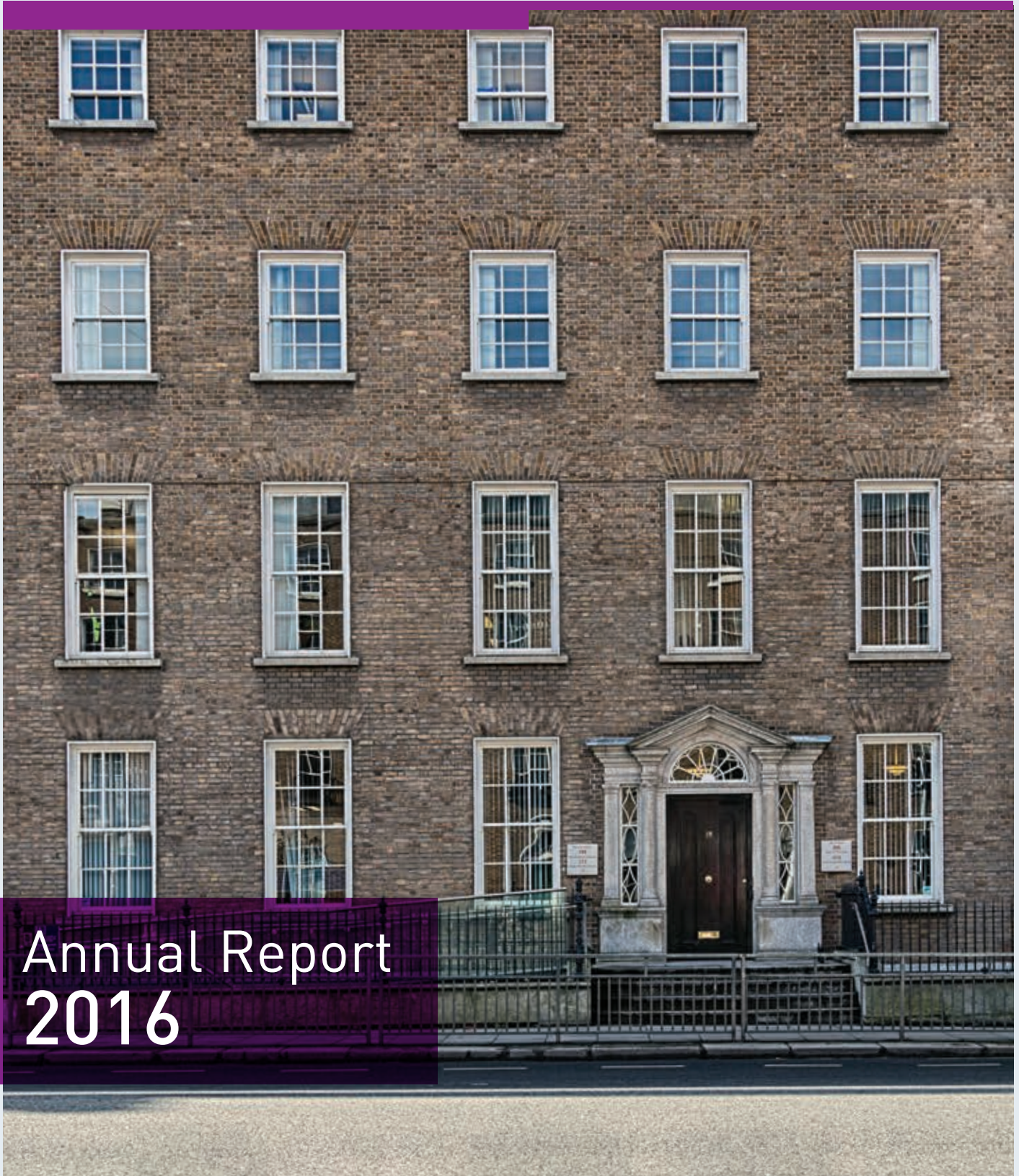




Coimisiún um Chaighdeán in Oifigí Poiblí  
Standards in Public Office Commission



# Annual Report 2016

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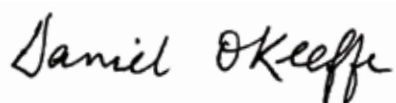
## Annual Report 2016

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## Foreword

In accordance with the provisions of section 27(2)(a) of the Ethics in Public Office Act 1995, I am pleased to furnish the 2016 annual report of the Standards in Public Office Commission to the Minister for Public Expenditure and Reform.



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**Justice Daniel O'Keeffe**

Chairperson

Standards in Public Office Commission

June 2017

## Members of the Standards in Public Office Commission

The Standards in Public Office Commission is an independent body established in December 2001 by the Standards in Public Office Act 2001. The Commission has six members and is chaired by a former Judge of the High Court. In 2016 its members were;

- Justice Daniel O’Keeffe, Chairperson
- Seamus McCarthy, Comptroller and Auditor General
- Peter Tyndall, Ombudsman
- Peter Finnegan, Clerk of Dáil Éireann
- Deirdre Lane, Clerk of Seanad Éireann (until 21 October 2016)
- Martin Groves, Clerk of Seanad Éireann (from 10 November 2016)
- Jim O’Keeffe, Former Member of Dáil Éireann

## Introduction by the Chairperson

The Public Sector Standards Bill 2015, which had been published in December 2015, and restored to the Dáil Order Paper following the General Election, commenced Committee Stage in April 2017, at which point a large number of amendments were tabled. The Bill will provide a significant consolidation of ethics legislation in line with a recommendation first made by the Standards in Public Office Commission (the Commission) in its annual report for 2009. The Bill, if enacted, would provide for standards of integrity and a model code of conduct for all public officials, along with consolidated provisions for disclosure of interests and a streamlined system for the investigation of possible contraventions by public officials.



**Justice Daniel O'Keeffe**  
Chairperson

For the first time, the Commission published audited statements of accounts for political parties in January 2017, as required by the Electoral (Amendment) (Political Funding) Act 2012. Political parties are now required to keep adequate accounting records and to prepare an annual statement of accounts which are then audited by a public auditor and furnished to the Commission by 30 June each year.

The Commission also published two reports after the General Elections to Dáil Éireann and Seanad Éireann concerning the obligations of unsuccessful candidates regarding donations and, in the case of the Dáil General Election, election expenses incurred on behalf of candidates and political parties. The Commission referred 66 files to the Gardaí in relation to possible contraventions of the Act at the Dáil election and a further 24 files arising from the Seanad election. Most of these issues have now been resolved satisfactorily.

The Commission completed its investigation of a complaint concerning Senator Brian Ó Domhnaill, which had been received in 2012 but was delayed because of unsuccessful proceedings taken by Senator Ó Domhnaill in the High Court and the Court of Appeal. In addition, it initiated two investigations in circumstances where no complaint had been received. These were the first occasions since the Ethics in Public Office Act was enacted in 1995 that "own initiative" investigations were commenced. One of the investigations, concerning a former member of the board of the former Family Support Agency, was concluded in April 2017 with the publication of an investigation report. The other, concerning the former Chief Executive of Longford County Council, is ongoing at the time of writing. This annual report includes reports and updates on investigations and on complaints which the Commission has received. Further details are set out later in Chapter 2 of this report.

The Commission undertook detailed preparations in 2016 for the commencement on 1 January 2017 of the enforcement provisions of the Regulation of Lobbying Act 2015. These provisions give the Commission the authority to investigate and prosecute contraventions of the Act and to levy Fixed Payment Notices for late filing of lobbying returns. The Commission also made an extensive submission to the Minister for Public Expenditure and Reform in response to the Minister's review of the operation of the legislation. The Commission has, in accordance with the Regulation of Lobbying Act, published an annual report on the carrying out of its functions under that Act. Details of the review of the legislation and the Commission's submission are included in that report.

