

# Annual Report 2018



Coimisiún um Chaighdeán in Oifigi Poiblí  
Standards in Public Office Commission

# Independent. Impartial. Integrity.



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ISSN: 2009-3217

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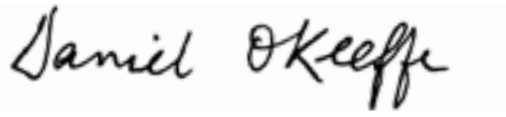
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## Foreword

In accordance with the provisions of section 27(2)(a) of the *Ethics in Public Office Act 1995*, I am pleased to furnish the 2018 annual report of the Standards in Public Office Commission to the Minister for Public Expenditure and Reform.



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**Justice Daniel O'Keefe**  
Chairperson  
Standards in Public Office Commission  
June 2019

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## 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 2018, its members were:

- Justice Daniel O’Keeffe, Chairperson;
- Seamus McCarthy, Comptroller and Auditor General;
- Peter Tyndall, Ombudsman;
- Peter Finnegan, Clerk of Dáil Éireann;
- Martin Groves, Clerk of Seanad Éireann; and
- Jim O’Keeffe, Former Member of Dáil Éireann.

The Commission has 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*; and
- The *Regulation of Lobbying Act 2015*.

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

The Secretariat to the Standards in Public Office Commission is provided by the Office of the Ombudsman.

Further information about the functions of the Commission may be accessed online on our website under Our Functions.

## Introduction by the Chairperson

In every annual report, the Commission presents a report on its activities under the legislation within its remit.

In 2018, the Commission had occasion to engage with the government on issues of legislative and structural reform in areas directly impacting on the Commission's mandate.



**Justice Daniel O'Keefe**  
Chairperson

There is a significant need for electoral reform, as evidenced by the growing usage of digital technologies in campaigning, and increased engagement from foreign players using social media and political advertising funded from outside the State. The Commission notes that some movement is underway in terms of addressing the legislative gaps in this regard. Both the Oireachtas and the government are looking at measures to regulate online political advertising, which is to be welcomed, but forms just one component of the gaps in the current legislative framework.

In December 2018, the Minister for Housing, Planning and Local Government launched a public consultation on a Regulatory Impact Analysis on the establishment of an Electoral Commission. The Commission is supportive of the need for a dedicated electoral commission and will provide input to this process. The Commission also hopes that any structural change will be accompanied by a full legislative review of the Electoral Act, which is now over 20 years old and requires modernisation.

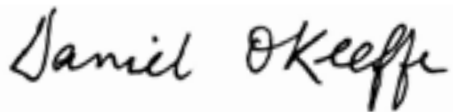
While there is currently some movement toward electoral reform, the Commission notes on the ethics side the continued slow progress of the Public Sector Standards Bill before the Oireachtas. The Bill, in its current form, would consolidate existing ethics legislation at all levels of government. It would also provide the regulator with some enforcement powers in respect of disclosures.

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In 2018, the Commission had oversight of campaign finance for the referendum on the 8th amendment to the Constitution, two Seanad bye-elections, and the presidential election. The Commission also saw a significant spike in third party registrations on foot of the referendum, with an associated increase in concerns from the public on compliance of organisations and individuals with their obligations.

The Commission is of the view that compliance is best supported through knowledge and awareness of the statutory obligations that apply. The Commission continues to engage with stakeholders through various means, using presentations, website tools and information products to support understanding of the Acts.

I would like to take this opportunity to thank my fellow members of the Commission for their commitment and contributions during 2018. I would also like to thank the Head of Ethics and Lobbying Regulation, Sherry Perreault, for her dedication and diligence. Our thanks also to the staff of the Commission Secretariat for their continued hard work and extensive support during 2018.



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**Justice Daniel O'Keeffe**  
Chairperson

# Chapter One

## Ethics





# Chapter One: Ethics

This chapter provides information on the Commission's activities in 2018 under the Ethics Acts, as well as an overview of key developments in priority areas.

## Disclosure of Interests – Oversight by Public Bodies

The Commission noted in its annual report for 2017 that certain issues had arisen regarding the degree to which public bodies oversee compliance with the disclosure of interests' provisions of the Ethics Acts by designated directors and employees in those bodies. Persons within those bodies to whom statements of interests must be furnished have a right to complain to the Commission about alleged contraventions and, in support of that right, can seek information from a person about their statement or any matter arising from it. There is therefore a duty to oversee compliance.

The Commission recently launched a consultative process to develop standards of best practice for public bodies in communicating and overseeing compliance with obligations under the Ethics Acts. The Commission intends to complete this process and provide guidance to public bodies in this regard in the coming year.

## Disclosure of Interests – Ethics Acts Regulations

Regulations prescribing designated positions of employment in the civil service and designated directorships and designated positions of employment in the wider public service were signed by the Minister for Public Expenditure and Reform on 21 November 2018. The Commission welcomed the regulations as the lists of designated directorships and designated positions had not been updated since 2015.

However, the regulations were made without provision for an effective date and came into effect immediately on signature. Previous similar regulations made since 1996 have had, with a small number of exceptions, provision for an effective date of 1 January, coinciding with the beginning of the period for which annual statements of interests are prepared (i.e. the calendar year). The absence of such a provision in this instance has given rise to administrative difficulties both for the Commission and for public bodies in terms of the provision of revised guidelines for public servants and appropriate advice to bodies on the implementation of the regulations.

The Chairperson of the Commission wrote to the Minister for Public Expenditure and Reform recommending that future regulations be made with an effective date of 1 January. The Minister replied stating that the recommendation will be taken into account when future regulations are being devised.

## Omissions in the New Regulations

In examining the new regulations, it came to light that a number of public bodies had been omitted from the list: these included the Policing Authority and the Land Development Commission. They also included two bodies which the Commission had noted in its annual report for 2016 had not been included in the previous version of the regulations: the Public Service Pay Commission and the Low Pay Commission. These were not rectified in the new regulations.

