

**Ireland**

**Country Visit State Authorities Meeting  
Written Input**

European Commission Annual Rule of Law Report 2022

11 March 2022

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**11. (it could be answered in written form) In the written input to the 2021 Rule of Law Report, you explained that the Government was planning to propose a compensation scheme for cases of excessive length of court proceedings before the end of 2021? Could you provide an update?**

The Government approved the General Scheme of the European Convention on Human Rights (Delay in Court Proceedings) Bill (a copy of the Scheme is attached for your information) on the 21st July 2021. The General Scheme is divided into four parts. The main aim of the General Scheme is to:

- Provide for the establishment of an independent Assessment Board to assess claims for delay in court proceedings at first instance and to award compensation, if appropriate.
- Provide for the procedures to be followed by the Board and the criteria by which claims and compensation are to be assessed, by reference to the criteria and principles applied by the European Court of Human Rights in delay cases.
- Establish a specific right of action in the Circuit Court should a claimant be dissatisfied with the assessment of the Board.
- Provide for the criteria by which such a claim and compensation should be assessed by the Circuit Court.
- Limit a claimant to seeking compensation only once in respect of a delay in relation to the same set of proceedings.

The General Scheme was submitted for formal drafting to the Office of Attorney General following its approval by Government in July 2021. The Bill is expected to be drafted and published during the Spring Parliamentary Session. It will then proceed through the legislative process in the Houses of the Oireachtas with a view to having it enacted by Q2 2022. A copy of the scheme is attached.

**12. (it could be answered in written form) Following the decision of the Irish Supreme Court in *Zalewski v. Adjudication Officer and the Workplace Relations Commission*, are you envisaging any changes in the Labour Court, in particular in relation to judicial review?**

The *Zalewski* decision dealt with the Workplace Relations Commission's adjudication services, the court of first instance, in relation to its determination of employment right matters. The decision has resulted in complaints before the WRC being held in public (with exceptions) and the introduction of oral evidence being given under oath with an associated offence of perjury attaching to the affidavit.

The Labour Court is a separate body and is the appellant Court for WRC decisions. The Labour Court's procedures have always required public hearings and the swearing of oaths when evidence is contested. The Labour Court's determinations have always been subject to judicial review before the High Court. In addition, the Labour Court is entitled, in accordance with section 44(6) of the Workplace Relations Act 2015, to refer questions on a point of law to the High Court. In such circumstances, the High Court's decision is final and conclusive. Both the WRC and the Labour Court may also refer questions to the European Court of Justice.

**13. (it could be answered in written form) In October 2021, the Government announced it was allocating a 5.3% increase to the annual budget for the Department of Justice resulting in a total budget of just over EUR 3.1 billion. Could you provide details on the breakdown of that increase?**

The increase of 5.3% refers to the difference in the gross expenditure budget available in 2022 compared with corresponding budget in 2021.

(It refers to “core funding” excluding specific once-off Covid related funding which was €27.4 million in 2021 and €20.1 million in 2022).

There are six separate votes within the Justice Vote Group – D/Justice., Garda Síochána, Prisons, Courts Service, Data Protection Commission and Policing Authority.

In total, the justice sector will benefit from increased funding of almost €157 million in 2022 (Current €145 million and Capital €12 million). While €40 million of this funding related to the impact of various pay increases the balance of the additional funding of almost €117 million will be used to increase expenditure across the votes including in the following areas:

- An Garda Síochána
  - 800 extra Gardaí and 400 extra Garda staff
  - €12m for investment in the Garda fleet, including 100 additional bikes and an expanded number of electric vehicles
  - €10.5 million for Garda operational expenditure – which includes provision for new mobile devices, equipment for a range of Garda specialist units as well as on-going training in relation to priority areas such as tackling sexual, domestic and gender based violence
- Community Safety (total increase - €8.7m)
  - Youth Justice - €6.7m extra to support increased number and range of community interventions to divert young people away from crime
  - Community Safety Innovation Fund - €2m from proceeds of crime to be reinvested in community safety projects
- Domestic, Sexual and Gender Based Violence (total increase - €5.2m)
  - €2.4m to support an expansion of training and awareness raising programmes
  - €785k additional to fund NGOs and domestic abuse intervention programmes
  - €1.1m to provide a legal advice service and a legal aid service in court to victims of sexual violence
  - €1m in the Garda Vote for the upgrade/refurbishment of Divisional Protective Service Units (DPSUs)
- Irish Prison Service
  - €2.4m extra healthcare funding, including increased investment in mental health supports in prisons
  - €4m additional operational funding, including for ICT investment