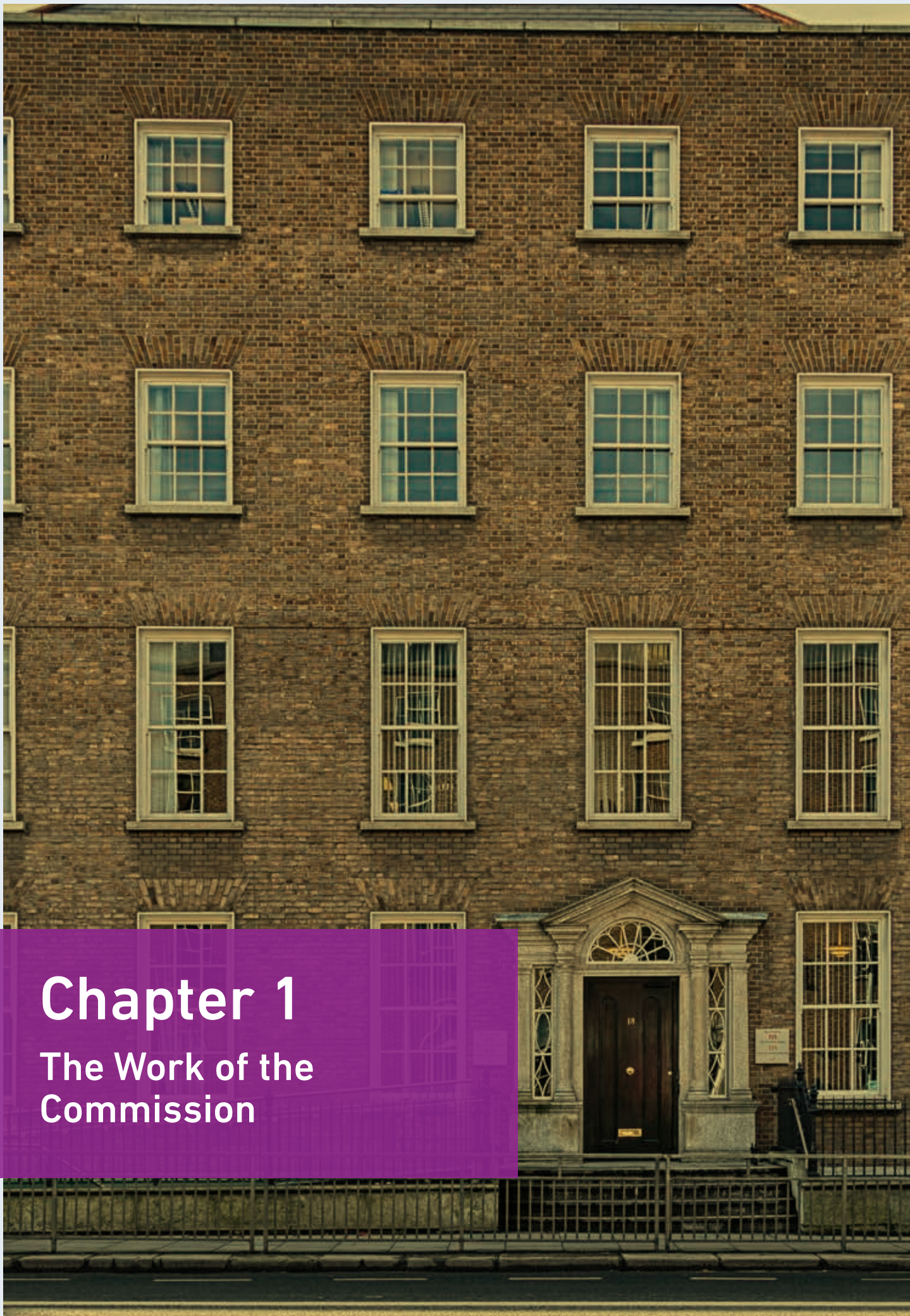
Finally, I want to thank my fellow members of the Commission for their contributions during the year. I congratulate Martin Groves on his appointment as Clerk of Seanad Éireann and, accordingly, as an ex officio member of the Commission. Martin had been serving on the Commission in his capacity as Clerk Assistant of Seanad Éireann while the post of Clerk of Seanad Éireann remained vacant, following the retirement of Deirdre Lane. Deirdre had served on the Commission since its establishment in 2001. She had also served on its predecessor, the Public Offices Commission since 1995. She served both Commissions with distinction and on behalf of the members of the Commission, I wish her well in her retirement.

Upon receipt of one complaint early in the year, two Commissioners were obliged by section 21 of the Ethics in Public Office Act 1995 to recuse themselves from consideration of the matter. Two temporary Commissioners were appointed by the Minister for Public Expenditure and Reform in their place and in this regard I wish to thank Ms. Finola Flanagan and Ms. Brigid McManus. The complaint was not found to be substantiated and the temporary appointees' work with the Commission was of short duration.

I want to thank the Head of Ethics and Lobbying Regulation, Sherry Perreault, and her predecessor, Paddy Walsh, Commission Secretary (who retired in September 2016) for their dedication and commitment, and the excellent staff of the Commission Secretariat for their continued commitment and hard work during the year. On behalf of the members of the Commission, I wish Paddy well in his retirement. I also wish to thank the support staff in the wider Office of the Ombudsman for their work over the past year.







# Chapter 1

## The Work of the Commission

## Chapter 1: The Work of the Commission

During 2016 the Commission had supervisory roles under four separate pieces of legislation.

- The Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001, (the Ethics Acts);
- The Electoral Act 1997, as amended, (the Electoral Acts);
- The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, (the Parliamentary Activities Allowance Act);
- The Regulation of Lobbying Act 2015

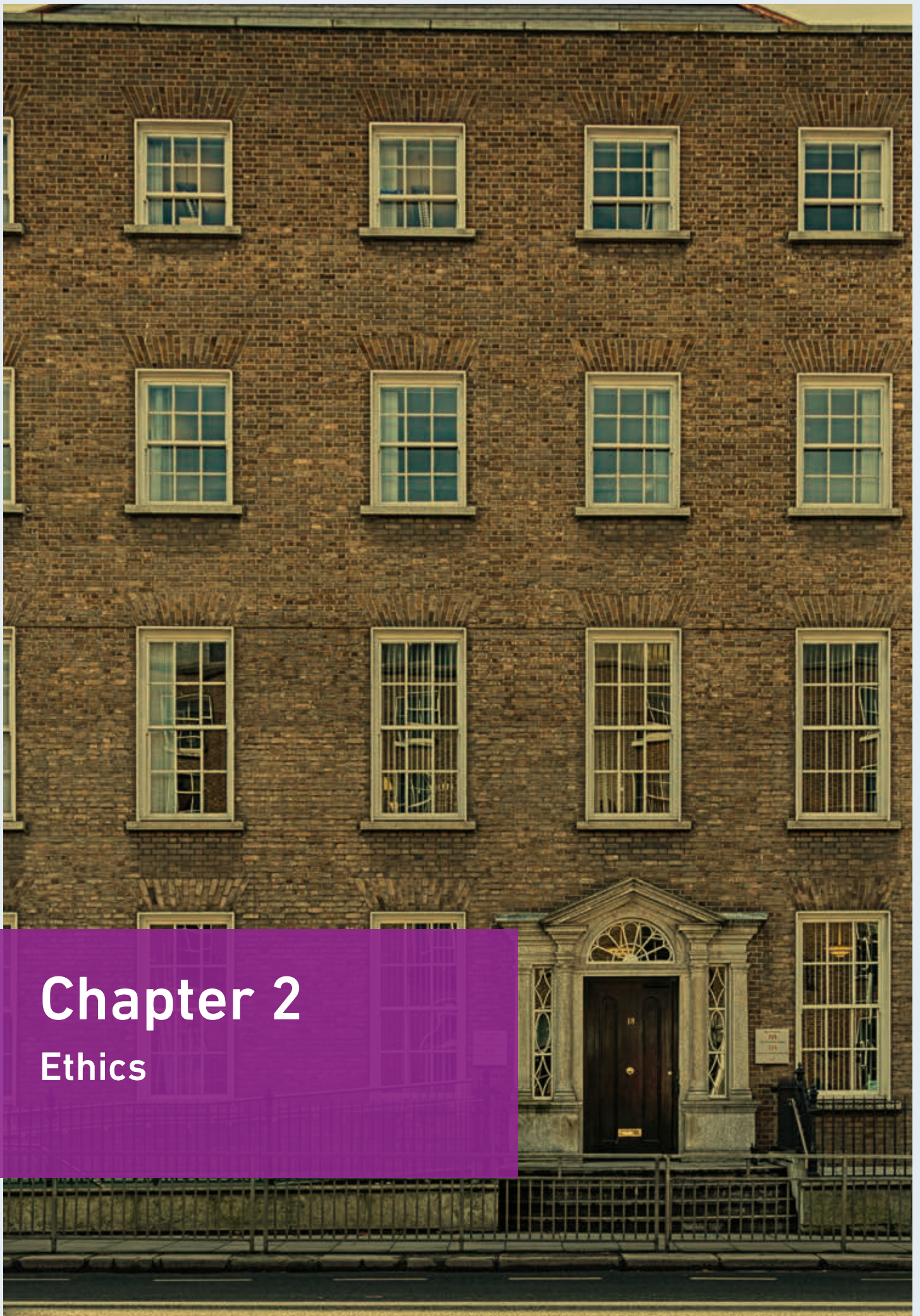
The Commission's functions include supervising the disclosure of interests and compliance with tax clearance requirements, the disclosure of donations and election expenditure, the expenditure of state funding received by political parties and the maintenance of an online Register of Lobbying.

The Commission issues a separate annual report covering its activities in administering the Regulation of Lobbying Act 2015.

The Office of the Ombudsman provides secretariat staff to the Commission.

Further information about the functions of the Standards Commission may be accessed here:

<http://www.sipo.gov.ie/en/About-Us/Our-Functions/>



# Chapter 2

## Ethics

## Chapter 2: Ethics

The Commission administers the Ethics in Public Office Act 1995 as well as the Standards in Public Office Act 2001. Together these are known as the Ethics Acts. Operationally, the Commission is responsible for overseeing compliance of certain public servants with their disclosure obligations, overseeing compliance with respect to tax clearance obligations of members of the Oireachtas and certain public servants and investigating possible contraventions of the Ethics Acts. The Commission also plays a role in administering Part 15 of the Local Government Act 2001. In addition to its supervisory responsibilities for the legislation, the Commission undertakes various outreach activities engaging with stakeholders in Ireland and from other jurisdictions. This chapter provides an overview of key developments in priority areas of the Commission's remit.

### Tax Clearance Provisions – Elected Members

Members elected to Dáil Éireann and Seanad Éireann during 2016 were obliged under the 2001 Act to provide evidence of tax compliance to the Commission within nine months of the date on which they were declared elected. In the event of a member failing to comply with the legislation and failing to produce the required evidence (a Statutory Declaration and either a Tax Clearance Certificate or an Application Statement), the Commission must then decide whether to investigate the matter and to provide any subsequent report to the Committee on Members' Interests.