Furthermore, on 1 January 2019, two mergers of existing public bodies took place. Children's Health Ireland was established on 1 January 2019 in place of Our Lady's Children's Hospital, Crumlin, the Children's University Hospital (Temple Street), the National Children's Hospital element of Tallaght University Hospital and the Children's Hospital Group Board. On the same day, the Technological University Dublin was established in place of Dublin Institute of Technology, Institute of Technology Blanchardstown and Institute of Technology Tallaght. These mergers brought the boards of the bodies, along with those employees who had previously been subject to the Act's provisions for disclosure of interests, outside the scope of the Act's obligations. The new bodies are not named in the regulations, nor has provision been made in their enabling legislation to include their staff under the Ethics Acts.

The omission of the bodies referred to above has meant that the provisions for disclosure of interests in the Ethics Acts cannot be implemented on a statutory basis in those bodies. Accordingly, significant decisions may be taken by persons in those bodies who, if they were prescribed in the regulations, would be required to disclose their interest or that of a connected person and to withdraw from participating in that decision. However, in the absence of inclusion in the regulations, there is no such obligation, nor does the Commission have any oversight role in the circumstances.

In its 2006 annual report, the Commission recommended that where a public body is being set up, consideration should be given by the Minister for Finance to the introduction of regulations which, if he considers it to be in the public interest to do so, would prescribe directorships and/or positions of employment within the body for the purposes of the Ethics Acts with effect from the date of the body's establishment. This was done on two occasions since that date: first, in regard to Anglo Irish Bank Corporation Limited (now Irish Bank Resolution Corporation Limited in Special Liquidation) and its subsidiaries (SI 320 of 2009), and second, in regard to the National Asset Management Agency (NAMA) and its committees and group entities (SI 126 of 2010).

The Commission has in previous annual reports strongly recommended that the regulations be kept as up to date as possible in order that any potential or actual conflicts between personal interests and public functions are disclosed and resolved in the public interest.

The Commission reiterates its recommendation that the prescription of designated directorships and designated positions of employment in a body to be established (whether entirely new or bodies being merged) be considered as part of the process of establishment. For bodies being merged into a new organisation, this will ensure that there is continuity in the application of the disclosure provisions. For new bodies, it will ensure that significant decisions which fall to be taken in the early stages of establishment are subject to the safeguards of the statutory ethics framework.

In addition, the Commission should be directly informed of the establishment of new bodies or the merger or dissolution of existing bodies in order that the ethics obligations of employees and/or board members may be addressed, together with any implications for public bodies and designated public officials under the *Regulation of Lobbying Act 2015*.

## Tax Clearance Provisions – Appointees to Senior Office

The Commission noted in its annual report for 2017 that it had conducted a survey of public bodies to collect information on appointments to ‘senior office’, who are required to provide evidence of tax compliance within nine months of appointment to the Commission (i.e. a statutory declaration and a tax clearance certificate or evidence that a certificate has been applied for).

Significant progress has been made in this regard. In response to the survey, the Commission was notified in 2018 of 170 appointees to ‘senior office’ who were not previously notified to the Commission, and whose appointment dates fell outside the deadline for compliance. The appointments notified during 2018 were in some cases a number of years old and, in three cases, dated back to 2005. This was in addition to 132 such appointments notified in 2017, bringing the total number to 302 individuals who had not been identified to the Commission before the nine-month deadline for compliance.

However, the Commission is disappointed to note that at the end of 2018, responses remained outstanding from a small number of bodies, notwithstanding repeated attempts to obtain replies. The Commission continues to pursue the outstanding information from those bodies with a view to bringing any outstanding individuals into compliance.

As noted in last year’s report, there is no explicit duty on public bodies to inform the Commission of relevant appointments. The Commission is therefore unable to follow up on non-compliance by such persons and is effectively obstructed in carrying out its statutory role under the *Standards in Public Office Act 2001*. This has the effect of placing employees into a situation of non-compliance with the Act.

The Commission again recommends that the Act be amended to provide a statutory obligation on public bodies to inform the Commission of appointments to 'senior office'.

The Commission investigates and reports where appointees to 'senior office' fail to comply with their obligations, after being given sufficient opportunity to do so. Any such report is required to be forwarded to the public body concerned and to 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.

Throughout 2018, the Commission initiated 80 such investigations. While compliance was achieved at an early stage in the majority of these investigations, on 27 September 2018, the Commission issued six reports pertaining to individuals who had failed to comply with their obligations. Five of the six have subsequently complied with their obligations; one remains outstanding.

As required by the legislation, the Commission laid copies of the reports before the Oireachtas and provided a copy to the individual in question and to their employing body.

## Complaints

During 2018, the Commission processed 29 complaints under the Ethics Acts, concluded one preliminary inquiry and held 4 investigation hearings, with 3 investigation reports being published during the year. These were in addition to the 80 investigations and 6 investigation reports into non-compliance with tax obligations.

Throughout the year, the Commission dealt with a number of complaints in relation to local authority members acting on behalf of constituents in local matters. In its consideration of these complaints, the Commission noted the dual role of local authority members in the local government system. While the member does have a clearly defined policy role within the elected council, they also have a less defined representational role to act on behalf of their communities and constituents. The Commission notes that there is no prohibition under local government legislation on a councillor making representations on behalf of an individual and is of the view that a councillor is free to do so as long as they adhere to their other obligations under the Ethics Acts and the relevant code of conduct.

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## **Investigation into Mr Tim Caffrey, Longford County Council**

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

Following submissions received from representatives on behalf of Mr Caffrey, it was considered appropriate by the Commission to adjourn this investigation indefinitely.

