

Q.20. Could you update us on the state of play of the reform of the Ethics Act and on the main results of the public consultation? Could you provide an overview of the extent of such reform, in particular as regards enforcement obligations to members of the Parliament? Does the reform include GRECO's recommendation to unify the ethic framework for members of the parliament?

1. Background - The Stalled 2015 Public Sector Standards Bill

As part of a programme of reforms developed in the aftermath of the 2008 financial crisis, Government introduced a Public Sector Standards Bill (PSSB) in 2015. This bill aimed to consolidate the statutory framework governing the ethical obligations of public officials and give effect to relevant recommendations of the Mahon and Moriarty Tribunals. The PSSB, which was last considered in the legislature at Committee Stage in 2017, had not completed the legislative process and therefore lapsed with the dissolution of the legislature in January 2020.

2. 2020 Programme for Government – Review of the Statutory Framework

The 2020 Programme for Government contains a commitment to “reform and consolidate the Ethics in Public Office legislation”. Instead of reintroducing the PSSB to the Dáil, the Minister for Public Expenditure and Reform decided, in the first instance, to undertake a review of Ethics legislation in advance of bringing new proposals for reform back to Government.

As agreed by the Government in September 2021, the Review is examining:

- Ireland's existing ethics legislative framework,
- The recommendations of relevant tribunals of inquiry,
- Recommendations made by SIPO based on its operation of the current regime,
- The views of key stakeholders;
- Current EU/international best practice; and
- The views submitted by way of a public consultation.

3. Ethics Review - Progress to-date

The Review's tasks have been underway since September 2021: Formal stakeholder engagement commenced in November.

A public consultation exercise (based on a detailed policy approach set out in a Public Consultation Paper) launched in November 2021 and closed in mid-January 2022. **Ten submissions were received** on foot of this exercise: these include a limited number on behalf of individual citizens, as well as submissions from opposition political parties. Submissions were also received from Transparency International.

Themes emerging from submissions include:

- The urgency of reform in this area, support for the 2015 Public Sector Standards Bill (PSSB) approach and regret that that Bill did not complete the legislative process;
- Calls for the reinforcement of the obligation of public officials, as well as the investigative and enforcement powers of SIPO, and its resources;
- Suggestions for generalised 'cooling off' periods, while acknowledging that a balance is to be achieved between personal freedom and obligations placed on public officials to safeguard the integrity of public life;
- Concerns flagged regarding increased administrative burden and the potential for a chilling effect on those considering entering the public sector, in particular the commercial State sector;

- Proposals for reform in policy areas that are, in fact, covered by other legislation such as lobbying, protected disclosures, freedom of information, electoral funding; anti-corruption; professional ethics etc.

Key elements of context for the draft review report's findings have been drafted, including a detailed survey of Ireland's current provisions, and a survey of the arrangements in a number of relevant and comparable jurisdictions. An initial engagement has also taken place with relevant Government Departments and the Office of the Attorney General.

4. Next steps

The Review is targeted to be completed by end June 2022. The outcome will then inform proposals for legislative reform that the Minister intend to bring to Government later in 2022.

In seeking to develop a renewed legislative initiative, the Department will take as its point of departure the policy approach underlying the 2015 Public Sector Standards Bill. Very broadly, this involves consolidation of the statutory framework for ethics and giving effect to relevant recommendations of the Mahon and Moriarty Tribunals.

In the interim, the existing legislative framework for ethics remains in force.