- Data Protection Commission – 21% increase in funding (an extra €4.1m) to recruit additional staff to ensure robust data protection guidance and enforcement continue
- Forensic Science Ireland - €4.1m additional to support the move to the new and purpose-built Backweston campus during 2022
- Courts Service - €3.7m to support the courts modernisation programme, including investment in ICT
- Legal Aid Board - €3.3m increase in 2022 (7% increase on 2021) to protect access to justice while a review of civil legal aid is carried out over the coming months
- Immigration Services - €3m to implement the scheme for regularisation of the undocumented, and improve the timely processing of applications in the International Protection Office
- Garda Síochána Ombudsman Commission – increase of €2.1m to support GSOC to recruit more investigators, and to invest in ICT and training

#### **What is the composition of the Justice Vote Group?**

- Six votes in the Justice Group
- Total gross expenditure budget of €3.153 billion in 2022 of which €2.883 billion is current expenditure and capital is €270 million.
- Over 65% of the budget, a total of €2.062 billion relates to the Garda vote
- The next largest is the Justice vote which accounts for €499 million or 16% of the budget; the Prisons vote accounts for 13% of the budget at €401 million.
- The remaining three votes account for 6% of the budget as follows;
- Courts - €164 million (5%),
- Data Protection Commission - €23.2 million
- Policing Authority €3.9 million.
- In total, 78% of all current expenditure is pay and pensions related and this proportion increases to 88% in case of the Garda Vote.
- The total of non –pay current expenditure is €642 million

**14. (it could be answered in written form) The Family Court Bill provides for the establishment of new courts dealing with family law cases. Do you envisage to allocate new resources to these courts?**

Proposals are being prepared in the context of the work being undertaken by the Family Justice Oversight Group. While currently at a conceptual stage, this work is focussing on service delivery in the context of a new family law courts system.

The proposed delivery model envisages that family law services, including office services and court hearings, will be delivered from a combination of physical facilities (new and existing) and online

platforms, as appropriate. Elements under consideration include Courts infrastructure, ICT and support services and judicial and administrative supports required to deliver a family law service.

**15. (it could be answered in written form) Could you please provide an update on the work of the group to review the Offences Against the State Act?**

The Group has provided an interim report to the Minister for Justice, detailing its research plans and methodology, including its public consultations. The work of the Group is ongoing at this time and an update on its work is expected shortly. The Review Group is completely independent in its work, and the Department is respectful of that independence. The website of the review group is [www.oasareview.ie](http://www.oasareview.ie)

**16. (it could be answered in written form) Could you please provide an overview on the ICT Strategy 21-24 and the Data Strategy adopted by the Courts Service in the second half of 2021?**

**Overview of the Courts Service ICT Strategy 2021 – 2024 Enabling coherent end-to-end user-centric digital journeys, designed and built in a co-creative, multidisciplinary and agile manner**

Technology currently enables and is essential to the work done throughout the process of administering justice in Ireland. This can be seen in many ways from in-court presentation of digital evidence, digital audio recordings of proceedings, the way staff, the judiciary, practitioners and other justice sector bodies communicate and share data, right through to the management of back-office systems. The Courts Service ICT Strategy 2021 - 2024 is a driver for change within the organisation and a fundamental part of the advancing digitally enabled Justice.

6 key themes and 42 actions, listed below, have been identified and developed to build technologies and structures that will help the organisation deliver upon its near and long-term objectives. Targeting improvements across external facing areas of the business such as court technology and digital case management, the strategy aims to enhance the toolset provided to our staff, the judiciary and justice partners to help deliver a world class justice system.

Through internal areas of focus such as desktop and infrastructure management, the Courts Service aims to rollout modern communication, collaboration and information management tools to help staff and the judiciary carry out their work in more flexible and efficient ways. The Courts Service will also rationalise its backend infrastructure and move towards the adoption of cloud-based platforms to support the increasing demand for secure digital services.

Encompassing all areas of the business, the strategy sets out enhancements to ICT security and resilience designed to help mitigate risks associated with a large digital footprint and the ever-present threat from cyber security attacks. The Courts Service will enhance organisational resilience through improved disaster recovery planning and enhanced security tooling and processes. To help realise these developments, the strategy also focuses on the capacity, capabilities and governance of ICT, and the processes and support structures required to help realise the strategic objectives set out. With enhancements targeting various areas of the business, the strategy aims to drive change in a positive way throughout the organisation to help support the fulfilment of the modernisation vision of the Courts Service.

