

# Annual Report 2020



Coimisiún um Chaighdeáin in Oifigí Poiblí  
Standards in Public Office Commission



**Independence.  
Impartiality.  
Integrity.**

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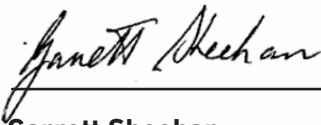
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## Foreword

On behalf of the Standards in Public Office Commission, and in accordance with the provisions of section 27(2)(a) of the *Ethics in Public Office Act 1995*, I am pleased to furnish the 2020 annual report of the Standards in Public Office Commission to the Minister for Public Expenditure and Reform.



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**Garrett Sheehan**

Chairperson

Standards in Public Office Commission

June 2021

# 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*. In 2020, its members were:

- Mr Justice Daniel O’Keeffe, Chairperson (until 10 February 2020);
- Mr Justice Garrett Sheehan, Chairperson (from 9 December 2020);
- Seamus McCarthy, Comptroller and Auditor General;
- Peter Tyndall, Ombudsman;
- Peter Finnegan, Clerk of Dáil Éireann;
- Martin Groves, Clerk of Seanad Éireann;
- Jim O’Keeffe, former member of Dáil Éireann (until 10 February 2020), and
- Geraldine Feeney, former member of Seanad Éireann (from 9 December 2020).

In February 2020, the six-year terms of Chairperson O’Keeffe and Jim O’Keeffe ended.

In December 2020, President Michael D. Higgins appointed Mr Justice Garrett Sheehan, former judge of the Court of Appeal, as Commission Chairperson. On the same day, Ms Geraldine Feeney, former member of Seanad Éireann, was appointed to the post of ordinary member. Both appointments are for a six-year term.

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

The Commission has supervisory roles under four Acts:

- 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 Act);
- The *Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014*; and
- The *Regulation of Lobbying Act 2015*.

The Commission also has a role in investigating potential non-compliance with Part 15 of the *Local Government Act 2001*.

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

Further information about the functions of the Commission may be accessed online on our website under the heading “[What We Do](#)”.

## Introduction by the Chairperson

I am pleased to present this report which describes the work of the Standards in Public Office Commission (the Commission) in administering its mandate in 2020.

### Highlights of 2020

The Commission published a number of statutory reports, all of which are available on the Commission's website and are listed at **Appendix One**.

The Commission completed one investigation into non-compliance with the Ethics Acts and the *Local Government Act 2001*. Three preliminary inquiries, commenced in 2019, were ongoing throughout 2020. Six investigations were also begun into non-compliance with the tax clearance provisions of the Ethics Acts by senior office holders. While it was not possible to progress investigations under the Ethics Acts while there were vacancies on the Commission, now that these have been filled the outstanding matters will be progressed. Further information on the Commission's work under the Ethics Acts is set out in **Chapter One**.

Following the European Elections in 2019 and the Dáil bye-elections that year, the Commission in 2020 published its reports on expenditure at those elections.

Other reports published in 2020 include the Commission's annual report on statements of accounts of registered political parties in the State for 2019, expenditure of Exchequer funding for those parties in 2019, donations disclosed by political parties for 2019, and a report on the expenditure of the Parliamentary Activities Allowance by party leaders and independent members of the Oireachtas in 2019.

The Commission also had oversight of campaign finance for the Dáil general election in 2020, and expects to publish a report on this in 2021.

A further function of the Commission is the processing and approval of the expenses and donation statements of general election candidates. The Commission acknowledges its responsibility to process these returns promptly as resources allow. Further information on the Commission's activities under the Electoral Acts can be found in **Chapter Two**.

**Chapter Three** of this report details communications and outreach undertaken in 2020 to encourage knowledge and awareness of statutory obligations that apply under the Acts within the Commission's remit.

As in previous annual reports, recommendations for change to the ethics and electoral legislation that remain outstanding at the time of publication are summarised in **Chapter Four**.

The Programme for Government, published in October 2020, announced an ethics review to reform and consolidate the ethics in public office legislation. The following month, the Hamilton Review Group recommended that the independence and capacity of the Commission

be enhanced through adequate autonomy and resourcing. The Commission supports initiatives that will improve Ireland's ethics framework, and will participate in any legislative and resource reviews.

I wish to thank my fellow Commissioners for the warm welcome extended to Geraldine Feeney and myself following our respective appointments. Finally, on behalf of the Commission, I would also like to thank the Head of Ethics and Lobbying Regulation Sherry Perreault, the Secretariat, and the support staff in the wider Office of the Ombudsman for their hard work throughout the challenging past year.

It is a privilege to work on the Commission.



Mr Justice Garrett Sheehan receives his seal of office from President Michael D. Higgins, 9 December 2020

# 01

## Ethics in Public Office





## Chapter One:

# Ethics in Public Office

This chapter provides information on the Commission's activities in 2020 under the Ethics Acts, as well as an overview of key developments in priority areas.

## Disclosure of Interests – Ethics Acts Regulations

Where public bodies are not explicitly included in the disclosure of interests regulations, the provisions for disclosure of interests in the Ethics Acts cannot be implemented on a statutory basis in the bodies concerned.

As noted in last year's annual report, regulations prescribing designated positions of employment in the civil and wider public services, and directorships of State bodies have not been updated since 2018. This means that a number of directorships and positions of employment across the public service remain outside the scope the Ethics Acts.

The Commission is aware of 18 bodies, as well as the Central Bank's Consumer Advisory Group, that remain outside the remit of the legislation. Similar bodies and groups are within the remit.

The Department of Public Expenditure and Reform has informed the Commission that it has not commenced the process of updating the regulations. This was not undertaken in 2020 because of the COVID-19 emergency. It has also indicated that, as it is reviewing the ethics legislation, it does not propose to update the regulations in 2021.