While all TDs have substantively complied with the requirement to submit returns, in all, 51 TDs did not do so within the prescribed deadlines. These were as follows:

- 42 TDs made their Statutory Declarations outside the required one month either side of their election;
- nine TDs furnished their Statutory Declarations outside the required one month either side of their election;
- six TDs had a Tax Clearance Certificate issued to them after the nine month deadline, and
- 17 TDs furnished their Tax Clearance Certificates after the nine month deadline.

Similarly, all Senators have now substantively complied with the requirement to submit returns.

However, 18 Senators did not meet the timelines set out in the legislation as follows:

- 14 Senators made their Statutory Declarations outside the required one month either side of their election;
- four Senators furnished their Statutory Declarations outside the required one month either side of their election;
- three Senators had a Tax Clearance Certificate issued to them after the nine month deadline and
- nine Senators furnished their Tax Clearance Certificates after the nine month deadline.

The Commission decided that as the non-compliance by TDs and Senators was technical in nature, rather than substantive, it would be disproportionate to investigate and report on the matter and that it would provide aggregate information without reference to named individuals.

All outstanding documents were subsequently received from all TDs and Senators. Accordingly, the Commission has a complete set of the required documentation from each TD and Senator elected during 2016 and there has been no substantive non-compliance with the legislation.

## Tax Clearance Provisions – Appointees to ‘Senior Office’

Under the Standards in Public Office Act 2001, appointees to senior positions of employment in, or to directorships of, public bodies are required to provide a Statutory Declaration and a Tax Clearance Certificate (or evidence that a certificate has been applied for) to the Commission within nine months. This requirement applies where the employee or director is remunerated at a rate equal to or above €157,433 a year. The legislation provides for investigation and report in relation to non-compliance.

In last year’s annual report, the Commission stated that it has experienced certain difficulties in overseeing these provisions in recent years. Notwithstanding that all public bodies have been requested to inform the Commission of the details of any appointment made in order that the Commission can pursue any contraventions which may arise, it is clear that this has not been done in all cases, giving rise to difficulties in identifying individuals subject to the Act’s provisions.

The legislation does not provide for an explicit duty on public bodies to notify the Commission. In addition, data protection legislation has been cited by as a reason not to provide information on appointments.

Arising from this, the current position is dysfunctional. The Commission cannot know who is or is not compliant with the obligations without accurate information about persons appointed. The failure to provide the necessary information to the Commission has the effect of failing to comply with the intentions of the Oireachtas in enacting these provisions.

As the Commission does not at this stage have accurate information on compliance or on any non-compliance, it has commenced a survey of all public bodies to gather information as to how many persons each has who are at senior office level, in order to address this gap.

In addition, the Commission has decided that in future it will take a more robust approach to non-compliance. It will investigate and report where appointees to senior office fail to comply with their obligations to furnish a Statutory Declaration and either a Tax Clearance Certificate or an Application Statement within nine months of the date on which they were appointed. Any such report will be forwarded to the public body concerned and will be laid before each House of the Oireachtas. A public body may take action against the person, including suspension without payment of remuneration, until the person is in compliance.

## Complaints

In 2016 the Commission received 26 complaints under the Ethics Acts. The Commission closed 22 complaints during the year and commenced six preliminary inquiries.

### Investigation into Mr Tim Caffrey, Longford Chief Executive

In its annual report for 2015, the Commission reported on an investigation it had carried out into a complaint concerning Mr Tim Caffrey, (then) Chief Executive of Longford County Council. It further stated that in the course of its consideration of the complaint, the Commission became aware of other possible contraventions by Mr Caffrey arising out of the same circumstances, but which did not form part of the complaint made. The Commission had determined that it should, on its own initiative, investigate this matter.

At the time of writing it has not been possible to hold an investigation hearing into the matter for reasons beyond the Commission's control. A hearing will be scheduled as soon as may be possible.

### Investigation into Senator Brian Ó Domhnaill

In earlier annual reports, the Commission reported about a complaint received in May 2012 from the County Manager and (then) Mayor of Donegal County Council about some of the travel and subsistence claims made by Senator Brian Ó Domhnaill in his former capacity as a member of the Council and of Údarás na Gaeltachta. They also complained that he had not properly attended the entirety of conferences which he was delegated to attend, and in respect of which attendance he had been reimbursed expenses. In their complaint, the Manager and Mayor alleged that he may have done specified acts within the meaning of the Ethics Acts in this regard.

As previously reported, Senator Ó Domhnaill had applied for judicial review of the Commission's arrangements for the investigation on the grounds that he was entitled to have the hearing held by Commissioners who were in a position to understand his evidence which he intended to present in Irish without the aid of translation. He further objected to the examination of the complaint in that the identity of the complainants was not disclosed in accordance with section 8 of the Standards in Public Office Act 2001.

The High Court found that while initial complaints to Donegal County Council were anonymous, the complaints before the Commission were not, and the Commission had not acted contrary to the provisions of section 8 of the Standards in Public Office Act 2001 in this regard. The High

Court rejected the argument that all the members of the Commission must be bilingual before being able to adjudicate in the matter.

Senator Ó Domhnaill appealed the High Court's decision. In July 2015, the Court of Appeal upheld the decision of the High Court and dismissed Senator Ó Domhnaill's appeal, holding that the trial judge was correct in all of his findings. The Court of Appeal subsequently awarded the Commission its full costs against Senator Ó Domhnaill. The issue of costs is, at the time of writing, before the Taxing Master and is expected to be finalised shortly.

The Commission sat in public for the purpose of the investigation hearing on 9 May 2016. It published its investigation report on the matter on 15 December 2016. The Commission found that Senator Ó Domhnaill contravened ethics legislation when, as a councillor, he submitted claims for travelling and subsistence expenses from two separate bodies for the same dates.

The investigation concerned nine alleged contraventions of ethics legislation, which arise from three sets of circumstances. The Commission found against Senator Ó Domhnaill in regard to each of the alleged contraventions.

The Commission found that Senator Ó Domhnaill contravened sections 168 and 169(3) of the Local Government Act 2001, acted in disregard of provisions of the Code of Conduct for Councillors and did a 'specified act' within the meaning of the Standards in Public Office Act 2001 in regard to each set of circumstances. The Commission found that each contravention was committed intentionally and was, in all the circumstances, a serious matter. The Commission also decided that it is not in a position to find that Senator Ó Domhnaill acted in good faith in relation to the contraventions.

The investigation report, together with full details of the Commission's findings and determinations, is available on the Commission's website.

## **Investigation into Mr Richard Hickey**

Early in 2015 the Commission received correspondence from the Child and Family Agency (Tusla) about an alleged misappropriation of funds in relation to the duplicate claiming of travelling and subsistence expenses from both the former Family Support Agency (the Agency) and St. Brigid's Family Resource Centre, Waterford (the Centre). The Agency had been replaced by Tusla in 2014. Having considered the matter, the Commission decided that the Tusla letter, as presented, was not a complaint within the meaning of the Ethics Acts. The Commission decided to seek further information from Tusla to enable it to decide if it would be appropriate to commence an own initiative investigation.

The Commission received additional relevant documentation, including copies of travel and subsistence claims made by Mr Hickey over the period 2008 to 2013, from both Tusla (on behalf of the former Agency) and the Centre. Following a request from the Commission to the Comptroller and Auditor General, an analysis of the travel and subsistence claims was carried out by that office.



Based on the analysis and having considered the evidence which had been provided to it, the Commission decided on 11 July 2016 that it was appropriate to carry out an investigation under section 23 of the Ethics Act to determine whether Mr Hickey had done a 'specified act' within the meaning of the Ethics Acts.

The Commission held a public investigation hearing on 30 January 2017 and issued its report on the matter on 20 April 2017. The Commission found that Mr Hickey contravened the ethics legislation, when as a member of the board of the Family Support Agency, he submitted duplicate claims for travelling and subsistence expenses from the Family Support Agency and the Centre for attendance at the same events.

It was alleged that Mr Hickey did a 'specified act' within the meaning of the Ethics Acts, relating to the double claiming of expenses, which was inconsistent with the proper performance of his functions as a member of the Family Support Agency. The Commission determined, having regard to the nature and extent of double claiming of expenses, that the 'specified act' was committed intentionally by Mr Hickey and was, in all the circumstances, a serious matter.

The investigation report, together with full details of the Commission's findings and determinations, is available on the Commission's website.

## Scope of the Ethics Acts

The Ethics Acts provide that the Minister for Public Expenditure and Reform must prescribe certain individuals as "designated directors" and certain positions as "designated positions" to bring them within the scope of the Act. The Commission has reported in each of its Annual Reports since 2004 on the large increase in the numbers of public service bodies in respect of which individuals and positions have been so designated.

In its Report for 2014, the Commission reported that the most recent regulations in this regard designating positions and directors had been made in January 2015, amending those made in July 2013. No new regulations have since been made.

In addition to bodies referred to in the 2015 Annual Report, a number of further bodies have been established, which have not had designated directorships or designated positions prescribed in regulations. These include the Public Service Pay Commission and the Low Pay Commission. Seven Hospital Groups, whose board members are appointed by the Minister for Health, have also been established on a non-statutory administrative basis within the Health Service Executive.