## **Investigation into Councillor Frank Durcan, Councillor Cyril Burke and Mr Peter Hynes, Mayo County Council**

The Commission concluded its investigation hearing and published investigation reports into the alleged contraventions of the Ethical Frameworks for the Local Government Service by Councillor Frank Durcan, Councillor Cyril Burke and Mr Peter Hynes, all of Mayo County Council. The hearing was held on dates in October and November 2017 and February 2018. Copies of the investigation reports are published on the Commission's website.

### **Councillor Durcan**

Councillor Durcan faced three alleged contraventions of the Ethics Acts. The Commission found that Councillor Durcan contravened sections 168 and 169(3) of the Local Government Act and was satisfied that the contraventions were committed intentionally and were serious matters. In relation to a third alleged contravention, the Commission found that there was insufficient evidence to support the allegation. The Commission was also of the view that Councillor Durcan did not act in good faith when he recklessly engaged in conduct, over a sustained period of time, in contravention of various provisions of the Code of Conduct for Councillors.

### **Councillor Burke**

Councillor Burke faced five alleged contraventions of the Ethics Acts. The Commission found that Councillor Burke had contravened sections 168 and 169(3) of the Local Government Act and was satisfied that the contraventions were committed recklessly and were serious matters. The Commission found that there was insufficient evidence to support two of the allegations. Finally, in relation to the remaining allegation, the Commission was not satisfied that Councillor Burke contravened the relevant section of the Local Government Act in the manner alleged.

## Mr Hynes

Mr Hynes faced three alleged contraventions of the Ethics Acts. The Commission found that no evidence was presented at the investigation hearing to sustain the allegations against Mr Hynes.

## Investigation into Councillor Joseph Queenan, Sligo County Council

On 10 September 2018, the Commission held an investigation hearing into the alleged contraventions of the Ethical Framework for Local Government Service by Councillor Joe Queenan of Sligo County Council. The Commission published a report in relation to this matter in 2019.

## Investigation into Councillor John O'Donnell, Donegal County Council

On 11 September 2018, the Commission held an investigation hearing into the alleged contraventions of the Ethical Framework for Local Government Service by Councillor John O'Donnell of Donegal County Council. The Commission published a report in relation to this matter in 2019.

## Investigation into Councillor Hugh McElvaney, Monaghan County Council

On 17 September 2018, the Commission commenced an investigation hearing into the alleged contraventions of the Ethical Framework for Local Government Service by Councillor Hugh McElvaney of Monaghan County Council. The Commission's investigation stands adjourned as the matter is currently the subject of a judicial review taken by Councillor McElvaney.

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## Public Sector Standards Bill 2015

The *Public Sector Standards Bill 2015*, which is intended to provide a consolidated ethics framework for public officials, remains at Committee Stage in Dáil Éireann before the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

The Council of Europe's Group of States against Corruption (GRECO), which monitors States' compliance with the organisation's anti-corruption standards, recommended in an evaluation report published in 2014 that Ireland should replace the existing ethics framework with a uniform and consolidated values-based normative framework. In an interim compliance report published in May 2018, GRECO noted that the *Public Sector Standards Bill 2015* remains promising legislation, but as it has not been passed, its recommendation cannot be considered to have been implemented in full. GRECO has given Ireland a rating of "globally unsatisfactory", due in part to the failure to progress the draft legislation.

The Commission continues to liaise with the Department of Public Expenditure and Reform on the Bill's provisions.

# Chapter Two

## Electoral





## Chapter Two:

# Electoral

This chapter provides information on the Commission's activities in 2018 under the *Electoral Act 1997* (as amended), as well as an overview of key developments in priority areas.

### Presidential Election 2018

Six candidates were nominated to contest the presidential election which took place on 26 October 2018. To assist candidates in complying with their obligations, the Commission published *Guidelines for the Presidential Election* on 31 August 2018. The guidelines covered the main requirements of the Electoral Act relating to political donations, election spending and reimbursement of election expenses to qualified candidates.

The Commission published a draft version of the guidelines in August 2018. This gave stakeholders an opportunity to seek clarification and provide feedback on the guidelines. Observations provided were taken into account when the final version of the guidelines were published after the polling order was made.

The candidates' election agents were required to provide a donation statement and an election expenses statement to the Commission by 21 December 2018. The spending limit at the presidential election was €750,000. Donation limits also applied at a presidential election: donations with a value (or donations from the same person with an aggregate value) of more than €600 must be disclosed. The maximum donation that may be accepted by a candidate is €1,000.

The Commission's report on the presidential election, including information on political donations, election spending and the reimbursement of election expenses, will be published and made available on the Commission's website in due course.

## Seanad Bye-Election 2018

In July 2018, the Commission published its report on the Seanad bye-elections that were held on 27 April 2018.

Nine candidates contested the election for two seats on the Agricultural Panel.

Candidates at the Seanad bye-elections who were not elected were required to furnish to the Commission a donation statement and accompanying documentation within 56 days of the election, namely by 22 June 2018. All unsuccessful candidates had complied with their obligations by the deadline date. There were no donations disclosed at the bye-election.

Once elected, successful candidates at the bye-election had to adhere to the regular annual disclosure schedule for members of Seanad Éireann. They were therefore required to furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2019.

The donation statements to be furnished to the Commission in respect of 2018 by members of Seanad Éireann must include details of any donations received by them during the year in relation to the bye-election.

The Commission's report on the Seanad bye-elections is available on its website.

## Political Party Accounts

Since 2015, political parties registered in Ireland have been required to submit their statements of accounts for the previous calendar year to the Commission by 30 June.

In October 2018, the Commission published its third annual report on statements of accounts provided to it by political parties in respect of the parties' 2017 accounts. The report contains an overview of the parties' obligations, and provides information on the compliance status of all parties subject to the Act.