Notwithstanding these considerations, the Commission is of the view that these regulatory changes are not onerous, and should not be postponed indefinitely. The Commission reiterates its recommendation that the Department, in conjunction with other relevant departments, ensure that the regulations are updated to address these identified gaps as a matter of priority, and on a regular basis thereafter. The Commission remains of the view that where a new body is being set up or existing bodies are merged, the prescription of designated directorships and designated positions of employment should be considered as part of the process of establishment.

The Commission also reiterates its request that it 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

A person who is appointed to 'senior office' for the purposes of the Ethics Acts will, on appointment, have certain tax clearance obligations. Appointees are required to provide evidence of tax compliance to the Commission. Appointees to such positions are required to furnish a statutory declaration and a tax clearance certificate within nine months of appointment.

During 2020, due to the movement restrictions imposed because of Covid-19, some appointees faced difficulties in having a statutory declaration witnessed within statutory timelines. In this regard, the Commission requested that appointees submit a signed declaration, without a witness, by email to the Commission and that the witnessed hard copy with original signature should follow when circumstances allow, and within the nine-month deadline to provide original evidence of tax compliance.

As previously reported, the Commission has surveyed public bodies regarding appointees to 'senior office', and issues quarterly reminders to these bodies to prompt notifications of such appointments. Despite these reminders, 27 public bodies failed to respond by the end of 2019. A further survey took place in 2020, on foot of which 12 bodies notified the Commission of 35 appointments to senior office that had not been notified to the Commission previously. Of those, 33 appointments were made more than nine months prior to the notification. The appointments notified were in some cases a number of years old and in one case dated back to 2008. No response was received from several bodies; follow-up is continuing.

As the 2001 Act provides that the relevant documents be furnished to the Commission within nine months of appointment, each of these individuals were non-compliant. Failure of the bodies to notify the Commission of appointments means that we are not in a position to assist with compliance.

The Commission wrote to each appointee, stating that it had recently been notified of the details of their appointment and informing the person that, while the deadline has clearly passed, the obligations remained and must be complied with immediately. The Commission gave each person 30 days within which to bring themselves into compliance.

In addition to the 12 public bodies that notified the Commission of appointments, five of the public bodies confirmed that they had no appointments to senior office since they had last notified the Commission. Of the remaining public bodies, three of the public bodies responded with queries and seven of the public bodies failed to respond. A reminder issued to the bodies that have failed to respond and the Commission continues to follow up in 2021.

The issues that continue to arise in this area provide further evidence that there should be a statutory obligation on public bodies to notify the Commission of senior appointments, and non-compliance by public bodies should be subject to enforcement.

No investigations into non-compliance by senior office holders with these obligations were ongoing at the start of 2020. During 2020, the Commission approved six investigations to pursue non-compliance by senior office holders with the tax clearance provisions of the Ethics Acts. One individual came into compliance during the year and the remaining investigations are ongoing. These investigations, all of which are in respect of non-compliance by HSE employees, were suspended by the Commission due to the pressures on the HSE caused by the public health crisis.

The Commission continues to monitor compliance by relevant individuals to ensure they meet their obligations with regard to providing tax clearance documents as required under the legislation. Where an individual does not comply, the Commission may publish a report on the matter.

## Tax Clearance Provisions – Elected Members

Successful candidates elected to Dáil Éireann and Seanad Éireann during 2020 were obliged under the 2001 Act to provide evidence of tax compliance to the Commission within nine months of the date on which the Returning Officer declared them elected. In addition, four TDs and one Senator elected at bye-elections in November 2019 were required to comply with the legislation in 2020.

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.

At the time of writing, all TDs (with one exception) have substantively complied with the requirement to submit returns. While 50 TDs had not done so within the prescribed deadlines, the Commission has not launched an investigation where compliance was subsequently achieved. The Commission has referred the one non-compliant member for investigation.

Similarly, while the majority of Senators have substantively complied with the requirement to submit returns, one remains outstanding. Twenty Senators complied after the deadline. At the time of writing, the prescribed nine-month deadline for three Senators has not yet passed. Any ongoing non-compliance will be considered by the Commission for investigation.

## Complaints

During 2020, the Commission processed 91 complaints under the Ethics Acts, initiated four preliminary inquiries, and published one investigation report. An additional three preliminary inquiries, which had commenced in 2019, were ongoing in 2020.

## Investigation into Councillor Hugh McElvaney, Monaghan County Council

The Commission published its investigation report in respect of the alleged contraventions of the *Ethical Framework for Local Government Service* by Councillor Hugh McElvaney of Monaghan County Council in January 2020. The investigation hearing commenced in September 2018, but adjourned at Cllr McElvaney's request, in order to enable him to apply to the High Court for judicial review. Following that unsuccessful application, the hearing resumed and concluded in December 2019.

The Commission found against Councillor McElvaney in all four of the alleged contraventions. It concluded that he had contravened section 168 of the *Local Government Act 2001* (failure to maintain proper standards of integrity, conduct and concern for the public interest), section 170 (seeking assurances of payment and indicating a willingness to provide assistance as a member of the local authority in return for payment), section 169(3) (failure to have regard to and be guided by the Code of Conduct for Councillors), and section 171 (failing to set out full particulars of declarable interests in the annual declaration furnished to the Council's ethics registrar).

The Commission was satisfied that, on the balance of probabilities, all of the contraventions were committed intentionally and all were serious matters. The Commission also found that Councillor McElvaney had not acted in good faith when he intentionally engaged in conduct in contravention of various provisions of the Code of Conduct for Councillors.

## Ethics Registrars in Local Authorities

The *Local Government Act 2001* provides that each local authority shall appoint a person to be ethics registrar, for a period of not more than two years, to perform certain functions regarding the *Ethical Framework for the Local Government Service* provided in Part 15 of that Act. Ethics registrars are responsible for informing councillors and relevant employees of their obligations regarding declarations of interests and for the publication of the declarations in a register made available for public inspection. In some cases, registrars may be asked to investigate instances of potential non-compliance with the *Local Government Act 2001* or the applicable Code of Conduct.