## **42 actions across 6 strategic themes:**

### **Court Technology**

1. Provide a standardised minimum set of technology in all technology enabled courtrooms.
2. Expand video installations in courtrooms countrywide aligned with the forthcoming Estate Strategy and Venue Review, and work with the judiciary, registrars and Justice sector bodies to increase their utility.
3. Improve the remote court platform to leverage the latest available technology and innovation in video conferencing and integrate with digital case management tools.
4. Assess and enhance connectivity, coverage, operating model of the Wi-Fi solution to ensure it is fit for purpose for the judiciary, staff, legal practitioners and justice partners.
5. Refresh Digital Audio Recordings technology estate, improving its integration with the remote court platform, case management platform, reviewing access control to courtroom audio and investigating improvements to the speech-to-text capability leveraging AI.
6. Evolve interaction with cases while in-court, reducing reliance on paper through an integrated and unified case management platform.
7. Ensure the use of court technology in an inclusive and accessible manner, following universal design principles.

### **Unified Case Management Platform**

8. Introduce a single digital case management system to create a consistent user-centred experience throughout case management and rationalise Courts Service processes and procedures.
9. Incrementally implement family, civil and criminal cases into the case management platform aligned with the prioritisation of the Modernisation Programme.
10. Implement a modern portal for practitioners and litigants to create and track case applications online, helping manage scheduling and deadlines, and communication between practitioners and litigants.
11. Expand number of case types that can be initiated via online portal.
12. Incrementally streamline case management workload for case types within the new platform through a series of systems integration.
13. Develop a series of reusable digital modules that can be leveraged as new case types are rolled out in the new platform.
14. Modernise document management, aligning with the Data strategy, making it easy to share, store and annotate documents.

## **Desktop and Infrastructure Modernisation**

15. Introduce modern collaboration and communication tools, retiring legacy messaging tools to enable the use of more robust, modern, and secure document, mail and video conferencing solutions.

16. Adopt the Office of the Government Chief Information Officer's Build to Share programme and work towards the integration of eDocs and other solutions to aid document collaboration and process streamlining within the Courts Service.

17. Replace Citrix Virtualisation software and thin client workstations with PCs/laptops.

18. Roll-out a tested desktop configuration to ensure Courts Service staff have access to equipment and ergonomic best practices.

19. Introduce an enterprise ready Mobile Device Management solution to ensure the ability to remotely manage and wipe devices, and support ICT users.

20. Introduce improvements to the judicial desktop including modern email and collaboration tooling.

21. Establish a judicial ICT training programme to support judicial staff and establish an ICT support channel for aftercare of issues experienced.

22. Complete an assessment of the current operating system and application level software versions and upgrade or retire unsupportable versions where possible.

23. Review and refresh our corporate support systems in line with demand and organisational priorities.

24. Implement and enable "Infrastructure as Code" to modernise infrastructure provisioning and management, and reduce the requirement for manual tasks.

25. Review the current service catalogue and assess where the use of cloud technologies could be used to increase the security and agility of the organisation.

## **Security and Resilience**

26. Continued development of a Cyber Security Incident Response Plan in line with public sector best practices to ensure issues are detected and responded to in the event of a breach.

27. Implement a cybersecurity governance model which incorporates risk focussed decision making to provide strategic direction of security initiatives.

28. Complete an ISO27001 fit-gap analysis and Cyber Security Simulation to identify and inform governance and technical improvements.

29. Rationalisation and implementation of single Identity and Access Management.

30. Investigate advancements in security tooling in areas such as Threat Intelligence and Vulnerability Management.

31. Implementation of vulnerability detection and threat detection capabilities to help identify and neutralise a vulnerability before systems are exposed to bad actors.

32. Adoption of a Security Information and Event Management platform.

33. Aligning with the Business Continuity Programme, carry out a Disaster Recovery assessment and put in place an appropriate remedial programme of work to improve our Business Continuity Programme and Data Recovery posture.

34. Develop and issue a user security awareness programme to raise awareness of the responsibilities around securing networks, devices, and information.