The Commission notes that the Minister does not at present intend to bring forward new regulations to update the scope of the Ethics Acts, as the Public Sector Standards Bill 2015 will replace the existing system with a new framework which will not require regulations to be made on as frequent a basis as at present.

The Commission notes this position. However, it remains of the opinion that persons in all public bodies who potentially may have conflicts between the functions they perform and interests they and persons connected to them hold should be subject to the obligations of the Ethics Acts to ensure that public functions are performed solely in the public interest. For that reason, it considers that regulations updating the lists of such persons should be made when required to ensure comprehensive coverage.

## Public Sector Standards Bill 2015

The Commission reported in its Annual Report for 2015 that the Public Sector Standards Bill 2015, which will provide a consolidated legislative framework for ethics, had been published in December 2015, passed Second Stage in Dáil Éireann in January 2016, lapsed on the dissolution of Dáil Éireann on 3 February 2016 and was restored to the Dáil Order Paper on 1 June 2016.

At the time of writing, the Bill was under consideration at Committee Stage by the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

The Commission continues to liaise with the Department of Public Expenditure and Reform, as requested, on the provisions of the Bill.

## Codes of Conduct

Pursuant to a recommendation of the Independent Panel on Strengthening Civil Service Accountability and Performance, which was incorporated into the Civil Service Renewal Plan, the Minister for Public Expenditure and Reform has drafted a code of conduct for special advisers.

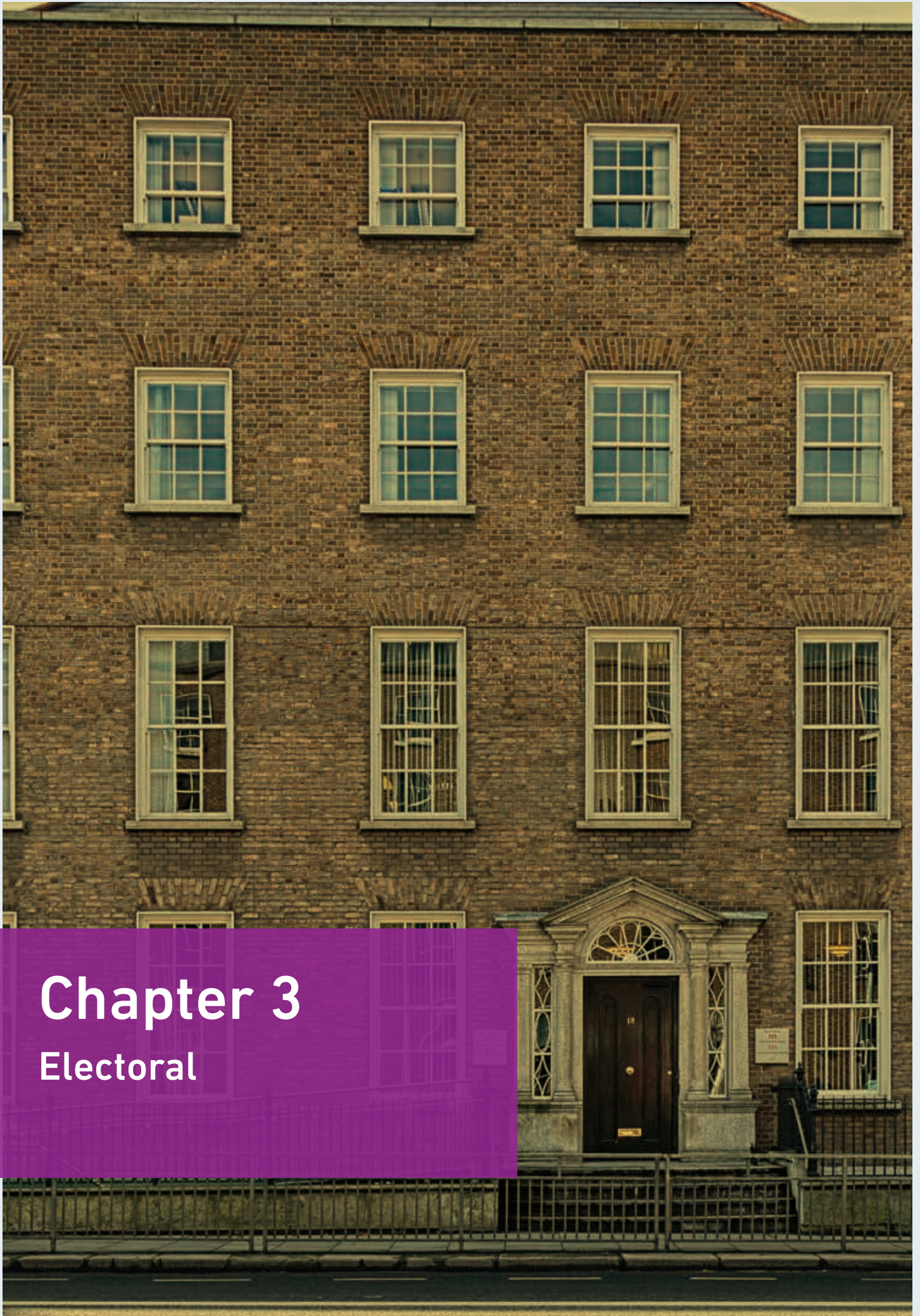
The draft code is modelled on the present Civil Service Code of Standards and Behaviour, which currently covers special advisers. The draft includes additional provisions specific to special advisers relating to their role, functions and accountability, their relationship to other relevant roles in the Civil Service, their relationship to the media, their relationship with the governing parties during an election, lobbying matters, record-keeping and management and decision making.

Consequent to the proposed removal of special advisers from the Civil Service Code of Standards and Behaviour, the Minister also drafted a revised code, which updated certain other provisions to include, *inter alia*, reference to the Freedom of Information Act 2014 and the Regulation of Lobbying Act 2015.

In accordance with section 10 of the Standards in Public Office Act 2001, the Minister consulted with the Standards Commission on the draft code for special advisers and the revised draft code for civil servants.

The Commission provided observations to the Minister in respect of both drafts. The draft codes remain under consideration and, if adopted by the Minister, will be published by the Commission on its website.





# Chapter 3

## Electoral

## Chapter 3: Electoral

The Commission administers the Electoral Act 1997, as amended. In operational terms, the Commission oversees compliance by election candidates, members of the Oireachtas, political parties and accounting units, corporate donors and third parties who have obligations under the Act. The Commission also undertakes communications and outreach activity to stakeholders to improve awareness of the Act and its obligations. This chapter provides information on the Commission's activities and compliance statistics under the Act.

### Political Party Accounts

The Electoral Act 1997, as amended by the Electoral (Amendment) (Political Funding) Act 2012, requires all registered political parties to submit audited statements of accounts to the Commission by 30 June following the end of the calendar year to which the accounts relate. This requirement commenced in 2016. This marks the first time that political parties have been required to furnish audited statements of accounts to the Commission.

In advance of the deadline, the Commission produced guidelines for the parties to use in preparing their documentation.

In December 2016, the Commission published the first annual report of statements of accounts provided to it by political parties registered in Ireland in 2016. The report contains an overview of the Act's obligations, and provides information on the compliance status of all parties subject to the Act.

Based on the experience gained in administering these new obligations for political parties, the Commission has identified several recommendations that, if implemented, will streamline reporting processes and lessen the administrative burden on smaller parties of adhering to the current requirements of the Act. In particular, the Commission recommends that the legislation be reviewed with a view to exempting smaller parties, especially those that receive no funding from the Exchequer under either the electoral or party activities allowance legislation, from the requirement to furnish audited statements of accounts to the Commission. The Commission agrees that the requirement to furnish statements should remain, but that it is unnecessary in these circumstances for the statements to be audited.

In accordance with the requirements of the Act, a report of statements of accounts was furnished to the Ceann Comhairle of Dáil Éireann and to the Minister for Public Expenditure and Reform and published online on 9 January 2017.

The Commission report on Political Parties' Statements of Accounts 2015 is available at [www.sipo.ie](http://www.sipo.ie).

The Commission has determined based on practical experience of the first compliance cycle that the current guidelines should also be updated. The Commission has accordingly undertaken a consultative process to update the guidelines, which will be submitted in due course to the Minister for Housing, Planning, Community and Local Government for approval.

## Political Donations

### Donations disclosed by political parties

Donations received by a political party exceeding an aggregate value of €1,500 are required to be disclosed to the Commission. The maximum value of donations which a political party can accept from the same person in the same calendar year is €2,500. Donations received from the same donor in the same calendar year must be aggregated for the purposes of observing the disclosure and maximum acceptance limits.

During 2016 there were 20 political parties registered to contest Dáil or European elections that were obliged to furnish a Donation Statement to the Commission. Each political party was required to furnish a Donation Statement to the Commission by 31 March 2017.

The total value of donations disclosed by parties during 2016 was €163,640.

Details of the donations disclosed by political parties in respect of 2016 are published in a report which is available on the Commission's website.

### Disclosure of Donations in respect of 2016 by TDs, Senators and MEPs

The Act requires that any person who was a TD, Senator or MEP during the preceding calendar year is required to furnish a Donation Statement/Certificate of Monetary Donations and Statutory Declaration to the Commission by 31 January of the following year. Any donations received which exceed a value of €600 must be disclosed. Donations from the same person in the same year must be aggregated for the purposes of observing the disclosure threshold and the maximum acceptance limit (€1,000).