The Commission's report, entitled *Political Parties' Statements of Accounts 2017*, is available on its website.

Political Parties are required to provide their 2018 statement of accounts to the Commission by 30 June 2019. A report will be published and made available on the Commission's website in due course.

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## Donations Disclosed by Political Parties

The Commission reported in July 2018 on donations received by political parties in 2017.

There were 19 political parties registered during 2017 to contest Dáil or European elections. Each of these parties was required to furnish a donation statement in respect of 2017 to the Commission by 31 March 2018, disclosing donations exceeding €1,500 in value received during 2017. The maximum value of donations which a political party may accept from the same donor in the same year is €2,500.

Political party donation statements showed that political parties received donations valued at €156,699 in 2017. The report and the political party donations statements may be viewed on the Commission's website.

Details of the donations disclosed by political parties in respect of 2018 will be published in a report on the Commission's website in due course.

## Disclosure of Donations in Respect of 2018 by TDs, Senators and MEPs

Under the *Electoral Act 1997* (as amended), public representatives who are members of the Houses of the Oireachtas or the European Parliament must disclose to the Commission details of donations they receive above a certain value.

In April 2018, the Commission published its report in respect of the 2017 reporting year. That report is available on the Commission's website.

In respect of the 2018 reporting year, 158 TDs, 61 Senators and 11 MEPs were required to submit disclosures of donations received in 2018 by the deadline of 31 January 2019.

Under the Act, public representatives may not accept donations in any year of more than €200 in cash, and not more than €1,000 in total value from a single source. They must disclose any donations valued at (or totalling) €600 or more received from an individual source. There were no donations disclosed that exceeded the maximum limit of €1,000.

For the 2018 reporting year, seven public representatives disclosed donations with a total value of €6,480.

A report on donations disclosed by TDs, Senators and MEPs for 2018 was published in 2019 and is available on the Commission's website.

## Donation Statements by Individual Donors

Under section 24(1A)(a) of the Electoral Act, any donor who, 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, must furnish a donation statement/statutory declaration to the Commission.

The Commission received donation statements in relation to 2018 from four individual donors. The donation statement provided details of donations made the total value of which was €11,302.

Details of the donations disclosed by individual donors have been published as part of the report on *Donations to TDs, Senators and MEPs for 2018*, which is available on the Commission's website.

## Accounting Units

An accounting unit, in relation to a political party, means a branch or other subsidiary organisation or sub-unit of the party, which in any particular year receives a donation, the value of which exceeds €100. There are currently 159 political party accounting units in Ireland with reporting obligations under the Electoral Act. In 2017, this figure was 158.

Details in respect of the 2017 reporting year were published in July 2018, as part of the Commission's report on political party donation statements. The aggregate closing balance held by accounting units in relation to 2017 was €922,508.

As noted in the report, accounting units are not required to submit a donation statement to the Commission. This makes it difficult for the Commission to ascertain the source of monies held in accounting units' political donation accounts. The Commission continues to hold the view that further refinement of the legislation is needed to ensure that there is full transparency in respect of accounting units.

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 deadline for receipt of accounting unit returns in respect of 2018 was 31 March 2019.

A report on donation statements by political parties for 2018, containing details of the returns made by accounting units, will be published and made available on the Commission's website in due course.

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## Third Parties and Corporate Donors

### Register of Third Parties

In 2018, 43 third parties were registered with the Commission. In 2017, the total was 27. The increase in the number of registrants is largely due to campaigning that took place in relation to the referendum on the regulation of the termination of pregnancy that took place on 25 May 2018.

All registered third parties were obliged to provide returns for 2018 no later than 31 March 2019. These returns are not publicly disclosed, in accordance with the provisions of the Act. However, a list of registered third parties is maintained and published on the Commission's website. A list of third parties that were registered over the course of the year in 2018 is included in Appendix Two of this report.

### Third parties – judicial review

An issue arose in 2018 that raised questions about the Commission's powers and procedures under the Electoral Act.

In 2017, the Commission considered whether certain donations, which had been made by the Open Society Foundation to Amnesty International Ireland and the Irish Family Planning Association, were donations for political purposes within the meaning of the *Electoral Act 1997*, as amended. The Commission formed the view that the donations were for political purposes and, as they were given by a foreign donor, they were prohibited. It issued directions to both Amnesty International Ireland and the Irish Family Planning Association to return the donations. On foot of this, Amnesty International Ireland applied to the High Court for judicial review.

The case was settled by way of agreement, in which the Commission accepted that the process leading to its decision to direct Amnesty International Ireland to return the donation was procedurally flawed. The decision in respect of Amnesty was therefore quashed on consent on procedural grounds only; no decision was made by the court on the substantive application of the Act.

Following the case, the Commission withdrew its decision in respect of the Irish Family Planning Association, as the same procedural defects were present in that case. It also reviewed and updated its procedures for monitoring compliance with the Act's provisions regarding third parties.

### ***Commission's powers and procedures***

The Commission has the statutory authority to oversee compliance with the Act's provisions, and is empowered by the Act to make any queries and to direct the production of any document or thing that it views as necessary in performing its functions. While there is no formal complaints process under the Act, the Commission may make inquiries in order to oversee compliance with the Act based on information that comes to its attention.

The Commission will seek necessary information and will provide the third party (or potential third party) with an opportunity to respond and to provide any information or observations it wishes.

The Commission may then form an opinion from the information available to it as to whether a body may have accepted a donation for political purposes which require it to register as a third party, or whether a body may have accepted a prohibited donation.

Failure to register as a third party and acceptance of prohibited donations are criminal offences. Where the Commission remains of the opinion that there has been a contravention of the legislation, it may refer the matter to An Garda Síochána/the Director of Public Prosecutions, whose responsibility it is to decide whether a criminal prosecution is warranted.