### **Capacity, Capability and Governance**

35. Structure the ICT Directorate to align with business needs.

36. Introduce modern agile ways of working to transform ICT into a first-class citizen of the business.

37. Meet capacity needs through blended, multi-disciplinary teams, and uplift capability of ICT staff through a series of learning initiatives.

38. Work with Learning and Development to uplift the capability of the organisation to get the most out of current and new technology.

39. Refine the vendor management strategy to support internal capability and delivery through blended teams.

40. Define, implement and roll out a unified governance framework to support transformation.

41. Mature change, support and learning services, in partnership with Change Programme Office and Learning & Development.

### **Data as an Enabler**

#### **42. Publish a 3-year Data Strategy**

##### **Overview of the Courts Service Data Strategy 2021 – 2024 Building towards our 2030 Vision through strengthening data management and improving access to secure high-quality data**

The aim of the Courts Service Data Strategy is to outline a series of initiatives that will enhance the Courts Service's capacity to manage and appropriately use data generated from its activities. The initiatives are grouped under four data themes: governance, use of data, improved processes and technology. A total of 23 actions, listed below, were identified to support the necessary changes required to improve the data management maturity level across the Courts Service during the three-year term (Q4 2021 – Q3 2024) of the Data Strategy.



In advance of the development of this Data Strategy, the Courts Service undertook a data maturity assessment across the Courts Service. The assessment established a baseline of the current state of data management capabilities and aided in the prioritisation of future improvement initiatives. Overall, the assessment found a relatively low level of data management maturity.

The initiatives will drive a series of improvements across all areas of the business. These include: strengthening of existing data governance and data security processes; promoting partnership across digital and business teams; expanding the range of policies supporting the management of data; improving access and promoting the use of high quality data to support the streamlining of processes; increase the availability of reliable data to support enhanced data analytics capabilities internally and externally via data sharing agreements as well as open data initiatives. The successful delivery of these data initiatives will provide a solid platform to support the realisation of the Courts Service's Modernisation Programme's vision.

### **23 actions across 4 strategic themes:**

#### **Governance**

1. Establish a Data Governance Committee with oversight of the Courts Service's data management and information security matters.
2. Assess progress made in improving data management processes to a target level of three by conducting a further data maturity assessment during the term of this Data Strategy.
3. Develop and roll-out a data quality framework.
4. Conduct a gap assessment of the data and metric dictionary to identify the required improvement initiatives.
5. Establish a Business Intelligence service to centrally manage data demand.
6. Develop and mature a coherent data architecture including a unified data model, a data exchange architecture and a data lake.
7. Establish a Technical Architecture Design Authority to review key architectural choices to ensure proposed developments adopt a coherent, consistent and joined up data architecture.

#### **Use of Data**

8. Develop and operationalise a data catalogue for Courts Service data holdings.
9. Actively maintain the Court Service data holdings on the Public Service Data Catalogue.
10. Examine opportunities where trusted common identifiers may be used to improve both the efficiency and effectiveness of operational processes, and the level of data insights available.
11. Establish a Courts Service Open Data Portal that provides access to a data bank of pre-validated high priority datasets.

12. Identify potential datasets that can be published on the Courts Service Open Data Portal.
13. Expand the number of application datasets and standardised reports available from the data lake.
14. Develop and execute a communications strategy to raise awareness of the data lake and support its adoption.

### **Improved Processes**

15. ICT Directorate to work in partnership with Change Programme Office and Learning & Development Unit to identify and deliver data related training initiatives.
16. Define and implement an organisation wide records management policy, including a data retention schedule.
17. Continued engagement with the National Archives of Ireland to operationalise a robust archival system for appropriate records.
18. Continue to review, develop and raise awareness of policies, standards and processes that support data privacy and security.
19. Move to a default position where regular data sharing with PSBs and approved third parties is via APIs and message broker infrastructure.
20. Maintain a set of data sharing artefacts, including a central register of all Application Programming Interfaces in use, data sharing agreements, etc.

### **Technology**

21. Implement an Electronic Document and Records Management System for case data
22. Implement an Electronic Document and Records Management System for the Courts Service's organisation data.
23. Promote and provide access to Business Intelligence tooling and data dashboards that provide insights relevant to the role of users.