In 2016, 158 TDs, 60 Senators and 11 MEPs were required to submit the relevant documents. In addition, 19 former TDs and 11 former Senators were required to submit returns for the period 1 January 2016 – 3 February 2016, the dissolution of 31st Dáil.

Since the 2012 Political and Electoral Funding Act commenced, it is not possible for a member of the Oireachtas or MEP to accept a donation from a company in excess of €200 unless that company, considered a 'Corporate Donor' for the purposes of the Act, is registered with the Commission. If an unacceptable donation is received, it must be returned and evidence of this provided to the Commission.

The Commission continues to experience difficulty with the implementation of this legislation given the lack of understanding among both corporations and recipients of the Act's provisions in this regard. The Commission has enhanced outreach to elected members to increase awareness of the obligations of the Electoral Act.

The report, has been published and is available on the Commission's website.

### **Donation Statements by individual donors**

Section 24(1A)(a) of the Electoral Act 1997, as amended, provides that an individual must furnish a Donation Statement/Statutory Declaration to the Commission, if he/she, in a particular year, makes donations exceeding €1,500 in aggregate value to two or more persons who were members of the same political party when the donations were made, or to a political party, and to one or more of its members. The donation statement/statutory declaration which must give details of the donations and the persons to whom they were made, must be furnished by 31 January of the following year.

If a donor does not intend to comply with this requirement and a Member or candidate at an election is aware of this, he/she is prohibited from accepting a donation from that individual. If such a donation is received, the Commission must be notified within 14 days and the donation or its value remitted to the Commission.

Eight donation statements from individual donors were received in respect of 2016 with a total value of €37,274.

Details of the donations disclosed by individual donors in respect of 2016 was published as part of the report on Donations to TDs, Senators and MEPs for 2016, and is available on the Commission's website.

### **Accounting Units**

Section 23 B(5) of the Act requires that accounting units, as defined by the Act, must furnish to the Commission by 31 March each year, a Certificate of Monetary Donations and a bank statement. In relation to a political party, an accounting unit encompasses a branch, including the headquarters of a political party if it is a separate accounting unit or other subsidiary organisation of the party, which in any particular year receives a donation the value of which exceeds €100.00. There are currently 161 accounting units in Ireland.

Under the Act it is an offence for the responsible person of an accounting unit to fail to comply with the Act's reporting requirements.

The Commission notes that 13% of accounting units had failed to submit their returns by 31 March 2017, compared to 22% at the same time last year.

A report on Donation Statements by political parties for 2016 containing details of the returns made by accounting units has been published and is available on the Commission's website.

## Donations to Third Parties

In accordance with section 23 B(1) of the Act, an organisation which receives a donation in excess of €100 for political purposes in value is considered to be a third party. On receipt of such a donation exceeding €100, a third party must register with the Commission and is subject to the same rules about acceptance of donations as political parties.

Once registered, a third party must, by 31 March each year, furnish the Commission with:

- a Certificate of Monetary Donations/Statutory declaration confirming that all donations were lodged to that account and that payments from the account were used for political purposes, and
- a bank statement from the financial institution where its political donations account is held.

In 2016, 35 Third Parties registered with the Commission and were obliged to provide statutory returns no later than 31 March 2017. Of the 35 Third Parties obliged to provide returns 17 provided returns by the deadline, 11 provided late returns but are in compliance and 3 have not been received to date. Four organisations that provided returns indicated that they wished to deregister for 2017. The Commission was satisfied that the reasons given for deregistering were reasonable. Correspondence is continuing with respect to eight organisations.

Information on organisations contacted, registered and organisations that have indicated that they do not consider it necessary to register may be viewed on the Commission's website: [www.sipo.gov.ie/Website/en/Reports/Register-of-Third-Parties/](http://www.sipo.gov.ie/Website/en/Reports/Register-of-Third-Parties/)

The Commission has noted in previous annual reports the difficulties with the current legislative provisions with respect to third party registration. To trigger the requirement to register as a third party, a party must be in receipt of a donation above the specified threshold that is given for political purposes. The test is therefore to do with the intent of the giver rather than the use of funds by the recipient. The Commission is of the view that the definition of what constitutes a "third party" should not be determined on the basis of whether an individual/group has received a donation, but rather should focus on spending by the individual/group. A recommendation to this effect is included in Appendix 1.

## Register of Corporate Donors

Section 23 AA (1) of the Act prohibits any candidates or elected official from accepting a donation in excess of €200 from a corporate donor unless the donor has registered with the Commission on the Register of Corporate Donors. A corporate donor is defined as including: a body corporate, an unincorporated body of persons or a trust which makes a donation. A body corporate and any subsidiary thereof are deemed to be one person.

A Statement of Approval of a donation by a corporate donor is furnished with the donation to the recipient confirming that the making of the donation was approved by the members, shareholders or trustees of the corporate donor. The statement must be accompanied by a Statutory Declaration that to the best of the knowledge and belief of the person concerned, the



statement is correct in every material respect and that the person has taken all reasonable action in order to satisfy him/herself as to the accuracy of the statement.

2016 saw the number of corporate donors registered with the Commission remain at 13. The current status of organisations registered as corporate donors may be viewed on the Commission's website: <http://www.sipo.gov.ie/en/Reports/Register-of-Corporate-Donors/>

## Dáil General Election 2016

The 31st Dáil was dissolved on 3 February 2016 and polling for the general election to the 32nd Dáil took place on 26 February 2016. 551 candidates contested the election.

In accordance with the provisions of Part IV of the Electoral Act 1997, as amended (the Act), unsuccessful candidates at the Dáil general election were required, within 56 days after polling day (i.e., by 22 April 2016), to furnish to the Commission a Donation Statement, Certificate of Monetary Donations, Statutory Declaration and/or bank statement. Details of all donations, with a value greater than €600.00, received by unsuccessful candidates in relation to the election were required to be disclosed. Successful candidates at the election are required, as members of Dáil Éireann, to furnish the required documentation to the Commission by 31 January each year. The documents furnished to the Commission in respect of 2016 by members of Dáil Éireann must include details of any donations received by them during 2016 in relation to the Dáil general election. These documents must be furnished to the Commission by 31 January 2017.

Part V of the Act provides that the election agent of each candidate, whether successful or unsuccessful, at a Dáil general election is required to furnish an Election Expenses Statement to the Commission within 56 days after polling day (i.e., by 22 April 2016). The Election Expenses Statement must include details of all expenses incurred and payments made by the election agent on behalf of the candidate at the election. An Election Expenses Statement is also required from the national agent of each political party with candidates contesting the election and from "other persons" who incurred election expenses.

A Certificate of Monetary Donations must also be supplied to the Commission within 56 days after polling day (i.e., by 22 April 2016), certifying that all monetary donations received were lodged to the candidate's political donations account and all amounts debited from the account were used for political purposes. The Certificate of Monetary Donations and Donation Statement must be signed by the candidate and accompanied by a Statutory Declaration and/or statement from a financial institution.

### Donations Disclosed

In accordance with section 4(1) of the Electoral Act 1997, as amended (the Act), the Commission considered the Donation Statements furnished by each of the unsuccessful candidates at the Dáil general election. A number of candidates were contacted in respect of possible excess donations and, where required following further discussions, refunds were made to the respective donors and confirmation issued to the Commission.

Donations declared by the unsuccessful candidates at the Dáil general election amounted to €112,321.

The following table summarises the donations declared by the candidates:

**Figure 1: Donations disclosed**

<b>Donations disclosed by unsuccessful candidates</b>			
<b>Political Party</b>	<b>Value of cash donations</b>	<b>Value of non-cash donations</b>	<b>Total value of all donations</b>
Anti Austerity Alliance/People before Profit (AAA-PBP)	€0	€16,541	€16,541
Catholic Democrats	€0	€0	€0
Communist Party of Ireland	€0	€0	€0
Direct Democracy Ireland	€0	€174	€174
Fianna Fáil	€0	€29,411	€29,411
Fine Gael	€1,000	€2,334	€3,334
Fís Nua	€0	€0	€0
Green Party	€0	€7,245	€7,245
Independent 4 Change	€0	€0	€0
Irish Democratic Party	€0	€0	€0
The Labour Party	€1,500	€17,019	€18,519
Non Party	€900	€19,976	€20,876
Renua Ireland	€0	€2,820	€2,820
Sinn Féin	€0	€1,000	€1,000
Social Democrats	€0	€12,401	€12,401
The Workers' Party	€0	€0	€0
<b>TOTAL</b>	<b>€3,400</b>	<b>€108,921</b>	<b>€112,321</b>

## Non-Compliance

It is an offence under section 25(1)(c) of the Act to fail to furnish a completed Donation Statement/Statutory Declaration form. 121 of the 393 unsuccessful candidates returned their Donation Statements/Statutory Declaration after the statutory deadline of 22 April 2016.

It is an offence under section 25(1)(c) of the Act to fail to furnish a completed certificate of Monetary Donations/Statutory Declaration form and/or accompanying bank statement. 123 of the 393 unsuccessful candidates returned their Certificate of Monetary Donations/Statutory Declaration form and/or accompanying bank statement after the statutory deadline of 22 April 2016.

It is an offence to fail to furnish an Election Expenses Statement/Statutory Declaration under section 43(2)(c) of the Act. 84 of the 551 candidates/election agents submitted an Election Expense Statement/Statutory Declaration after the statutory deadline of 22 April 2016.