### ***Consideration of ongoing matters***

In 2018, the Commission received information alleging that a number of bodies had contravened the provisions of the *Electoral Act 1997*, as amended, which apply to third parties. The Commission suspended its consideration of these issues while the judicial review was underway and while it amended its procedures. The Commission is currently considering these matters in line with its revised procedures.

In light of its revised procedures, the Commission intends in the coming year to update its explanatory note for third parties to provide stakeholders with up to date guidance on the Act's provisions and the Commission's procedures.

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### ***Legislative challenges***

The Commission notes concerns that have been raised by a number of civil society organisations, including international bodies, about the scope of the Electoral Act in respect of campaigning by civil society organisations for policy or legislative change outside a formal election or referendum period.

The Commission has in its annual and other reports over the years flagged the issue that the third party provisions, as currently drafted, capture campaigning by civil society organisations to change policy, legislation or funding as being “political purposes”, including outside an election or referendum period. In the absence of any change to the provisions of the Act, the Commission must assume that this is the intention of the Oireachtas and continue to administer the legislation as enacted. Moreover, a third party is required to register when it accepts a donation for political purposes over a set threshold (€100), rather than based on expenditure for political purposes.

Separate and apart from what constitutes a third party, foreign donations for political purposes (other than from an Irish citizen or a body that keeps an office on the island of Ireland from which at least one of its primary activities is directed) are prohibited at any time for holders of elected office, candidates and third parties.

### **Register of Corporate Donors**

In 2017, there were 31 corporate donors registered with the Commission. In 2018, this figure rose to 48. The referendum in May and the presidential election in November both contributed to the increase in the number of registrants. A list of organisations registered as corporate donors is maintained and published on the Commission’s website. A list of corporate donors that were registered in 2018 is included in Appendix Two of this report.

## Exchequer Funding of Political Parties

### *The Electoral Act 1997, as amended*

Exchequer funding was paid to eight qualified parties (Fianna Fáil, Fine Gael, the Green Party, the Labour Party, Renua Ireland, Sinn Féin, Social Democrats and Solidarity/People Before Profit) on the basis of the results of the general election held on 26 February 2016.

The fund stood at €5,963,992 at 31 December 2018. 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.

Parties are expected to submit their 2018 statements of expenditure of Exchequer funding by 31 March 2019. The report concerning the statements of expenditure of Exchequer funding in respect of 2018 will be published and made available on the Commission's website in due course.

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

The parliamentary leaders of eight political parties (Fianna Fáil, Fine Gael, the Green Party, Independents 4 Change, the Labour Party, Sinn Féin, Social Democrats and Solidarity/People Before Profit) qualified to receive the allowance, known as the "parliamentary activities allowance". The parties received a total of €7,629,193 under the Act in 2017.

Non-party members of Dáil and Seanad Éireann also receive funding under the legislation. The total amount paid during 2017 to non-party members elected to Dáil Éireann was €703,704 and the total amount paid to non-party members elected or nominated to Seanad Éireann during the same period was €299,891.

A report on 2017 expenditure of the parliamentary activities allowance containing details of the returns made by political parties and independent Oireachtas members was published in July 2018 and is available on the Commission's website

Parties and non-party Oireachtas members are required to submit their 2018 statements of expenditure of the parliamentary activities allowance by 31 March 2019. The report for 2018 will be published and made available on the Commission's website in due course.



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## Electoral Reform

The Commission has, in annual and other reports for many years, made a number of recommendations for amendments to the *Electoral Act 1997*, as amended. In its annual report for 2017, the Commission recommended that the Act be reviewed with a view to addressing the issue of online political advertising and stated that this should preferably be done in the context of the creation of an electoral commission.

The Commission welcomed the developments during 2018 in regard to these matters. The Head of Ethics and Lobbying Regulation was invited to give evidence on behalf of the Commission to the Joint Oireachtas Committee on Communications, Climate Action and Environment, in the context of its scrutiny of the *Online Advertising and Social Media (Transparency) Bill 2017*. The Department of the Taoiseach is also considering the issue of online political advertising and organised a seminar on this topic in December 2018 with a view to the development of proposals to regulate this area.

In December 2018, the Minister for Housing, Planning and Local Government launched a public consultation on a Regulatory Impact Analysis on the establishment of an electoral commission. The Commission has made a detailed submission to the consultation, supporting the proposal to create a new, dedicated electoral commission that will oversee all the functions currently housed in different bodies, including the Standards in Public Office Commission, the Referendum Commission, the Department of Housing, Planning and Local Government, and local authorities.

The Commission welcomes these moves to modernise the State's electoral framework and recommends that any structural change be done in concert with legislative reform.

# Chapter Three

## Communications and Outreach



## Chapter Three:

# Communications and Outreach

In its annual report for 2017, the Commission stated that it intended to prepare and implement a new communications strategy. A key aim of the new strategy was to improve knowledge of, and compliance with, the legislation within the Commission's remit. In September 2018, the new communications strategy was approved by the Commission, and implementation is now underway.

The following provides highlights of communications activities in respect of the Commission's ethics and electoral mandate in 2018.

The Commission secretariat operated drop-in clinics in the Houses of the Oireachtas in January, for members who wished to seek advice on their obligations under the ethics and electoral legislation.

Also in January, staff attended a meeting in University College Dublin regarding the creation of a Centre for Ethics in Public Life and, in February, attended the opening of the centre. The Centre supports research within UCD in theoretical and practical aspects of ethics. It also connects the University's research on ethics with the wider academic and non-academic communities.

A member of the secretariat attended the Network for Integrity meeting held in Paris, in March. The Network for Integrity brings together institutions from around the world engaged in promoting integrity, transparency, and ethics of public officials. The Standards in Public Office has observer status in the network.