Given the role and the regular rotation of ethics registrars, training and support is crucial. The Commission considered that there was need for training to be provided to ethics registrars and sought to partner with the Local Government Management Agency (LGMA) to provide such training.

In January 2020, the Commission participated in an inaugural training session, which was held in the LGMA offices under the auspices of the County and City Management Association (CCMA). As a result of the training delivered by members of the SIPO secretariat and written proposals aimed at supporting ethics registrars in performing their duties, the CCMA Corporate Committee approved the following three recommendations which have now been implemented:

- Regular training for ethics registrars: The CCMA Corporate Committee committed to the provision of regular training for ethics registrars.
- Single, permanent email address for registrars: The CCMA Corporate Committee recommended that each local authority provide a single and permanent email address for the ethics registrar, attached to the position and not an individual. Some local authorities have this in place already to support the rotation of the position every two years. A generic email example, EthicsRegistrar@LocalAuthority.ie, was proposed.
- Extranet SharePoint site for ethics registrars: The CCMA Corporate Committee approved the creation of an extranet site by the LGMA dedicated to ethics registrars. This site will provide copies of relevant legislation, circulars and guidance, and training materials, from government and from the Commission.

## Update on Anti-Fraud and Anti-Corruption Working Group

In 2018, the Government tasked former Director for Public Prosecutions James Hamilton with leading an inter-departmental working group examining anti-fraud and anti-corruption measures in Ireland. Officials from the Commission's Secretariat participated in the working group.

The Hamilton Group issued its **report** in November 2020. The recommendations broadly seek to address structural/systemic issues and resourcing, and to enhance the legislative framework, particularly in respect of enforcement and coordination powers for anti-corruption bodies. Structural proposals include the establishment of a cross-sectoral Advisory Council on Economic Crime and Corruption to advise and make proposals on broad strategic and policy matters, along with a multi-annual strategy and action plan.

Among its recommendations, the Hamilton Group identified the need for reform of ethics legislation as outlined in the Programme for Government, and recommended a review and ring-fencing of the resources allocated to the Commission.

The Government announced in November 2020 that it accepted in principle the Hamilton Group's recommendations, and would move to develop a strategy for implementation. The Commission will support this process as needed.

## Ethics Reform

For a number of years, the Commission has called for a comprehensive review of the existing ethics framework. In annual reports and legislative submissions, the Commission recommended that new legislation be drafted based on best practice for dealing with conflicts of interests. New legislation should consolidate the provisions of the Ethics Acts, all other relevant legislation, and the relevant provisions of the Code of Practice for the Governance of State Bodies. In its annual report for 2019, the Commission recommended that the incoming government give urgent consideration to passage of revised ethics legislation, which is long overdue.

The *Public Sector Standards Bill 2015* was intended to provide a consolidated ethics framework for public officials, and had progressed to Committee Stage in Dáil Éireann. The Bill lapsed on the dissolution of Dáil Éireann on 14 January 2020.

The Commission notes that the Programme for Government states that the government will reform and consolidate ethics legislation. A review of the legislation is expected to commence in 2021. The Commission will participate fully in any review as required.

## 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 ethics framework. GRECO continues to monitor Ireland's compliance with its evaluation recommendations, rated again in June 2018 as "globally unsatisfactory". In September 2020, Ireland provided GRECO with an update on progress on the implementation of the recommendations.

While the Commission has no statutory role in respect of the application of, or guidance on, the Ethics Acts relating to Members of the Oireachtas who are not office holders, the Commission offered to provide training to all Members in concert with already scheduled training initiatives for Members under the Electoral Act. The Houses of the Oireachtas have included the Commission as part of its training program for new member induction, and facilitates the Commission to host bi-annual information sessions for both the Ethics Acts and the Electoral Act. On foot of discussions with the Houses of the Oireachtas, it has been agreed that this training, which is not mandatory, will be offered annually, after every general election, and as part of all future induction training for new Oireachtas members.

Following the general election in February 2020, induction training was provided to members of the Oireachtas on their statutory obligations. Additional materials, including links to relevant legislation, forms and guidance materials, were provided to the Oireachtas training unit for circulation to all members following the session.

### **Fifth Round evaluation:**

GRECO's Fifth Round evaluation process 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).

The Department of Justice is leading the Government's response on both the Fourth and Fifth Round evaluations. An interdepartmental/agency group was established, under the direction of the Department of Justice, to prepare for the next evaluation. The Commission sits on this working group and participated in a number of planning meetings in 2019. The Commission provided detailed responses and information for input into the Fifth Round evaluation questionnaire, which was submitted to GRECO in January 2020.

Ireland was scheduled to be evaluated under the Fifth Round in 2020. However, the on-site visit is on hold pending the current travel restrictions in place being lifted. The evaluation team will meet with relevant officials from central government and law enforcement, including the Commission, to explore the matters covered in the questionnaire and seek more supporting detail.

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Electoral





## Chapter Two:

# Electoral

This chapter provides information on the Commission's activities in 2020 under the *Electoral Act 1997* (as amended), as well as an overview of key developments in priority areas.

### European Elections 2019

The Commission published its report on the 2019 European Election in October 2020. The report is available at [www.sipo.ie](http://www.sipo.ie).

### Dáil Bye-Elections 2019

The Commission published its report on the 2019 Dáil bye-elections in December 2020. The report is available at [www.sipo.ie](http://www.sipo.ie).

### Dáil General Election 2020

The 32nd Dáil was dissolved on 14 January 2020 and polling for the general election to the 33rd Dáil took place on 8 February 2020. A total of 531 candidates contested the election.

The Commission published guidelines for the Dáil general election in January 2020. The guidelines provided information regarding:

- disclosure of political donations;
- limits on the value of donations which may be accepted;
- prohibited donations;
- limits on election spending, and
- reimbursement of election expenses to qualified candidates.

Election agents for candidates and national agents for political parties were required to provide details of their spending to the Commission by 4 April 2020.