**17. Following up on the progress of the implementation plan "*A review of structures and strategies to prevent, investigate and penalise economic crime and corruption*" as regards anti-corruption priorities:**

**C. (it could be answered in written form) Could you clarify the target bodies participating in the established Forum of senior representatives? Could you also provide an overview of the results/outcome of such forum and activities carried out? How does the forum contribute to enhance cooperation and efficiently fight and prevent corruption?**

The forum is made up of senior representatives from the Office of the Director of Corporate Enforcement, An Garda Síochána, the Central Bank, the Office of the Director of Public Prosecutions, Revenue, the Competition and Consumer Protection Commission, the Department Social Protection and the Standards in Public Office Commission.

The forum was established in June 2021 and has met five times with the next meeting scheduled to take place on 7 April. The Chair of the forum will rotate among the members on a yearly basis with the Office of the Director of Corporate Enforcement currently chairing. The forum are currently progressing actions in the implementation plan, including those in relation to information-sharing, surveillance powers and bid-rigging. A subgroup has also been established to look at the training action.

**21. (it could be answered in written form) Could you provide an update on the implementation in practice of the rules on asset declaration and conflicts of interest as regulated the Ethics Act?**

Under the Ethics in Public Office Acts 1995 and 2001, persons subject to the Acts are required to disclose certain interests, and to govern their behaviour so as to ensure the public interest is placed before their private interests. In practice, this is done using different mechanisms according to the class of civil or public servant subject to the legislation. Different obligations apply to members of the Oireachtas, office holders, designated directors, designated employees, and other public servants.

**Members of the Oireachtas (Parliament)**

Members of the Oireachtas are required to make annual Statements of Registerable Interests by 31 January for the previous calendar year (1 January – 31 December), disclosing any interests under the following headings:

- (1) Occupational income, etc., other than that as office holder or member
- (2) Shares, etc.
- (3) Directorships
- (4) Land and buildings
- (5) Gifts
- (6) Supplies of property or services
- (7) Travel facilities, etc.
- (8) Remunerated position as a lobbyist, etc.
- (9) Contracts with the State

It is not necessary to specify the amount or monetary value of any interest or the remuneration of any trade, profession, employment, vocation or other occupation included in the statement.

These annual statements are collected by the Standards Commission, and forwarded to the Clerk of the relevant house of the Oireachtas for inclusion in a Register of Members' Interests which will be laid before Dáil Éireann (lower house) or Seanad Éireann (upper house), as the case may be, and published in Iris Oifigiúil. A copy of the Register will also be furnished by the Clerk to the Standards Commission. The Clerks may also correct errors or otherwise amend the Register as provided for in the 1995 Act.

## **Office holders**

The term “office holder” includes the following:

- An Taoiseach (Prime Minister)
- An Tánaiste (Deputy Prime Minister)
- A Minister of the Government
- A Minister of State
- An Attorney General who is a member of Dáil (lower house of Parliament) or Seanad (upper house of Parliament) Éireann
- A Chairman or Deputy Chairman of Dáil or Seanad Éireann
- A Chairman of a Committee of either House of the Oireachtas, where that office stands so designated by resolution of that House, or –
- A Chairman of a Joint Committee of both Houses, where that office stands so designated by resolution of each House.

An Attorney General who is not a member of the Oireachtas (Parliament) is not considered an office holder but rather a designated director (see below) and slightly different procedures apply.

### *Statements of Registerable Interests*

In most (though not all) instances, office holders are members of one of the Houses of the Oireachtas (Parliament) and must provide Statements of Registerable Interests as noted above.

### *Statements of Additional Interests*

Office holders have an additional obligation to provide Statements of Additional Interests, disclosing the registerable interests of which the office holder has actual knowledge, of their spouse or civil partner, or their child or the child of their spouse/civil partner, which could materially influence the office holder in the performance of the functions of his or her office by reason of the fact that such performance could so affect those interests as to confer on, or withhold from, the office holder or the spouse, civil partner or child, a substantial benefit. This pro-active disclosure is made to the Commission in a written statement, but is not published.

Statements of interest and statements of additional interest are required to be retained for 15 years. The Commission retains copies of any disclosures made to it (electronic and/or hard copy, depending on the form in which the disclosure was made). The person making the disclosure should also retain a copy.

### *Statements of Material Interest*

In circumstances where an office holder has actual knowledge of a material interest (their own, that of a connected person or that of another office holder, or person connected to another office holder) relating to a function that he or she proposes to perform, the first office holder is required to furnish a statement in writing of the facts and the nature of the interest concerned. The statement should be furnished before performance of the function or, if this is not possible, as soon as may be afterwards.

If the office holder who is proposing to perform the function is the Taoiseach, he or she will furnish any such statement to the Chairman of the Standards Commission.