Between 22 April 2016 and the end of October 2016 the Commission communicated with candidates whose documents were still outstanding. Reminders issued referred to the offence under sections 25(1)(c) and 43(2)(c) of the Act for failure to furnish documents as requested and warned that the Commission would consider referring the matter to the Gardaí for an investigation of the offence. These communications proved a useful tool to improve compliance.

On 25 November 2016 the Commission sent 66 files to Garda Headquarters concerning the candidates who were still non-compliant. These referrals include candidates/election agents who failed to return Donation Statements, Certificates of Monetary Donations, Statutory Declarations, statements from a financial institution, or Election Expenses Statements. The majority of unsuccessful candidates subsequently supplied all outstanding documentation and thereby satisfactorily resolved possible contraventions.

It is a matter of concern to the Commission that candidates put themselves forward for election to the Dáil and then fail or refuse to comply with the legislative provisions in relation to the running of elections. Considerable resources are expended by Commission staff and the Gardaí in pursuing compliance.

Figures 2 to 5 below which are excerpts from the Commission's report on the Dáil general election provide details of expenditure at the Dáil election, the full report is available on the Commission's website [www.sipo.ie](http://www.sipo.ie)

## Spending

In the 2016 Dáil general election a total of 321 candidates qualified for reimbursement of election expenses. The total amount of reimbursements certified to date is shown on the table below. Further applications will be processed as they are received.

**Figure 2: Value of reimbursements**

Number of qualified candidates	Number of certificates issued	Total value of reimbursements issued to date
321	316	€2,692,754

**Figure 3: Overall constituency spending**

Overall constituency spending at 2016 general election	
Election Agent/Candidate expenditure in constituencies	€5,609,859
National Agent/Party expenditure on candidates	€579,097
National Agent/Party national spend	€2,205,380
<b>Total expenditure</b>	<b>€8,394,336</b>

**Figure 4: Overall spending by party**

Overall spending at 2016 general election, by party				
Party	Election Agent/ Candidate expenditure in constituency	National Agent/Party expenditure on candidate in constituency	National Agent/Party expenditure nationally ("National Spend")	Total value of all expenditure
AAA/PBP	€203,658	€58,111	€5,173	€266,942
Catholic Democrats	€985	€2,514	€0	€3,499
Communist Party of Ireland	€4,500	€0	€4,300	€8,800
Direct Democracy Ireland	€28,505	€0	€0	€28,505
Fianna Fáil	€1,132,421	€225,224	€330,271	€1,687,916
Fine Gael	€1,348,272	€207,007	€1,213,602	€2,768,881
Fís Nua	€0	€0	€0	€0
Green Party	€140,527	€0	€6,266	€146,793
Independents 4 Change	€51,669	€0	€0	€51,669
Irish Democratic Party	€0	€0	€0	€0
The Labour Party	€527,124	€50,716	€505,879	€1,083,719
Renua Ireland	€234,225	€27,158	€24,847	€286,230
Sinn Féin	€573,365	€8,367	€68,458	€650,190

Overall spending at 2016 general election, by party				
Party	Election Agent/ Candidate expenditure in constituency	National Agent/Party expenditure on candidate in constituency	National Agent/Party expenditure nationally ("National Spend")	Total value of all expenditure
Social Democrats	€144,004	€0	€46,583	€190,587
South Kerry Independent Alliance	€0	€0	€0	€0
The Workers' Party	€19,003	€0	€0	€19,003
<b>TOTAL</b>	<b>€4,408,258</b>	<b>€579,097</b>	<b>€2,205,380</b>	<b>€7,192,735</b>

**Figure 5: Overall spending by non-party candidates**

Non Party (NP)	€1,201,601	€0	€0	€1,201,601
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Further information about the general election can be found on [www.sipo.ie](http://www.sipo.ie).

## Seanad Election 2016

The 31st Dáil was dissolved on 3 February 2016. In accordance with section 8 of Article 18 of the Constitution, an election for the Seanad must take place not later than 90 days after a dissolution of the Dáil. Ballot papers for panel members were issued on 11 April 2016 and the poll was closed on 25 April 2016. Ballot papers for the university constituencies were issued and posted on 21 March 2016 and the poll was closed on 26 April 2016.

171 candidates contested the election (125 Panel candidates and 46 University candidates). Forty-three Senators are elected by the vocational panels and six Senators from the two university panels were elected (three from the National University of Ireland and three from the University of Dublin (Trinity College)). The Taoiseach nominated 11 Senators to fill the remaining vacancies.

There are no limits on spending at a Seanad election. Accordingly there are no provisions for reimbursement for a Seanad election.

In accordance with the provisions of Part IV of the Electoral Act 1997, as amended (the Act), unsuccessful candidates at the Seanad election were required, within 56 days after polling day (i.e., by 20 June 2016), to furnish to the Commission a Donation Statement, Certificate of

Monetary Donations, Statutory Declaration and/or bank statement. Details of all donations, with a value greater than €600.00, received by unsuccessful candidates in relation to the election were required to be disclosed. Successful candidates at the election are required, as members of Seanad Éireann, to furnish the required documentation to the Commission by 31 January each year. The documents furnished to the Commission in respect of 2016 by members of Seanad Éireann must include details of any donations received by them during 2016 in relation to the Seanad election. These documents must be furnished to the Commission by 31 January 2017.

A Certificate of Monetary Donations must also be supplied to the Commission within 56 days after polling day (i.e., 20 June 2016), certifying that all monetary donations received were lodged to the candidate's political donations account and all amounts debited from the account were used for political purposes. The Certificate of Monetary Donations and Donation Statement must be signed by the candidate and accompanied by a Statutory Declaration and/or statement from a financial institution.

In accordance with section 4(1) of the Act, the Commission considered the Donation Statements furnished by each of the unsuccessful candidates at the Seanad general election.

Seven candidates disclosed donations totalling €8,459. The remaining candidates furnished a nil donation statement.

**Figure 6: Donations disclosed, by panel**

Agriculture Panel	€0
Culture & Education Panel	€1,000
Industry & Commerce Panel	€1,996
Labour Panel	€0
National University of Ireland	€2,724
Public Administration Panel	€0
University of Dublin	€2,739
<b>Total</b>	<b>€8,459</b>

In November 2016 the Commission sent files to Garda Headquarters concerning 24 candidates who had failed to return the required statutory documentation. All candidates subsequently supplied all outstanding documentation.

In accordance with section 24(7)(a) of the Act, a copy of all Donation Statements received by the Commission from unsuccessful candidates at the Seanad election has been electronically laid before each House of the Oireachtas.

In accordance with section 73 of the Act, the Donation Statements received by the Commission are being made available for public inspection and copying at the offices of the Commission.

Further information about the Seanad election can be found on [www.sipo.ie](http://www.sipo.ie).

## Exchequer Funding of political parties

### The Electoral Act 1997 as amended

In order to qualify for funding under the Electoral Acts, a political party must be included in the Register of Political Parties and must have obtained at least 2% of the first preference votes at the last Dáil general election. Funding was paid to eight qualified parties (Fianna Fáil, Fine Gael, Sinn Féin, The Labour Party, AAA-PBP, Renua, Social Democrats and Green Party) on the basis of the results of the 26 February 2016 general election.

Each qualified political party is paid a basic amount of €126,974 annually. In addition, each qualified political party is also entitled to a share of an annual sum which was originally set at €3,809,214 and which increases in line with general pay increases in the civil service. The Electoral (Amendment) (Political Funding) Act 2012 introduced a new requirement that the annual sum will decrease in line with general pay reductions in the civil service. There were no increases or decreases applied to the fund in 2016. The fund stood at €4,944,812 at 31 December 2016. The share of the fund payable to a qualified political party is determined by expressing the first preference votes of the qualified party as a percentage of the total first preference votes received by all qualified political parties. The funding may not be used for electoral or referendum purposes.

The report concerning the Statements of Expenditure of Exchequer Funding is available on the Commission's website. [www.sipo.ie](http://www.sipo.ie)

### The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 (Parliamentary Activities Allowance)

The payment of an annual allowance (which was known as the Party Leaders Allowance) to one or more leaders of parliamentary parties (in relation to expenses arising from the parliamentary activities, including research, of the party) has been provided for and regulated in a succession of Acts beginning with the Ministerial and Parliamentary Offices Act 1938. Party leaders are required to furnish to the Commission an annual statement of expenditure from the allowance. A similar allowance became payable to independent members of the Dáil and Seanad under the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001. The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 reduced the level of payments and for the first time provided that independent members are now required to furnish to the Commission an annual statement of expenditure. The allowance is now known as the Parliamentary Activities Allowance (PAA). The relevant provisions of the 2014 Act came into operation on 1 July 2014.

A qualifying party for this allowance is defined in the Parliamentary Activities Allowance Act as a political party, registered in the Register of Political Parties, which contested the last preceding general election or any subsequent bye-elections and which had at least one member elected to Dáil Éireann or elected or nominated to Seanad Éireann. The parliamentary leaders of nine political parties (Anti Austerity Alliance/People before Profit, Fianna Fáil, Fine Gael, Green Party, Independents 4 Change, Sinn Féin, Social Democrats, Socialist Party and The Labour Party) qualified to receive the allowance. In late August the Anti Austerity Alliance and People before

Profit Alliance parties amalgamated to form one registered political party. The parties received a total of €7,214,858 under the Parliamentary Activities Allowance Act in 2016.