Presentations were made to a number of organisations and third parties engaged in the referendum campaign, during the year, to raise awareness of third party rules. For example, in April, Commission staff spoke at an event hosted by Facebook and directed at persons running campaigns. The event focused on advertising and content policies in the context of the referendum on the Eighth Amendment of the Constitution of Ireland.

In addition, as part of the Commission's outreach programme, members of the Secretariat made a number of presentations throughout the year to stakeholder groups, including Oireachtas members' staff, election candidates and agents, academics, and Local Government Management Agency representatives.

Commission staff met with three visiting foreign delegations in 2018. In June, a delegation from the Australian Parliament studying ethics, electoral and lobbying systems visited Ireland, as did a delegation from the Ombudsman for the Republic of China (Taiwan). In September, staff met with a delegation from the Office of the Malawi Ombudsman. The purpose of these presentations was to provide an overview of election management and monitoring in Ireland, as well as broader Irish anti-corruption and accountability systems.

In November, the Head of Ethics and Lobbying Regulation appeared on behalf of the Commission at the Joint Committee on Communications, Climate Action and Environment to discuss the detailed scrutiny of the *Online Advertising and Social Media (Transparency) Bill*, which seeks to regulate online political advertising.

## Council of Europe's Group of States against Corruption (GRECO)

### ***Fourth Round evaluation:***

In 2014, the Council of Europe's Group of States against Corruption (GRECO) carried out a Fourth Round evaluation on corruption prevention in respect of Members of Parliament, judges and prosecutors in Ireland and made a number of recommendations for improvements in Ireland's ethical framework. GRECO continues to monitor Ireland's compliance with its evaluation recommendations, rated again in June 2018 as "globally unsatisfactory". Ireland has been asked to report again on progress by 30 June 2019.

### ***Fifth Round evaluation:***

GRECO's Fifth Round evaluation process was launched on the 20 March 2017. The focus of the Fifth Round is on corruption prevention in relation to the top executive functions of the State (ministers and senior government officials) and law enforcement agencies (excluding customs bodies). Ireland will be evaluated under the Fifth Round in either late 2019 or early 2020. The Department of Justice is leading the Government's response on both the Fourth and Fifth Round evaluations. An interdepartmental/agency group has been established, under the direction of the Department of Justice, to prepare for the next evaluation and the Commission sits on this working group.

### ***Council on Governmental Ethics Laws (COGEL)***

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. In December 2018, the Head of Ethics and Lobbying Regulation attended the annual conference on behalf of the Commission.

### ***Communications Tools***

In the coming year, the Commission intends, as part of its new communications strategy, to review and update its website in order to streamline content and ensure that it is user-friendly and accessible. This review will also look at providing appropriate elements of our service in digital format where appropriate, with a view to automating routine returns. The Commission remains of the view that digital technology holds the potential to increase the efficiency of the secretariat's daily activities whilst also simplifying and providing an increased quality of service to our stakeholders. It is expected this project will be completed in two stages: The website will be completed by late spring 2019, while the project to digitise electoral and ethics returns will likely be launched sometime in 2020.

The Commission continues to post newsworthy content on the home page of the website, and on Twitter.

# Chapter Four

## Recommendations for Change



## Chapter Four:

# Recommendations for Change

In previous annual reports, the Commission summarised its recommendations for changes to ethics and electoral legislation. Major outstanding proposals are summarised below, 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. Proposals that have previously been actioned and reported on in last year's report have been removed.

### Recommendations applying to Ethics Acts

Recommendation	Year Made	Update
<b>Proposed procedural amendments to the Ethics Acts</b>		
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. <i>(Chapter 1, 'Own initiative inquiries', Annual Report 2004)</i>	2004	The Public Sector Standards Bill 2015 would meet this recommendation.
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. <i>(Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008)</i>	2008	The Public Sector Standards Bill 2015 would establish a Public Sector Standards Commissioner in place of the Commission.
The Commission should directly lay its Annual Report before each House of the Oireachtas rather than furnishing it to the Minister for Public Expenditure and Reform who then lays it. <i>(Introduction, Annual Report 2010)</i>	2010	The Public Sector Standards Bill 2015 would meet this recommendation.

Recommendation	Year Made	Update
<b>Other proposed amendments to the Ethics Acts and related legislation</b>		
<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.</p> <p><i>(Chapter 1, 'Tax Clearance Provisions - observations to the Minister for Finance Annual Report 2003)</i></p>	2003	<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.</p> <p>The Public Sector Standards Bill 2015 would meet this recommendation and would provide for annual compliance.</p>
<p>A code of conduct should be adopted for public servants and members of state boards in the wider public service.</p> <p><i>(Chapter 1, 'Codes of Conduct for Public Servants', Annual Report 2003)</i></p>	2003	<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 be made for sectoral codes.</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>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.</p> <p><i>(Chapter 1, 'Ethics Acts' Annual Report 2005)</i></p>	2005	<p>The Public Sector Standards Bill 2015 would remove the distinction between office holders and other Oireachtas members.</p>
<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.</p> <p><i>(Chapter 2, 'Overlapping Ethics Frameworks' Annual Report 2009)</i></p>	2009	<p>The Public Sector Standards Bill 2015 would meet this recommendation.</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.</p> <p><i>(Chapter 2, 'High Level Statement of Ethical Principles', Annual Report 2009)</i></p>	2009	<p>Nothing to report.</p>



Recommendation	Year Made	Update
<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.</p> <p><i>(Chapter 2, 'Connected Persons', Annual Report 2009)</i></p>	2009	The Public Sector Standards Bill 2015 would meet this recommendation.
<p>There should be a requirement that liabilities be disclosed as 'registrable interests'.</p> <p><i>(Chapter 2, 'Disclosure of Liabilities', Annual Report 2009)</i></p>	2009	The Public Sector Standards Bill 2015 would meet this recommendation.
<p>A whole of public service approach to preventing and detecting double claiming of travelling and subsistence expenses should be adopted.</p> <p><i>(Chapter 2, Complaints, Annual Report 2014)</i></p>	2014	The Department for Public Expenditure and Reform issued guidance on this in October 2015. The Department provided procedures to follow in the event an employee of a public service body travels for official business and has the potential to claim for the refund of travel and subsistence costs from more than one body.
<p>Explicit provision should be made to allow complaints against members of the Oireachtas in circumstances where the matter comes to light after the member has left office.</p> <p><i>(Chapter 1, Ethics, Annual Report 2017)</i></p>	2017	Nothing to report.
<p>The Act should be amended to require that public bodies notify the Commission of new appointments to senior office, to facilitate the effective implementation of tax compliance requirements.</p> <p><i>(Chapter 1, Ethics, Annual Report 2017)</i></p>	2017	Nothing to report.