Unsuccessful candidates at the election were required to furnish to the Commission a donation statement and accompanying documentation within 56 days of the election, that is 4 April 2020.

Once elected, successful candidates are required to adhere to the regular annual disclosure schedule for members of Dáil Éireann, and furnish an annual donation statement and accompanying documentation to the Commission by 31 January 2021 and every year thereafter while in office. These donation statements must include details of any donations received during the year, including those received in relation to the bye-election.

In November 2020, the Commission took the decision to refer a number of possible contraventions of the *Electoral Act 1997* to the Director of Public Prosecutions, concerning non-compliance with the Act's obligations to submit statutory returns in respect of election expenses and donations. The subjects of these referrals included the national agents of two political parties, Seanad election candidates, Dáil election candidates and election agents. It is expected that a number of these will proceed to prosecution in 2021.

Processing of election returns is a time-consuming and highly detailed process. Each candidate is responsible for submitting their election expenses statement and statutory declaration; unsuccessful candidates must also submit their donation statement, certificate of monetary donations and associated statutory declaration. Where a candidate runs under the banner of a political party, their returns must be cross-checked against the party's national agent return. The 2020 election returns were due on 4 April 2020, just after the first lockdown commenced. The pandemic created delays for a number of candidates in having statutory declarations witnessed and collating/transferring documentation to their election agents. The Commission has largely caught up on any delays due to the pandemic and timelines in issuing reimbursement orders are similar to those after the 2016 election. At the time of writing, processing is ongoing.

The Commission's report on the Dáil general election will be available on its website in due course.

## Seanad General Election 2020

In accordance with section 18 of the Constitution, an election for the Seanad was required to take place not later than 90 days after the Dáil was dissolved on 14 January 2020. Ballot papers for panel members issued on 16 March 2020 and the poll closed on 30 March 2020. Ballot papers for the university constituencies were issued and posted on 28 February 2020, and the poll closed on 31 March 2020.

One hundred and forty-seven candidates contested the election (118 panel candidates and 29 university constituency candidates). Vocational panels elect 43 Senators, and two university panels elect six Senators (three from the National University of Ireland and three from the University of Dublin/Trinity College Dublin). The Taoiseach nominates 11 Senators to fill the remaining vacancies.

The Commission published guidelines for Seanad candidates in January 2020. The guidelines covered the main requirements of the legislation relating to:

- Disclosure of political donations;
- Limits on the value which may be accepted, and
- Prohibited donations.

While Senators must disclose donations, there are no limits on spending, no requirement to disclose election expenses, and no provisions for reimbursement of election expenses at a Seanad election.

In accordance with the provisions of Part IV of the Electoral Act, unsuccessful candidates at the Seanad election were required, within 56 days after polling day (i.e. by 25 May 2020 for panel candidates and by 26 May 2021 for university candidates) to provide the Commission with a donation statement, certificate of monetary donations, statutory declaration and/or bank statement. These candidates were required to disclose details of all donations, with a value greater than €600, received in relation to the election.

As members of Seanad Éireann, successful candidates at the election must adhere to the annual donations disclosure schedule for members of the Oireachtas. They must provide the required documentation to the Commission by 31 January each year. Documents must include details of any donations received by them during 2020, including those received in relation to the Seanad election.

The Commission's report on the Seanad general election will be available on its website in due course.

## Political Party Accounts

The Commission published its annual report on statements of accounts provided to it by political parties registered in Ireland in November 2020. The report is available at [www.sipo.ie](http://www.sipo.ie).

## Donations Disclosed by Political Parties

The Commission's report on donations disclosed by political parties was published in November 2020. The report and political party donations statements are available at [www.sipo.ie](http://www.sipo.ie).

## Disclosure of Donations by TDs, Senators and MEPs

A report on donations disclosed by TDs, Senators and MEPs for 2019 was published in April 2021 and is available on the Commission's [website](http://www.sipo.ie).

## Donation Statements by Individual Donors

Under section 24(1A)(a) of the Electoral Act, any donor who makes donations exceeding the aggregate value of €1,500 in the same year to two or more persons who were members of the same political party, or to a political party and one or more of its members, must furnish a donation statement/statutory declaration to the Commission. Details about donation statements submitted in respect of 2019 and received in 2020 are published as part of the Commission's annual report on donations to TDs, Senators and MEPs, available on the Commission's [website](#).

## Accounting Units

An accounting unit, in relation to a political party, is a branch or other subsidiary organisation or sub-unit of the party, which receives a donation valued at more than €100 in any year. Upon receipt of such a donation, the accounting unit must open a political donations account, into which all donations must be lodged. Details in respect of the 2019 reporting year for accounting units were published in November 2020, as part of the Commission's report on political party donation statements.

As noted by the Commission in the report on political party donation statements and in previous annual reports, accounting units are not required to submit donation statements for donations they have received directly. Accounting units must provide the Commission with a copy of their bank statement, which shows lodgements and debits as well as balances, and must certify that they have only received allowable donations. However, unlike national parties, they do not have to submit donation statements disclosing the amount and source of individual donations. This makes it difficult for the Commission to ascertain the source of monies held in accounting units' political donation accounts and to ensure donations received are permitted under the Act. 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 Electoral Act, it is an offence for the responsible person of an accounting unit to fail to comply with the Act's reporting requirements.

As the March 2020 deadline for submitting returns fell during the early days of the lockdown for the COVID-19 pandemic, a number of organisations submitted returns after the deadline. This was, in most cases, due to delays in compiling information and/or having statutory declarations witnessed. The Commission decided not to refer non-compliance to the Director for Public Prosecutions where compliance was achieved after the deadline.

## Third Party Provisions of the Electoral Act

A 'third party' is any individual or group, other than a registered political party or election candidate, who or which accepts, in a particular calendar year, a donation for political purposes exceeding the value of €100.