If the office holder concerned is a Minister or Minister of State, he or she will furnish any such statement to the Taoiseach and the Standards Commission.

Any other office holder will furnish any such statement to the Standards Commission.

In practice, it is extremely rare that such statements are made. Office holders may choose to recuse from the performance of a function, rather than perform the relevant function which would necessitate the making of such a statement.

If a member, including an office holder, who proposes to speak or vote in proceedings in either House, in a Committee of either House or in a Joint Committee of both Houses, has actual knowledge that he or she, or a connected person, has a material interest in the subject matter of the proceedings, then: (i) if that member proposes to speak in the proceedings, he or she must make a declaration of the fact in the proceedings before or during the course of the speech, and

if that member proposes to vote, but does not speak, in the proceedings, he or she must make a declaration of the fact in writing and, before voting, furnish it to the Clerk of the House or Committee concerned, as appropriate.

For the purpose of the above requirements, a member, or a connected person, has a material interest in the subject matter of proceedings if the consequence or effect of any decision by the House, or the Committee or Joint Committee concerned, or by the Government or an office holder, concerning that matter may be to confer on, or withhold from, the member, or a connected person, a significant benefit or impose on the member, or a connected person, a significant loss, liability, penalty, forfeiture, punishment or other disadvantage without also conferring it on, withholding it from or imposing it on persons in general, or a class of persons which is of significant size having regard to all the circumstances and to which the member, or a connected person, belongs.

Disclosure of a material interest in proceedings is not required where that interest has already been disclosed in an annual statement of registrable interests of the member which, or a copy of which, has been laid before the House. It should be noted that this exemption, by its nature, does not apply to any material interest on the part of a connected person

In practice, members may declare the interest and recuse from further discussion or vote, or they may declare their interest and continue to participate. It is the declaration that is key.

### **Special advisors (i.e. ministerial staff)**

Special advisors (employed by an office holder) above certain pay grades or appointed pursuant to the Public Service Management Act 1997 also have obligations under the Ethics Acts.

#### *Statement of Qualifications*

On appointing a senior special advisor, the employing office holder must lay before each House a statement of the qualifications of the person which are relevant to the position.

#### *Statements of Interest and Statements of Additional Interests*

Special advisors are required to provide an annual Statement of Interests and a Statement of Additional Interests for spouses/civil partners and children/stepchildren to their employer office holder and to the Standards Commission. The employing office holder must lay a copy of the statement of the special adviser's Statement of Interests before each House of the Oireachtas; however, Statements of Additional Interests are not laid before the Oireachtas.

#### *Statements of Material Interest*

Where a senior special adviser has a material interest in a function falling to be performed, he or she will provide the employer office holder, and the Standards Commission, with a statement of the facts of the interest, and should refrain from performing the function unless there are compelling reasons to do so. In such circumstances, a statement of the compelling reasons must be provided by the senior special adviser to the office holder and the Standards Commission.

### **Public servants**

Various categories of public servants are also covered by the Ethics Acts (as well as associated guidelines and codes of conduct if applicable). These categories are:

- An attorney general who is not a member of the Oireachtas;
- Designated directors of a public body (prescribed by regulation)
- Designated positions of employment in a public body (prescribed by regulation) including senior civil servants at Principal Officer grade or higher;
- Holders of the following specified positions:
  - o Comptroller and Auditor General;
  - o Ombudsman;
  - o Data Protection Commissioner;
  - o Director of Public Prosecutions;
  - o Director of Corporate Enforcement;
  - o Information Commissioner;
  - o Registrar of Friendly Societies;
  - o Ombudsman for Children;
  - o Chairman, Deputy Chairman or ordinary member of the Labour Court;
  - o Member of the Law Reform Commission;
  - o Coimisinéir Teanga;
  - o Controller of Patents, Designs and Trade Marks;
  - o Defence Forces Ombudsman;
  - o Financial Services and Pensions Ombudsman;
  - o Deputy Financial Services and Pensions Ombudsman;
  - o Member of the Garda Síochaná Ombudsman Commission;
  - o Commissioner of Valuation;
  - o Commissioner for Environmental Information;
  - o Appeal Tribunal within the meaning of Part 3 of the Prisons Act 2007 (No. 10 of 2007);
  - o Registrar of Companies;
  - o Director of the Insolvency Service of Ireland;
  - o Regulator of the National Lottery;
  - o CEO, Citizens Information Board;
  - o External Adjudicators, Workplace Relations Commission
  - o a person who holds, or held, or occupies, or occupied, such other office or position as may be prescribed by the Minister for Public Expenditure and Reform;
  - o a person who occupies or occupied a position as a special adviser.