## Recommendations applying to Electoral Acts

Recommendation	Year Made	Update
<b>Proposed review of Electoral Acts</b>		
An electoral commission should be established, and a comprehensive review of the Electoral Acts should take place. Provisions should be included to provide for regulation of digital means of influence in an electoral or referendum campaign. <i>(Chapter 2, Electoral, Annual Report 2017)</i>	2017	The Department of Housing, Planning and Local Government published a Regulatory Impact Analysis on the establishment of an electoral commission and launched a public consultation on the document in December 2018.
<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. <i>(Review of the Electoral Acts 2003)</i>	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). <i>(Review of the Electoral Acts 2003)</i>	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. <i>(Review of the Electoral Acts 2003; and 2009 Report on third parties at the Referendum on the Treaty of Lisbon)</i>	2003 and 2009	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”). <i>(Review of the Electoral Acts 2003)</i>	2003	Nothing to report.

Recommendation	Year Made	Update
<p>Registration of third parties should be allowed for the duration of a particular campaign only, or on an on going basis.</p> <p><i>(2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008)</i></p>	2009	Nothing to report.
<b>Proposed amendment to the Electoral Acts relating to spending at referendums</b>		
<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.</p> <p><i>(2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008)</i></p>	2009	Nothing to report.
<p>Expenditure limits should apply at referendums as well as elections.</p> <p><i>(Chapter 2, Electoral, Annual Report 2017)</i></p>	2017	Nothing to report.
<b>Other proposed amendments to the Electoral Acts</b>		
<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)].</p> <p><i>(Report on the Dáil general election of 2007)</i></p>	2007	Nothing to report.
<p>Smaller political parties, particularly those not in receipt of Exchequer funding, should be exempt from requirement to submit audited accounts.</p>	2016	Nothing to report.
<p>Provide for offences and penalties for failure to comply with parts IV, V, VI of 1997 Act.</p>	2005	Nothing to report.
<p>Provide for disposal of surplus donations in situations where person no longer required to maintain a political donations account and there are unused funds remaining.</p>	2003	Nothing to report.

Recommendation	Year Made	Update
Offence should be provided for failure to open political donations account.	2004	Nothing to report.
Provide for the furnishing of a single Donation Statement in situations where a person holds a dual mandate or where, in a particular year he/she as a sitting TD, Senator or MEP unsuccessfully contested a Dáil, Seanad or European election.	2005	Nothing to report.
Provide for offence for failure to provide necessary information to election agent or national agent for purposes of facilitating agent's EES.	2005	Nothing to report.
Review whether it is necessary to furnish, as a matter of course, supporting documentation in relation to the maintenance of a political donations account.	2003	Nothing to report.
Consider setting aside specific sum to support the operation and development of less prominent political organisations, which, under the current legislative provisions, are unlikely to qualify for receipt of Exchequer funding. Such funding would be subject to suitable controls being put in place to ensure that the funding is fully accounted for and is used for its proper purposes.	2003	Nothing to report.
Consider whether definition of political purposes should be modified to include only campaigns relating to elections or referendums, rather than campaigns that seek to influence decisions or functions of public bodies.	2009	Nothing to report.
<b>Technical recommendations</b>		
Amend Act to reflect the fact that members of local authorities and candidates at local elections have their own reporting requirements under the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended.	2003	Nothing to report.
Consolidate provisions from other legislation relating to use of public funds for electoral purposes. 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 inserted by the Houses of the Oireachtas Commission Act 2006) (now Section 4(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009).	2005	Nothing to report.

Recommendation	Year Made	Update
Clarify Act to specify whether expenditure of Exchequer funding is allowable in respect of capital and/or current spending.	2014	Nothing to report.
Amend definition of “financial institution” to include credit unions.	2005	Nothing to report.
Definition of “minor expenses” at an election should be limited to €126.97 per candidate.	2005	Nothing to report.
Modify term “election agent” to “election spending agent” or “election spending accounting officer”.	2007	Nothing to report.
Candidates should be required to notify Commission directly of change to election agent.	2007	Nothing to report.
Provide for discretion by Commission in allowing expenses such as refreshments for volunteer workers and candidate petrol costs.	2007	Nothing to report.
Amend section 31(10) of 1997 Act to include phrase “seeks to influence the outcome of an election”.	2007	Nothing to report.
Shorten interval between the making and the submission of the Statutory Declaration.	2003	Nothing to report.
Provide a statutory deadline by which candidates, who wish to do so, must finally assign part of their spending limits to their political parties.	2003	Nothing to report.
Allow for registration of third parties should be allowed for a particular campaign or on an on-going basis.	2009	Nothing to report.
Clarify duration of third party registration.	2003	Nothing to report.

## Recommendations applying to the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, (the Parliamentary Activities Allowance Act)

Recommendation	Year Made	Update
<b>Proposed amendment to the Parliamentary Activities Allowance legislation relating to the giving of advice</b>		
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)	2007	The passing of the Oireachtas (Ministerial and Parliamentary offices) (Amendment) Act 2014 does not provide for the Commission to give advice.