The definition of political purposes encompasses, *inter alia*, support for or opposition to political parties, elected members and candidates at Dáil, Seanad, European and Presidential elections, seeking to influence the outcome of an election or referendum. It also includes presenting the policies or a particular policy of a political party, political group, elected member or third party.

In its annual report for 2019, the Commission noted the concern expressed by civil society organisations that the provision as currently set out encompasses campaigns run by them for policy or legislative change unconnected with an election or referendum and that it could infringe on the constitutional right to freedom of expression. It set out its approach to the implementation of the provisions, stating that it will continue to apply the Act's provisions in a manner consistent with the protection of constitutional rights, and only where the person or organisation falls within the scope of the Act. It will take into account whether the activity supported by donations to the individual or body concerned is related to an election or referendum.

The European Court of Justice has issued a judgement finding against a law introduced by Hungary on foreign financing of civil society organisations. Under that law, those organisations have to register with the Hungarian courts as an 'organisation in receipt of support from abroad' where the amount of the donations sent to them from other Member States or from third countries over the course of a year exceeds a set threshold.

The Court found that, by imposing obligations of registration, declaration and publication on certain categories of civil society organisations that directly or indirectly receive support from abroad exceeding a certain threshold, and by providing for the possibility of applying penalties to organisations that do not comply with those obligations, Hungary had introduced discriminatory and unjustified restrictions with regard to both the organisations at issue and the persons granting them such support.

The Department of Housing, Local Government and Heritage informed the Commission that it is aware of the Court's decision and has had some discussions with civil society organisations in respect of the matter. It is not anticipating any legislative change to the Electoral Act in advance of the creation of the Electoral Commission.

The Commission will continue to carry out its functions in line with the approach set out in the **2019 annual report**.

## Third Parties

A third party is any individual or organisation, other than a political party, who or which accepts a donation over €100 given for political purposes. Upon receipt of a donation over that threshold, the person/organisation must register with the Commission as a third party, and has annual reporting obligations thereafter. In 2020, 37 third parties were registered with the Commission. This is a decrease from 2019 where 43 third parties were registered.

The Commission seeks to maintain the register and, from time to time, will communicate with registrants to ascertain whether they wish to remain registered and whether the information held by the Commission is accurate and up-to-date. In 2020, the Commission wrote to the responsible persons of all registered third parties asking that they confirm that they were still the responsible person. Third parties were also asked to contact the Commission if they wished to deregister. As noted in Chapter 4 of this report, the Commission is of the view that registration of third parties should be allowed for the duration of a particular campaign only, or on an on-going basis. As the Act is silent on the period of registration, in practice, the Commission retains registrants on the register until such time as they seek to deregister. While registered, a third party must comply with annual reporting requirements.

If a third party wishes to deregister, they must comply with any reporting requirements for the period of the year in which they were registered. Once reporting requirements are met, they are removed from the register.

All registered third parties were obliged to provide returns for 2019 no later than 31 March 2020. 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 2020 is included in **Appendix Two** of this report.

## Corporate Donors

A corporate donor is any corporation or unincorporated body of persons that makes a donation (or donations) for political purposes. Corporate donors wishing to make political donations valued at more than €200 must register with the Commission. This register is updated on an annual basis. The Commission contacts registrants in November of the year of active registration and asks them to confirm whether they intend to remain on the register for the following year.

Unlike third parties, there are no reporting obligations for corporate donors.

In 2020, there were 12 corporate donors registered with the Commission. This is a decrease from 2019's total of 15 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 2020 is included in **Appendix Two** of this report.

## Exchequer Funding of Political Parties

In December 2020, the Commission published two reports on the state financing of political parties and independent TDs and Senators during 2019.

### Exchequer Funding of Political Parties in 2019

Political parties may qualify for funding from the Exchequer under the *Electoral Act 1997* (as amended) based on their percentage of the vote in the last Dáil election. Any unused funding from the previous year may be carried over for use the following year, and accounted for in the year in which it is spent. The funding may not be used for electoral or referendum purposes.

Details of the funding, including how it was spent and accompanying statements, are contained in the report entitled *Exchequer Funding of Political Parties in 2019*. The report is available at [www.sipo.ie](http://www.sipo.ie).

In its report, the Commission has raised concerns that there is no consequence for non-compliance of qualified parties who fail to comply with the reporting requirements and who do not qualify for funding in the following year.

### Parliamentary Activities Allowance 2019

Party leaders and independent members of the Oireachtas may receive funding under the *Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014*, informally known as the "Parliamentary Activities Allowance". Details of the funding, how it was spent and accompanying statements are contained in the report, entitled *Exchequer Funding under the Parliamentary Activities Allowance Legislation in 2019*. This report is available at [www.sipo.ie](http://www.sipo.ie).

## Issues Arising in 2020

In most non-federal states, registered political parties typically operate in just one political jurisdiction, and are subject to one framework of electoral legislation. Unusually, some political parties registered to contest elections in Ireland (Irish political parties) also are registered to contest elections in Northern Ireland. As a result, they must organise and operate within two different regimes of electoral regulation. They must also operate controls that ensure there are no cross-border transactions that are illegal or improper.

Political parties are typically not established under company law provisions, and so company law does not apply to their operations or financial reporting. Parties operating in multiple jurisdictions may be analogous in some respects to group companies establishing subsidiary companies in different jurisdictions to avail of different legal and/or accounting regimes. While legal and accounting principles developed to accommodate such company structures may be helpful in analysing the issues that arise in cases where parties operate in multiple jurisdictions, they cannot be substituted for the provisions of electoral law.

Northern Ireland has different rules in respect of acceptance of donations, and there is no limit to the amount a Northern Ireland political party may accept from an eligible donor. The Commission has no authority to oversee donations given to a political party in Northern Ireland. Where donations are received by a party, elected official or candidate in Northern Ireland, they are subject to the legislative provisions of that jurisdiction.

Where a corporate donor, including a Northern Ireland political party, wishes to give funds to a party, elected official, candidate or third party in Ireland, this would count as a donation and would be subject to the limits and disclosure provisions set out in the Electoral Act.