### **Attorney General**

An attorney General who is not a member of the Oireachtas must provide any statements of interest and statements of material interest to the Taoiseach and to the Standards Commission.

### **Designated Directors**

Designated directors are also required to make statements of interest, which must be furnished to the Standards Commission, and to a specified officer of the body to which the director belongs (Details are provided at Appendix 3 of the Standards Commission's published Guidelines: <https://www.sipo.ie/acts-and-codes/guidelines/public-servants/04.02.22-PS-Guidelines-10th-edition-English-updated-February-2022.pdf>).

Statements of Material Interests are required at the time where an official function falls to be performed by the person and the person has actual knowledge that he or she, or a connected person, has a material interest in a matter to which the function relates. Where such a situation arises, the director must prepare and furnish a statement in writing of those facts to the other directors of the body.

The person must refrain from performing the function unless there are compelling reasons requiring that he/she do so. If it is proposed that the director performs the function notwithstanding the material interest, a statement of the compelling reasons should be prepared and furnished to the other directors and to the Standards Commission before doing so or, if that is not reasonably practicable, as soon as possible afterwards.

#### *Designated Positions of Employment*

Statements of interest are generally furnished to the Head of the Department or Office concerned. (Details are provided at Appendix 3 of the Standards Commission's published Guidelines: <https://www.sipo.ie/acts-and-codes/guidelines/public-servants/04.02.22-PS-Guidelines-10th-edition-English-updated-February-2022.pdf>).

Statements of Material Interests are required at the time where an official function falls to be performed by the person and the person has actual knowledge that he or she, or a connected person, has a material interest in a matter to which the function relates, and should be made to the same person designated to receive the Statement of Interests.

Where a person with obligations under the Acts has an interest that is not specified in the list of "registerable interests", or the person has actual knowledge that his or her spouse or civil partner or child or a child of the spouse has such an interest, the person may, at any time, furnish a statement of that interest to the person or persons nominated to receive such statements.

Advice may be sought or received from the Standards Commission in respect of disclosing an interest. A declaration may be made or amended at any time to reflect new or changed interests.

#### *Holders of specified positions*

The individuals appointed to the offices listed above (C&AG, Ombudsman etc.) are also required to complete statements of interest and statements of material interest. Such statements must be furnished to the relevant authority determined by the Minister for Public Expenditure and Reform and published in the Commission's guidelines: <https://www.sipo.ie/acts-and-codes/guidelines/public-servants/04.02.22-PS-Guidelines-10th-edition-English-updated-February-2022.pdf>). This may be the Taoiseach, Secretary General of the Department for Public Expenditure and Reform, or some other person specified.

#### **Lacunae**

Under the current legislation, there are no obligations to disclose liabilities.

**26. (to be answered in written form) Could you provide us with an update concerning any possible measures taken to ensure the fair and transparent allocation of state advertising in Ireland?**

The Office of Government Procurement runs a procurement process for media buying and a contract is put in place that Government Departments and Offices can draw down from when they are running various campaigns / advertisements.

The Government Information Service based in the Department of the Taoiseach used this contract to engage the services of a media buying company to place COVID-19 advertisements, and requested that an even spread of advertisements be placed in national, regional and local media. The table below shows more or less an even split of spend across national and regional media outlets in respect of public information campaigns on COVID-19.

***Breakdown of advertising spend by the Department of the Taoiseach on public information campaigns on COVID-19 in 2020 and 2021***

	<b><i>Advertising Spend (National)</i></b>	<b><i>Advertising Spend (Regional / Local)</i></b>
<b><i>2020</i></b>		
<i>Radio</i>	<i>€4 million</i>	<i>€4.8 million</i>
<i>Press</i>	<i>€3.4 million</i>	<i>€3.5 million</i>
<b><i>2021</i></b>		
<i>Radio</i>	<i>€2.1 million</i>	<i>€2.4 million</i>
<i>Press</i>	<i>€1.3 million</i>	<i>€1.3 million</i>
<b><i>Total</i></b>	<b><i>€10.8 million</i></b>	<b><i>€12 million</i></b>

**32. (it could be answered in written form) In your written contribution you mention that following concerns on concentration of consideration of bills during the two weeks before recesses, there is now a renewed focus on ensuring the appropriate ordering of the business of parliament. Could you please provide examples of actions or measures in place following these discussions?**

An approach has been taken to publish some of the substantial bills during Houses of Oireachtas recess periods (this is possible for bills being presented to the Houses). As a result the text of the bill is available to Members of Parliament and members of the public for a number of weeks in advance of it being considered formally, allowing for more in-depth consideration of the content of the bills.