The funding may not be used for electoral or referendum purposes. Statements of Expenditure of the funding received must be furnished to the Commission.

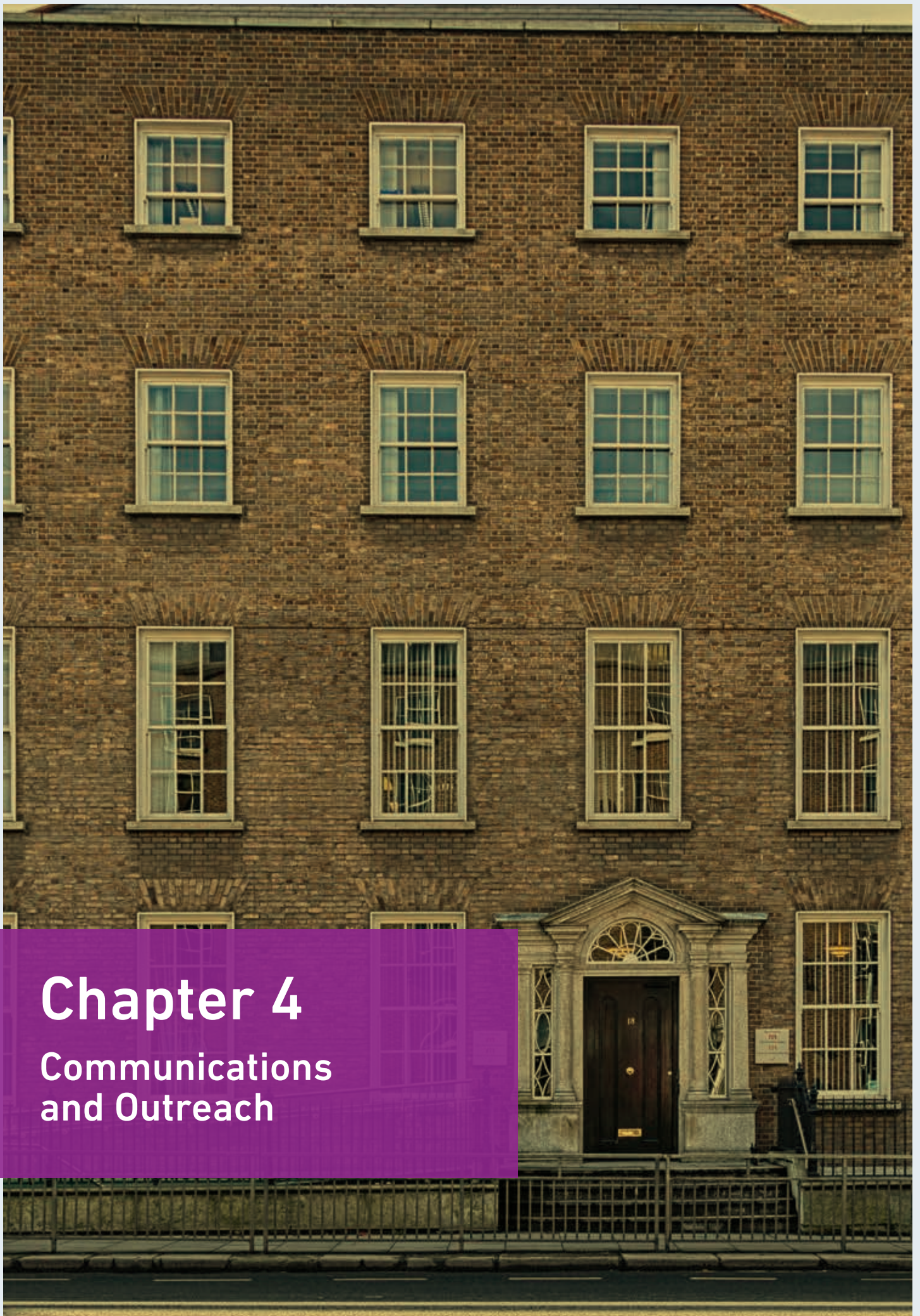
Non-party members of Dáil and Seanad Éireann also receive funding under the Parliamentary Activities Allowance legislation. The total amount paid during 2016 to non-party members elected to Dáil Éireann was €640,887 and the total amount paid to non-party members elected or nominated to Seanad Éireann during the same period was €249,159.

The report concerning the Statements of Expenditure of the Parliamentary Activities Allowance for 2016 furnished to the Commission by the parliamentary leaders of the political parties qualified to receive the allowance during 2016 and the 21 independent Senators and 23 independent TDs who received payments in 2016 is available on the Commission's website:

[www.sipo.ie](http://www.sipo.ie)







# Chapter 4

## Communications and Outreach

## Chapter 4: Communications and Outreach

The Commission regularly engages with external stakeholders in regard to all areas of its legislative mandate. In addition to responding to queries and requests from various stakeholders, the Commission may proactively engage on specific matters as needed. The following provides highlights of communications activities in the ethics and electoral areas in 2016.

### Outreach to elected officials

As part of a renewed communications strategy, the Commission Secretariat conducted presentations and operated drop-in clinics in the Houses of the Oireachtas in January and November 2016 for members who wished to seek advice on their obligations under the Ethics and Electoral legislation. This provided a welcome opportunity to clarify reporting obligations in advance of deadlines for annual electoral and ethics returns, and was particularly useful given the high number of first-time TDs and Senators at the November session.

Members who are not office holders were referred to the relevant Committee on Members' Interests for any ethics queries.

### Outreach to other government bodies

In addition to consulting with the Department of Public Expenditure and Reform as needed on the Public Sector Standards Bill, the Commission also regularly communicates with the Department of the Environment, which has policy oversight for the electoral legislation.

Members of the Commission Secretariat attended a consultation meeting held in September 2016 by the Policing Authority regarding the draft Code of Ethics for An Garda Síochána.

### Outreach to others

#### Political and third parties

Office staff met with several organisations, including political parties and third parties, to explain donation and reporting obligations in the context of the general election. To ensure greater clarity

and support compliance, the Commission also issued updated guidelines in each area. A list of publications of the Commission, including guidelines, is included in Appendix 2 to this report.

### Visiting delegations

In January, the Office hosted a delegation from the Office for Democratic Institutions and Human Rights, part of the Organisation for Security and Cooperation in Europe. The purpose of the visit was to discuss election issues in Ireland, including election management and monitoring.

The Office also made two presentations to visiting delegations from China seeking to learn more about the Irish anti-corruption and accountability systems. In February 2016, we met with a delegation from Shenzhen, and in September, a delegation from Jiangsu Province.

### International organisations

In 2014, the Council of Europe's Group of States against Corruption (GRECO) carried out a 4th Round Evaluation on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors in Ireland (Annual Report 2014) and made a number of recommendations for improvements in the ethical framework. During 2016, the Commission assisted in the preparation of the Irish submission on a draft compliance report on the recommendations adopted by GRECO on foot of the evaluation. At the time of writing, the compliance report has yet to be published.

The Commission continues to be a member of the Council on Governmental Ethics Laws (COGEL). COGEL is a US based non-profit organisation which has as its key objective to provide a forum for ethics practitioners from a range of disciplines (including campaign finance, elections, lobbying, conflict of interest and freedom of information) to exchange experience and best practices.

### Looking ahead

As part of its communications strategy, the Commission intends to update its website in the coming year to streamline content and make it more user-friendly. In the interim, the Commission continues to post newsworthy content on the home page of the website, and on social media.





# Appendices

## Appendix 1: Recommendations for change

In previous Annual Reports, the Commission summarised its recommendations for changes to ethics and electoral legislation. The major proposals are summarised in this Appendix, along with updates on any progress which may have taken place in the meantime. Minor proposals, such as technical amendments, are referred to in previous annual reports.

Recommendation	Update
<b>Ethics</b>	
<b>Proposed procedural amendments to the Ethics Acts</b>	
The Commission should directly lay its Annual Report before each House of the Oireachtas rather than furnishing it to the Minister for Finance (now the Minister for Public Expenditure and Reform) who then lays it (Introduction, Annual Report 2010).	The Public Sector Standards Bill 2015 would meet this recommendation (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).
The Commission should be granted the power to appoint an Inquiry Officer to conduct a preliminary inquiry into a matter in the absence of a complaint under the Ethics Acts (Chapter 1, 'Own initiative inquiries', Annual Report 2004)	The Public Sector Standards Bill 2015 would meet this recommendation (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015)
Provision should be made for a quorum of not less than three members (including in all cases, the Chairperson) be provided for the hearing of an investigation under the Ethics Acts (Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008).	The Public Sector Standards Bill 2015 would establish a Public Sector Standards Commissioner in place of the Commission (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).