The Commission is currently reviewing its guidelines for the preparation of annual audited statements of account by Irish political parties to take account of issues raised about parties operating in multiple jurisdictions.

## Electoral Reform

In December 2020, the Department of Housing, Local Government and Heritage published the general scheme of the *Electoral Reform Bill 2020*. The Bill will provide for the establishment of a statutory, independent electoral commission.

The Bill provides that the initial functions of the electoral commission will include the work of referendum commissions, the registration of political parties, the functions of constituency commissions and of local electoral area boundary committees, a policy research and advisory function, a role in relation to the regulation of online political advertising during election periods, and an oversight and monitoring role in respect of the modernised register of electors.



The Bill does not provide for the transfer to the electoral commission of the functions currently with the Standards in Public Office Commission regarding political funding and election expenditure. These will be considered for transfer to the electoral commission at a later stage. This will require further legislation.

The Commission welcomes the progress made on the establishment of an electoral commission. The Commission has called on many occasions for a comprehensive review of the Electoral Act with a view to clarifying, modernising and strengthening its provisions, including its enforcement powers. It is understood that a legislative review is proposed as a function of a new electoral commission. The Commission recommends this be undertaken sooner, and as a matter of urgency.

# 03

## Communications and Outreach



## Chapter Three:

# Communications and Outreach

Prior to March 2020, the Commission continued its implementation of its communications strategy, engaging in face-to-face meetings, presentations and contact with personal callers to the Office. However, COVID-19 has necessitated a shift in the way communications and outreach are conducted by the Office. The sudden switch to remote working required the Commission to turn to virtual tools to continue its outreach activities, including hosting and participating in online meetings, information sessions, training events and conferences.

The following provides highlights of communications and outreach activities undertaken by the Commission in 2020.

### January

- Drop-in session at Leinster House for TDs
- Delegation from the Office for Democratic Institutions and Human Rights, part of Organisation for Security and Co-operation in Europe
- Presentation to local authority ethics registrars, in partnership with the Local Government Management Agency and the County and City Managers' Association

### March

- Induction training to members of the Oireachtas
- Meeting with a representative of The Wheel to discuss application of the Electoral Act to third parties

### June

- Meeting with European Commission (EC) regarding the EC's Rule of Law Report for 2020

### October

- Online presentation and supporting paper to University of Limerick for level 9 post-graduate diploma on proceeds of crime

## November

- Online training for newly elected Oireachtas members
- Meeting with the Organisation for Economic Co-operation and Development Working Party of Senior Public Integrity Officials regarding ethics governance in member states

## December

- Online presentation to the Chief State Solicitor's Office

## Council on Governmental Ethics Laws (COGEL)

The Commission continues to be a member of the Council on Governmental Ethics Laws (COGEL), a US-based non-profit organisation. COGEL is a network 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, the Head of Ethics and Lobbying Regulation attended the virtual annual conference on behalf of the Commission.

## Network for Integrity

The Commission maintains observer status in the Network for Integrity, which brings together institutions from around the world engaged in promoting integrity, transparency, and ethics of public officials. In 2020, due to the pandemic, a planned conference was postponed. A virtual plenary meeting will be held in early 2021.

## Publications

In 2020 the Commission published a number of statutory reports. A complete list is available in **Appendix One**.



# 04

## 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 that may have taken place in the meantime. Minor proposals, such as technical amendments, appear in previous annual reports. Proposals that have been actioned and reported on in a previous report do not appear on this list.

### Recommendations applying to Ethics Acts

Recommendation	Progress in 2020
<p>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.</p> <p><i>(Chapter 1, 'Own initiative inquiries', Annual Report 2004)</i></p>	<p>None.</p>
<p>Provision should be made for a quorum of not less than three members (including in all cases, the Chairperson) for the hearing of an investigation under the Ethics Acts.</p> <p><i>(Chapter 4, 'Proposed amendments to the Ethics Acts', Annual Report 2008)</i></p>	<p>None.</p>
<p>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.</p> <p><i>(Introduction, Annual Report 2010)</i></p>	<p>None.</p>

Recommendation	Progress in 2020
<p>Legislation should be introduced to ensure accountability of all former public officials, including those not currently covered by the Ethics Acts.</p> <p><i>(Chapter One, Ethics, Annual Report 2019)</i></p>	None.
<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>	None.
<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>	None.
<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>	None.
<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>	None.



Recommendation	Progress in 2020
<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>	<p>None.</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.</p> <p><i>(Chapter 2, 'Connected Persons', Annual Report 2009)</i></p>	<p>None.</p>
<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>	<p>None.</p>
<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>	<p>None.</p>

Recommendation	Progress in 2020
<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>	None.
<p>That future regulations prescribing designated positions of employment be made effective on 1 January of the year following their promulgation.</p> <p><i>(Chapter 1, Ethics, Annual Report 2018)</i></p>	Minister has agreed with recommendation; no new regulations since recommendation made.
<p>That regulations prescribing designated positions of employment be updated regularly and that the prescription of new positions in a body to be established (whether entirely new or bodies being merged) be considered as part of the process of establishment. In addition, the Commission should be informed of the creation/merger/dissolution of such bodies.</p> <p><i>(Chapter 1, Ethics, Annual Report 2018)</i></p>	None.
<p>Various pieces of legislation that address ethics for elected officials and civil and public servants, including post-employment provisions, should be streamlined with a view to ensuring consistency and efficiency.</p> <p><i>(Chapter 1, Ethics, Annual Report 2019)</i></p>	None.
<p>The incoming government should give urgent consideration to passage of revised ethics legislation at an early stage.</p> <p><i>(Chapter 1, Ethics, Annual Report 2019)</i></p>	The Programme for Government in 2020 announced a review of the current ethics framework.