Since President Micheal D Higgins raised his concerns, the Business Committee (which meets weekly to agree a Report on the taking of business in the Dáil the following week, which is then agreed by the full Dáil at the beginning of the week at 'Order of Business') has paid particular attention to



proposals being made on the passage of legislation in the Dáil. This scrutiny has focused on the publication of new Government Bills, the consideration at Committee and Report Stage and the time between each of those stages. When it is proposed to take stages quickly with little time in-between, the Business Committee has been raising concerns and making suggestions for alternative timings. Many of those suggestions have been agreed to by the Government.

Within Select Committees, where many bills are considered at Committee Stage, Committee Chairpersons now also keep an eye on the timing between Second Stage and Committee Stage.

**34. (it could be answered in written form) Could you please expand on the role of the Charity Regulator, in particular, on a potential review of the Charity Act? Could you please provide statistics on their investigations and sanctions imposed for the last 5 years?**

The Charities Regulatory Authority ('the Regulator') was established in 2014 and operates under the provisions set out in the Charities Act, 2009.

The Regulator commenced operations in 2016, and initially concentrated on the building and maintenance of the Register of Charities, and building up its capacity as an organisation.

With over 11,500 charities on the Charities Register, the work of the Regulator is vitally important.

The Regulator has made significant progress in recent years with developments that are helping restore public confidence in the sector, enhance compliance measures and ensure proportionate regulation.

These have included:

- ✓ the increased capacity of the Regulator to address public concerns,
- ✓ the consolidation of supports available for the implementation of the Charities Governance Code, and
- ✓ the publication of safeguarding guidance.

Since the establishment of the Regulator, Department officials continuously liaise with the Charities Regulator to review the operation of the legislation to ensure that it is operating effectively.

On foot of public consultation, and based on the operational experience of the Regulator since its establishment, a number of amendments have now been incorporated to a proposed Charities Amendment Bill.

The proposed Charities (Amendment) Bill intends to provide clarity in a number of areas, including:

- Accounting, Audit and Reporting Requirements;
- Responsibilities and Protections of Trustees;
- Operation of the Register of Charities;
- Other provisions, including sharing of information, sanctions, trustee remuneration and disposal of assets.

The draft Memorandum for Government is in its final stages of preparation.

**(b) Could you please provide statistics on their investigations and sanctions imposed for the last 5 years?**

Under section 64 of the Charities Act 2009 ('the Act'), the Charities Regulator may appoint inspectors to investigate the affairs of a charitable organisation and to prepare a report thereon.

Under section 66 of the Act, the Charities Regulator may publish any such report.

Inspectors can require charity trustees or their agents to provide books, documents and records which may be of interest.

The inspectors can also examine on oath a charity trustee, member of staff or agent of the charity in relation to the affairs of the charity.

There have been 6 investigations completed and inspectors' reports published, there are currently 3 investigations ongoing. Please find below:

<b>Name of Charity</b>	<b>Date of Completion</b>
Ataxia Ireland CLG	2017
G.L.E.N.	2017
Solas Picture House CLG	2018
Galway University Foundation	2019
Cabhru	2021
Childfund Ireland	2021

**Table 1: Investigations Completed**

<b>Name of Charity</b>	<b>Commenced</b>
Birdwatch Ireland	2021
Inner City Helping Homeless	2021* (*On Hold: An investigation is ongoing by An Garda Síochána, the Regulator's investigation will resume upon completion of the An Garda Síochána investigation)
ISPCA	2022

**Table 2: Investigations Ongoing**

Under Section 73 of the Act, the Charities Regulator may impose intermediate sanctions on a charitable organisation. The Regulator has imposed intermediate sanctions on three charities, please find below:

<b>Name of Charity</b>	<b>Intermediate Sanctions Imposed</b>
Animal Heaven Animal Rescue (AHAR)	2017
Good and New Shop	2018
Waterford Area Partnership	2021

**Table 3: Intermediate Sanctions Imposed**