Recommendation	Update
<b>Other proposed amendments to the Ethics Acts and related legislation</b>	
<p>There should be a comprehensive act consolidating the Ethics Acts and all other legislation providing for disclosure of interests and related provisions for public officials (Chapter 2, 'Overlapping Ethics Frameworks' Annual Report 2009.)</p>	<p>The Public Sector Standards Bill 2015, would meet this recommendation, along with a number of others listed in this appendix. (Chapter 2, 'Public Sector Standards Bill 2015' Annual Report 2015).</p>
<p>There should be an amendment of the provisions for complaints about a 'specified act' to allow reference to a high level statement of the ethical principles to be followed by public servants and public representatives (Chapter 2, 'High Level Statement of Ethical Principles', Annual Report 2009).</p>	<p>The Public Sector Standards Bill 2015 would not meet this recommendation (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).</p>
<p>There should be an amendment of the definition of 'connected person' (see definition in Appendix 3) to provide that a person is a "connected person" to a company (see definition in Appendix 3) of which he or she is a director and that the other directors of that company are also "connected persons" to that person (Chapter 2, 'Connected Persons', Annual Report 2009).</p>	<p>The Public Sector Standards Bill 2015 would meet this recommendation (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).</p>
<p>There should be a requirement that liabilities be disclosed as 'registrable interests' (Chapter 2, 'Disclosure of Liabilities', Annual Report 2009).</p>	<p>The Public Sector Standards Bill 2015 would meet this recommendation (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).</p>
<p>Motions should be initiated in the Houses of the Oireachtas to designate the Chairpersons of Oireachtas Committees as office holders for the purposes of the Ethics Acts (Chapter 1, 'Ethics Acts' Annual Report 2005).</p>	<p>The Minister for Finance decided not to move the resolutions (Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008).</p> <p>The Public Sector Standards Bill 2015 would remove the distinction between office holders and other Oireachtas members (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).</p>



Recommendation	Update
<p>There should be amendments to the time limits within which Statutory Declarations, Tax Clearance Certificates and Application Statements are to be made or issued and furnished to the Commission by elected members and by appointees to senior positions and directorships in the public service (Chapter 1, 'Tax Clearance Provisions - observations to the Minister for Finance ' Annual Report 2003).</p>	<p>The Civil Law (Miscellaneous Provisions) Act 2008 amended the deadline for the making of a statutory declaration by a person recommended for appointment to judicial office from one month to three; a similar provision for elected members and senior public servants would be required in order to meet the recommendation (Appendix 4, 'Proposed amendments to the Ethics Acts and related legislation', Annual Report 2009).</p> <p>The Public Sector Standards Bill 2015 would meet this recommendation and would provide for annual compliance (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015)</p>
<p>A code of conduct should be adopted for public servants and members of state boards in the wider public service (Chapter 1, 'Codes of Conduct for Public Servants', Annual Report 2003).</p>	<p>The Public Sector Standards Bill 2015 would introduce a model code of conduct applicable to all public officials and provide for individual codes in each public body. The Commission recommends provision for sectoral codes. (Chapter 2, Public Sector Standards Bill 2015, Annual Report 2015).</p> <p>An amendment passed at Committee Stage in Dáil Éireann in April 2017 would provide for sectoral codes for civil servants and special advisers and for members and employees of local authorities.</p>
<p>A whole of public service approach to preventing and detecting double claiming of travelling and subsistence expenses should be adopted. (Chapter 2, Complaints, Annual Report 2014).</p>	<p>Nothing to report.</p>

Recommendation	Update
<b>Electoral</b>	
<b>Proposed procedural amendment to the Electoral Acts</b>	
As the body with responsibility for supervising the Electoral Acts, the Commission should have a statutory basis on which to review the legislation and report on its findings (Review of the Electoral Acts 2003).	Nothing to report.
<b>Proposed amendment to the Electoral Acts relating to the election period</b>	
Consideration should be given to imposing some accountability, in the context of the spending limits, in respect of a specified period prior to commencement of the legally defined election period (i.e., that the election period might be extended to include a period prior to the dissolution of the Dáil or moving of the writ at an election) (Review of the Electoral Acts 2003).	Nothing to report.
<b>Proposed amendment to the Electoral Acts relating to Third Parties</b>	
The definition of what constitutes a “third party” should not be determined on the basis of whether an individual/group has received a donation but should focus on spending by individuals/groups and to regard them as third parties if they intend to incur expenditure over a certain threshold, say €5,000, in relation to a campaign which is for political purposes as defined in the legislation (Review of the Electoral Acts 2003; and 2009 Report on third parties at the Referendum on the Treaty of Lisbon);	Nothing to report.
The registration process for “third parties” and for “other persons” (who intend to incur election expenses) should be amalgamated. (There should be no need for an individual/group to register as a “third party” and to also register as an “other person”.) (Review of the Electoral Acts 2003).	Nothing to report.

Recommendation	Update
<p>Registration of third parties should be allowed for the duration of a particular campaign only, or on an on-going basis (2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008).</p>	<p>Nothing to report.</p>
<p><b>Proposed amendment to the Electoral Acts relating to spending at referendums</b></p>	
<p>Provision should be made for transparency in funding and expenditure on referendum campaigns, third parties and political parties should be required to disclose details of expenditure on referendum campaigns. Similarly, information should be made available on the sources of funding available to both third parties and political parties (2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008).</p>	<p>Nothing to report.</p>
<p><b>Other proposed amendments to the Electoral Acts</b></p>	
<p>Sanctions for non-cooperation with the Commission should be reviewed. In particular, failure to cooperate with enquiries made by the Commission under section 4(4) of the Electoral Act should constitute an offence (2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008)</p>	<p>This is now provided for in section 5 of the Electoral (Amendment) Act 2015 (Chapter 3, Electoral, Annual Report 2015);</p>

Recommendation	Update
<p>To ensure a level playing field between candidates, and a degree of transparency, the use of public funds for electoral purposes should form part of the electoral code rather than other legislation which patently has quite a separate purpose. This would involve a consequential repeal of the provisions dealing with the provision of services and facilities following a dissolution of Dáil Éireann by the Houses of the Oireachtas Commission [section 4(4A) of the Houses of the Oireachtas Commission Act 2003 (as amended by section 4(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009)] (Report on the Dáil general election of 2007).</p>	<p>Nothing to report.</p>
<p><b>The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, (the Parliamentary Activities Allowance Act)</b></p>	
<p><b>Proposed amendment to the Parliamentary Activities Allowance legislation relating to the giving of advice</b></p>	
<p>The Commission should be able to give advice on the appropriate use of the Parliamentary Activities Allowance and for such advice to be legally binding on the persons to whom they apply (Annual Report 2007).</p>	<p>The passing of the Oireachtas (Ministerial and Parliamentary Offices)(Amendment) Act 2014 does not provide for the Commission to give advice.</p>

## Appendix 2: Commission Publications in 2016

### January

- Report on Spending and Donations disclosed by candidates at the Seanad Bye Election 13 November 2015

### February

- Publication of Dáil General Election guidelines 2016
- Publication of video presentation and summary guidelines for the General Election 2016
- Publication of Seanad General Election guidelines 2016
- Publication of Third Party Video Presentation and summary of the General Election guidelines

### May

- Report on Annual Disclosures of Donations received by TDs, Senators and MEPs in 2015

### June

- Report on State funding of political parties and independent members under the electoral legislation and the Parliamentary Activities Allowance legislation for 2015 under the Electoral Act 1997, as amended
- Report on Political Parties Disclosure of Donations received for 2015 pursuant to section 4(1) of the Electoral Act 1997

### July

- Publication of Standards in Public Office Commission Annual Report 2015

### December

- Report on the Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethical Framework for the Local Government Service, Part 15 of the Local Government Act by Senator Brian Ó Domhnaill

## Appendix 3: Corporate Governance

### Corporate Governance Framework

The secretariat to the Standards is provided by the Office of the Ombudsman at its offices in 18 Lower Leeson Street, Dublin 2. The Commission is co-located with the Office of the Ombudsman, the Office of the Information Commissioner, the Office of the Commissioner for Environmental Information and the Commission for Public Service Appointments (collectively referred to here as the Office). All five statutory bodies share certain common services. The Office's Corporate Governance Framework is set out in the document below.

Corporate Governance is defined as the systems, principles and processes by which organisations are directed and controlled. The principles underlying corporate governance are based on managing the organisation with integrity and fairness, being transparent, making all the necessary disclosures and complying with relevant legislation. Good governance facilitates efficient and effective management that translates into value and excellent customer service for our various stakeholders.

The Office is committed to best practice structures, processes and systems that support the successful operation of duties in an ethical, accountable, transparent and effective manner. The Office firmly believes that good corporate governance is essential in order to support the delivery of the Office's strategic priorities. In documenting governance arrangements stakeholders can be assured that good governance policies and practices are embedded in the culture of the Office.

<http://www.sipo.gov.ie/en/About-Us/Corporate-Governance-Framework/Corporate-Governance-Framework.pdf>

### Irish Human Rights and Equality Commission Act 2014

The Office has responsibility to promote equality, prevent discrimination and protect the human rights of our employees, complainants, services users and everyone affected by our policies and plans. This is a legal obligation, called the Public Sector Duty, which emanates from section 42 of the Irish Human Rights and Equality Act 2014. However the role of the Office stretches beyond a consideration of this legality to consider whether actions of public service providers are just and whether they are fair. Securing equality of opportunity and respect for human rights is at the heart of the work of the Office.

The Office is committed to providing a service to all clients that respects their human rights and their right to equal treatment. This is equally applicable to how we interact with our own staff as it is essential in fostering a healthy work environment that promotes engagement, openness and dignity in the work place. Our approach is underlined by our core organisational values of independence, customer focus and fairness, which are evident in both the culture of our Office and our internal policies and practices. We have been proactive in providing training to our staff, which encourages them to bring a human rights perspective to their consideration of cases.