# Appendices

The background features a light blue gradient. A large dark blue circle is positioned in the upper left. Overlapping it and extending to the right is a large yellow circle with a dark blue, textured pattern. Below the dark blue circle is a large light green circle with a dark green, textured pattern. To the right of the light green circle is a large light blue circle with a dark blue, textured pattern. Several smaller solid-colored circles are scattered: a small dark green circle on the left, a small orange circle in the center, and a small light green circle on the right.

# Appendix One: Commission Publications in 2018

## April

- Report on Annual Disclosure of Donations received by TDs, Senators and MEPs in 2017

## July

- Report on Political Parties Disclosure of Donations received for 2017
- Report on State funding of political parties and independent members under the electoral legislation and the Parliamentary Activities Allowance legislation for 2017
- Report on Annual Statements of Expenditure of Exchequer Funding and Auditors' Report to the Chairman of Dáil Éireann in respect of 2017
- Report on Seanad Bye-Elections 2018
- Standards in Public Office Commission Annual Report 2017

## August

- Presidential Election Guidelines

## September

- Six individual reports under section 23(2) of the *Standards in Public Office Act 2001* regarding compliance by senior office holders with tax clearance provisions

## October

- Publication of Official Language Scheme 2018 – 2021
- Report on Political Parties' Statements of Accounts 2017

## December

- Report on the Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 by Councillor Frank Durcan, Mayo County Council
- Report on the Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 by Councillor Cyril Burke, Mayo County Council
- Report on the Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 by Mr Peter Hynes, Chief Executive of Mayo County Council

## Appendix Two:

# Third Parties and Corporate Donors Registered in 2018

### List of Registered Third Parties 2018

- Abortion Never
- Abortion Rights Campaign
- ADFAM
- Alliance for Freedom and Democracy
- Amnesty International Ireland
- Atheist Ireland
- Benedict Ó Floinn
- Cherish all The Children Equally
- Choice Ireland
- Christian Solidarity Party
- Coalition to Repeal The Eighth
- Cóir
- Donegal Pro Life
- Education Equality
- Family & Life
- Immigration Control Platform
- Independent Alliance
- Iona Institute
- Irish Council for Civil Liberties
- Irish Family Planning Association\*
- Janet O'Sullivan



- 
- Mayo Reform Movement\*
  - Migrants and Ethnic-minorities for Reproductive Justice
  - Mothers and Fathers Matter
  - National Campaign for the Arts
  - National Women's Council of Ireland
  - Peace and Neutrality Alliance
  - People's Movement
  - Pro Life Campaign
  - Right2Water
  - RISE!
  - ROSA (for Reproductive rights, against Oppression, Sexism and Austerity)
  - Save Navan Hospital
  - Save the 8th
  - Seanad Reform Group / Democracy Matters
  - Socialist Workers Network
  - TFMR Ireland
  - The Charter Group
  - The Life Institute
  - The National Party
  - The Socialist Party
  - Together for Yes
  - Women's Health in Ireland

\* Deregistered during 2018

## List of Registered Corporate Donors 2018

- Abortion Rights Campaign
- Aegis Safety Ltd
- Blue Insurance Limited
- CE Cladwell Estates Ltd
- C&R Print Ltd
- Cill Dara Betting Ltd
- Disability Federation of Ireland
- Donegal Offices Services Ltd
- E.P Lynam Properties Ltd
- Earlsfort Capital Partners 2 Limited
- Earlsfort Capital Partners 3 Limited
- Earlsfort Capital Partners Limited
- Far From Avocados
- Fermagh Properties Ltd
- Fianna Fáil
- Galway Business School
- Gaming & Leisure Association of Ireland
- GMB Trade Union
- Golden Horseshoe Ltd
- Hatch Street Consultancy Limited
- Humanist Association of Ireland Ltd
- Impact Trade Union
- Irish Farmers Association
- Irish National Midwives Organisation
- Irish National Teachers Organisation

- Lagan Asphalt Ltd
- Mac Interiors Ltd
- Maeve O'Malley
- Marketo EMEA Ltd
- Metropolitan Properties Ltd
- Millennium Communications Cellular Ltd
- Ormston House
- Polwur Ltd
- Refraction Ltd
- Restaurants Association of Ireland
- SIPTU
- Stella Doradus Europe Ltd
- Study in Ireland Ltd
- TBWA / Dublin
- The Community Foundation for Ireland Limited
- The Labour Party
- The Reelists Limited
- THISISPOPBABY Ltd
- Transport Salaried Staffs' Association
- Trinity College Students' Union
- Unite the Union
- Urban Dissent Ltd
- Vintners Federation of Ireland CLG

## Appendix Three:

# Irish Human Rights and Equality Commission Act 2014

*The Irish Human Rights and Equality Commission Act 2014*

introduces a positive duty on public bodies to have due regard to human rights and equality issues. The Office of the Ombudsman, which provides secretariat support to the Standards Commission, has adopted a proactive approach to implementing this duty.

In 2018, the Office established a staff working group on the public sector duty. It held workshops on human rights and equality and met with the Irish Human Rights and Equality Commission. It then assessed what human rights and equality issues are relevant to the Office's functions and identified the policies, plans and actions in place to address those issues. The Office now has a committee in place to oversee implementation of the duty. Its mission is: "Creating an accessible and inclusive space for everybody who uses, or works in, our offices". The Office is keen to ensure that this duty becomes an integral part of how it works.

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 the Office interacts with its own staff as it is essential in fostering a healthy work environment that promotes engagement, openness and dignity in the workplace. The Office's approach is underlined by its core organizational values of independence, customer focus and fairness, which are evident in both the culture of the Office and its internal policies and procedures. The Office has also been proactive in providing training to staff on human rights and equality.