Recommendation	Progress in 2020
<p>The role of ethics registrar in local authorities should be rotated less frequently than the current two years, to allow for capacity-building and the development of knowledge and expertise, and should be at a senior level within the organisation.</p> <p><i>(Chapter 1, Ethics, Annual Report 2019)</i></p>	<p>None.</p>

## Recommendations applying to Electoral Act

Recommendation	Update
<p>An electoral commission should be established, and a comprehensive review of the Electoral Act should take place. Provisions should be included to provide for regulation of digital means of influence in an electoral or referendum campaign.</p> <p><i>(Chapter 2, Electoral, Annual Report 2017)</i></p>	<p>In December 2020, the general scheme of legislation to establish an electoral commission was published and pre-legislative scrutiny is underway at the time of writing.</p>
<p>New electoral commission should be established:</p> <ul style="list-style-type: none"> <li>• On a statutory basis;</li> <li>• Entirely independent of government for budget, reporting, publications and staffing;</li> <li>• Ensure that members are dedicated to role on full-time basis and not as additional function to other statutory roles; and</li> <li>• Provide secretariat support via a stand-alone organisation, ensuring that all statutory and operational functions, including salary and nonsalary expenditures, are appropriately resourced.</li> </ul> <p><i>(Chapter 2, Electoral, Annual Report 2019; Submission to public consultation on creation of Electoral Commission)</i></p>	<p>In December 2020, the general scheme of legislation to establish an electoral commission was published and pre-legislative scrutiny is underway at the time of writing.</p>

Recommendation	Update
<p>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.</p> <p><i>(Review of the Electoral Acts 2003)</i></p>	None.
<p>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).</p> <p><i>(Review of the Electoral Acts 2003)</i></p>	None.
<p>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.</p> <p><i>(Review of the Electoral Acts 2003; and 2009 Report on third parties at the Referendum on the Treaty of Lisbon)</i></p>	None.
<p>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”).</p> <p><i>(Review of the Electoral Acts 2003)</i></p>	None.

Recommendation	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>	<p>None.</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.</p> <p><i>(2009 Report on third parties at the Referendum on the Treaty of Lisbon 2008)</i></p>	<p>None.</p>
<p>Expenditure limits should apply at referendums as well as elections.</p> <p><i>(Chapter 2, Electoral, Annual Report 2017)</i></p>	<p>None.</p>
<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>	<p>None.</p>
<p>Review whether it is necessary to furnish, as a matter of course, supporting documentation in relation to the maintenance of a political donations account.</p>	<p>None.</p>

Recommendation	Update
Consider setting aside specific funding 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.	None.
Offence should be provided for failure to open political donations account.	None.
Provide for offences and penalties for failure to comply with parts IV, V, VI of the 1997 Act.	None.
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.	None.
Provide for offence for failure to provide necessary information to election agent or national agent for purposes of facilitating agent's election expenses statement (EES).	None.

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 <i>Houses of the Oireachtas Commission Act 2003</i> (as amended by section 4(c) of the <i>Houses of the Oireachtas Commission (Amendment) Act 2009</i>)].</p> <p><i>(Report on the Dáil general election of 2007)</i></p>	<p>None.</p>
<p>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.</p>	<p>None.</p>
<p>Smaller political parties, particularly those not in receipt of Exchequer funding, should be exempt from the requirement to submit audited accounts.</p> <p><i>(Chapter 3, Electoral, Annual Report 2016)</i></p>	<p>None.</p>
<p>Amend definition of corporate donor to include companies that are linked by common ownership.</p> <p><i>(Chapter 2, Electoral, Annual Report 2019)</i></p>	<p>None.</p>
<p>Amend Act to address issue of remaining funds on closure of political donations accounts.</p> <p><i>(Chapter 2, Electoral, Annual Report 2019)</i></p>	<p>None.</p>

Recommendation	Update
<p>Any new legislation to address online political advertising should:</p> <ul style="list-style-type: none"> <li>- take into account difficulties with current definition of political purpose, and</li> <li>- be developed on same track as electoral commission and not assigned on interim basis to Standards Commission.</li> </ul> <p>(Chapter 2, Electoral, Annual Report 2019)</p>	None.
<p>Amend Act to reflect the fact that members of local authorities and candidates at local elections have their own reporting requirements under the <i>Local Elections (Disclosure of Donations and Expenditure) Act 1999</i>, as amended.</p>	None.
<p>Shorten interval between the making and the submission of the statutory declaration.</p>	None.
<p>Provide a statutory deadline by which candidates, who wish to do so, must finally assign part of their spending limits to their political parties.</p>	None.
<p>Clarify duration of third party registration.</p>	None.
<p>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 <i>Houses of the Oireachtas Commission Act 2003</i> (as inserted by the <i>Houses of the Oireachtas Commission Act 2006</i>) (now Section 4(c) of the <i>Houses of the Oireachtas Commission (Amendment) Act 2009</i>).</p>	None.



Recommendation	Update
Amend definition of “financial institution” to include credit unions.	None.
Definition of “minor expenses” at an election should be limited to €126.97 per candidate.	None.
Modify term “election agent” to “election spending agent” or “election spending accounting officer”.	None.
Candidates should be required to notify Commission directly of change to election agent.	None.
Provide for discretion by Commission in allowing expenses such as refreshments for volunteer workers and candidate petrol costs.	None.
Amend section 31(10) of 1997 Act to include phrase “seeks to influence the outcome of an election”.	None.
Allow for registration of third parties for a particular campaign or on an ongoing basis.	None.
Clarify Act to specify whether expenditure of Exchequer funding is allowable in respect of capital and/or current spending.	None.

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

Recommendation	Update
<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.</p> <p><i>(Annual Report 2007)</i></p>	None.

# 05

## Office Operations



## Chapter Five:

# Office Operations

### Working Remotely

In March 2020, the Commission's offices closed due to the global pandemic caused by COVID-19. As was the case with all public bodies and many in the private sector, the Commission and its staff were provided with remote access to enable them to work from home during the public health crisis. The COVID-19 situation resulted in some unavoidable disruptions to the delivery of public services, including to the work of the Commission. In particular, the office remained closed to personal callers to ensure the health and well-being of staff and callers alike. Stakeholders were asked to communicate with the office via email and telephone, which were unaffected. Post was collected regularly and staff had remote access to all systems, including email and databases.

