

27 November 2018

**Appearance before Joint Committee on Communications, Climate Action and Environment
Text of Opening Statement**

(Check against delivery)

Good afternoon, and thank you for the invitation to appear before you today on behalf of the Standards in Public Office Commission. My name is Sherry Perreault, and I am the Head of Ethics and Lobbying Regulation, and Secretary to the Commission.

The Standards in Public Office Commission, in its current iteration, has been in place since 2001, replacing the former Public Offices Commission. The Commission is comprised of 6 members, including: the Controller and Auditor General, the Ombudsman, the Clerk of Dail Eireann, the Clerk of Seanad Eireann, a former member of the Oireachtas, and is chaired by a former judge of the High Court. Our present chair is Mr Justice Daniel O’Keeffe.

The Standards Commission oversees several pieces of legislation, along with their associated statutory instruments, which serve to support transparency and good governance.

The Acts administered by the Commission are:

- The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 (which together are known as the Ethics Acts), and deal primarily with managing conflicts of interest;
- The Electoral Act 1997 (as amended), which deals primarily with political financing;
- The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, which deals with the parliamentary activities allowance, and finally
- The Regulation of Lobbying Act 2015, which provides transparency for decision-making processes.

Today I will focus my remarks on the Commission’s powers under the Electoral Acts, which I believe would be most relevant to these proceedings.

Under the current legislation, the Commission oversees compliance with respect to the:

- Disclosure of donations to TDs, Senators, parties, candidates and third parties
- Expenditure of Exchequer funding
- Donation limits, declaration thresholds and prohibitions on certain donations
- Disclosure of election spending and spending limits (at Dail, European and Presidential elections) and certifies election expenses for reimbursement
- Disclosure of political party accounts
- Registration of corporate donors, and
- Registration of third parties.

Candidates, elected officials, political parties and third parties are subject to the Act's obligations, including donation acceptance rules and disclosure obligations. To clarify, a third party is any individual or organisation that accepts a donation for political purposes valued at more than €100. I further note that we have no role in disclosure of donations or electoral expenditure at local authority level.

The Commission has a role in issuing guidance and advice to those with obligations under the Acts. It is empowered to make inquiries under the Act and, where the Commission is of the view that an offence under the Act has been committed, it may refer the matter to the Director for Public Prosecutions. In practice, and at the request of the DPP, such referrals are made to An Garda Síochána in the first instance.

In published reports, including its most recent annual report, the Commission has commented on areas of the Electoral Acts which it believes would benefit from review and modification. These include transparency in respect of expenditure at referendums, disclosure of sources of funding to political and third parties, and the definitions of third parties and what constitutes a political purpose.

While the Commission does have oversight of political donations, the Commission has no statutory role to oversee the content of political advertising, whether it originates inside or outside the State.

The Commission recently commented on the issue of online advertising in its 2017 Annual Report, and I quote:

“The landscape of political engagement has changed in the years since the Act was passed, with the internet and social media now featuring heavily in any campaign. While there are prohibitions on foreign political donations other than in specific circumstances, the Commission notes with concern that individuals and organisations based outside of Ireland may fund political advertising or launch digital campaigns financed outside the State. As no legislative framework currently exists to address these matters, it would appear that an important and continually evolving tool in modern Irish political discourse (i.e. the internet) is unregulated. This allows for foreign actors to influence Irish elections and referendums, with potentially significant consequences” (end quote).

In its report, the Commission called for a comprehensive review of the Electoral Act with a view to addressing this issue, preferably in the context of the creation of an electoral commission.

This summarises the role and statutory functions of the Commission. I would be happy to take any questions you may have.