Despite the many challenges caused by the pandemic, the Commission continued to deliver a high level of customer service, and used alternative means to communicate with stakeholders during the year.

Throughout this period of disruption and uncertainty, the Commission continued to ensure the continued and effective delivery of its mandate, in particular, timely support and guidance to stakeholders with statutory obligations.

The Commission continues to follow public health advice.

### Office Green Team

A Green Team was established in 2020 in the Office of the Ombudsman, which provides Secretariat support to the Commission. The main aims of the Green Team are to introduce environmentally friendly measures in the Office in the areas of energy, waste, transport and water, as well as improving the quality of the working environment.

The Green Team has commenced a series of themed monthly awareness programmes to assist staff in making more environmentally sustainable decisions both in work and at home. Measures taken by the Office include monitoring of energy usage and air quality in the Office; providing "keep cups" to staff; increasing the number of lockers to encourage a change in commuting habits; waste and recycling awareness programmes; provision of filtered drinking water taps in place of bottled water; and the replacement of desktop computers with more energy efficient laptops.

The Green Team, with the support of senior management, will endeavour to introduce further initiatives that promote environmental sustainability for both individuals and the organisation.

## Official Languages Scheme

Under the *Official Languages Act 2003*, the Commission must prepare a scheme, detailing the services we will provide in Irish, English or both official languages.

The current Irish Language Scheme for the Commission covers the period from 2018-2021 inclusive. Among the services provided in Irish are:

- The availability of Irish speakers to deal with complaints, queries and requests for media interviews in Irish;
- Correspondence received in Irish is responded to in Irish; and
- Website content available in Irish including annual reports, leaflets, guides, forms other periodic or special reports and press releases.

Other measures taken by the Office to promote the Irish language and assist the Commission in fulfilling its obligations under the Official Languages Act include a weekly conversational Irish class for staff and encouragement of staff to engage in Irish language classes.

## Irish Human Rights and Equality Commission Act 2014

The *Irish Human Rights and Equality Commission Act 2014* introduced 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, is committed to providing a service to all clients that respects their human rights and their right to equal treatment and has adopted a proactive approach to implementing this duty. The Office's approach is underlined by its core organisational values of independence, customer focus and fairness, which are evident in both the culture of the office and our internal policies and procedures.


In 2018, the Office established a working group on public sector duty. The group considered the human rights and equality issues relevant to the Office's functions and identified the policies, plans and actions needed to address these. On foot of this, a Public Sector Duty Committee was established and an Equality Officer appointed.

The Committee has made a considerable amount of progress since 2018. It oversaw the introduction of an e-learning module on human rights and equality for new staff members, carried out a review of all communications in the Office, introduced a revised internal communications strategy focusing on the availability of needs assessments and assistive technologies and enhanced the accessibility of the office for staff and visitors.

Up to 2020, the Committee had largely focused on what proactive changes it could make within the organisation. However, in 2020 it expanded its focus to explore how it could implement public sector duty and promote human rights and equality through the public service bodies it deals with. A new action plan was agreed for the short to medium-term, which aims to embed public sector duty into the Office's core strategy and statutory functions and explore how it can introduce a human rights lens into its work.



# Appendices

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## Appendix One:

# Commission Publications in 2020

### January

- 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 Hugh McElvaney, Monaghan County Council

### July

- Standards in Public Office Commission Annual Report 2019

### October

- Report to the Chairman of Dáil Éireann (Ceann Comhairle) pursuant to section 4(1) of the *Electoral Act 1997* on spending and donations disclosed by candidates at the European Parliament Election of 23-26 May 2019

### November

- Report on Donations to Political Parties Received in 2019
- Report on Political Parties' Statements of Accounts 2019

### December

- Exchequer Funding of Political Parties in 2019: Report to the Chairman of Dáil Éireann pursuant to section 4(1) of the *Electoral Act 1997*
- Exchequer Funding under the Parliamentary Activities Allowance Legislation in 2019: Report to the Minister for Public Expenditure and Reform in accordance with Section 10D of the *Ministerial and Parliamentary Offices Act 1938* as amended by the *Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014*
- Dáil Bye Elections 29 November 2019: Report by the Standards in Public Office Commission to the Ceann Comhairle pursuant to the *Electoral Act 1997*, as amended

## Appendix Two:

# Third Parties and Corporate Donors Registered in 2020

### List of Registered Third Parties 2020

- Abortion Never
- Abortion Rights Campaign
- ADFAM
- Alliance for Freedom and Democracy
- Anti-Corruption Ireland
- Atheist Ireland
- Benedict Ó Floinn
- Cherish all The Children Equally
- Choice Ireland
- Christian Solidarity Party
- Coalition to Repeal The Eighth
- Donegal Pro Life
- FACE
- Family & Life
- Immigration Control Platform
- Independent Alliance
- Iona Institute
- Irish Council for Civil Liberties
- Janet O'Sullivan
- Migrants and Ethnic-minorities for Reproductive Justice\*
- National Campaign for the Arts
- National Women's Council of Ireland



- Peace and Neutrality Alliance
- People's Movement
- Pro Life Campaign
- Right2Water
- 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 Socialist Party
- Together for Yes
- Women's Health in Ireland

*\*Deregistered during 2020*

## List of Registered Corporate Donors 2020

- Aegis Safety Ltd
- Association of Secondary Teachers, Ireland
- CE Cladwell Estates Ltd
- Chabot Creations Ltd
- EP Lynam Properties
- Irish Asphalt Ltd
- Irish Farmers' Association
- Irish National Teachers Organisation
- Irish Nurses and Midwives Organisation
- Lagan Homes Ireland Limited
- SIPTU
- Unite the Union

