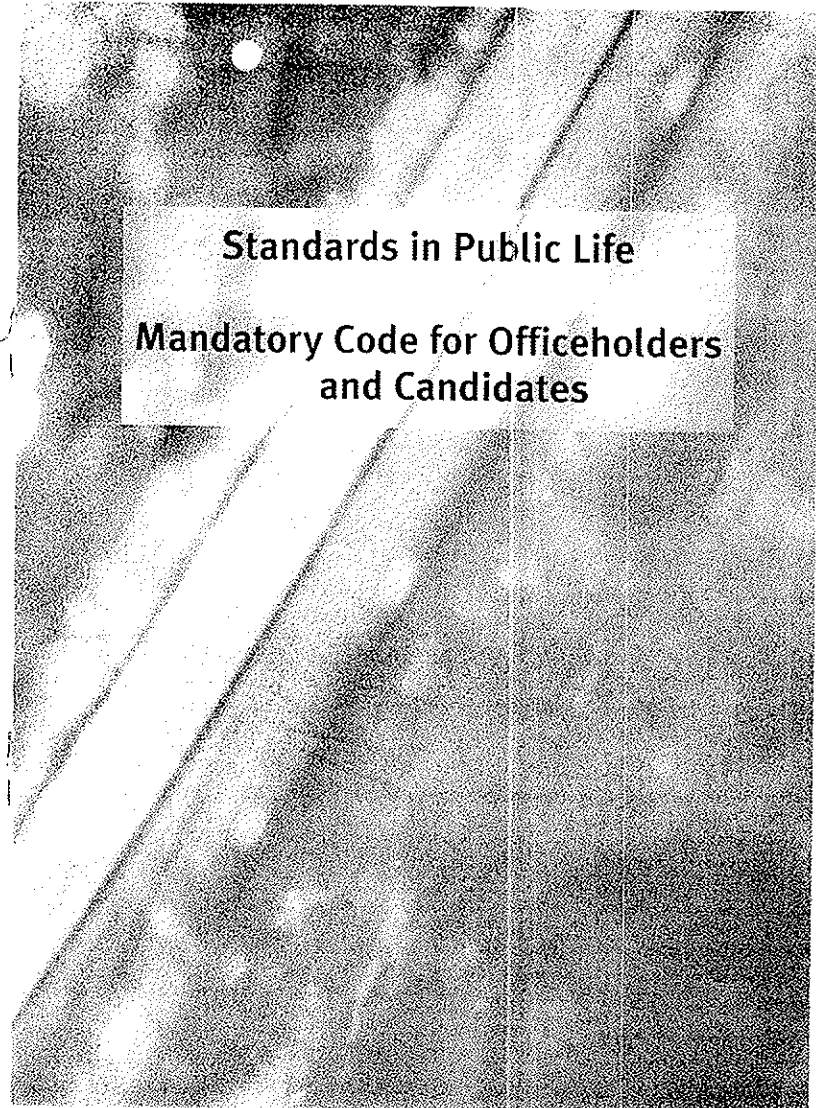


### **XIII Preserving and promoting Fianna Fáil's heritage**

The Fianna Fáil archives were painstakingly put together a number of years ago by a professional archivist and have been utilised by scholars for a number of important publications. In addition much valuable material remains in the hands of many Fianna Fáil people throughout the country. The promotion of Fianna Fáil's ethos of politics and the academic study of relevant aspects of that ethos needs to be developed.

With this in mind the 21st Century Committee recommends the following:

- i A feasibility study to be undertaken into the establishment of an Eamon de Valera Institute, independent of the party and having the duty of preserving the archives and the promotion of academic study in the fields of Irish politics and history. This should also involve the staging of regular exhibitions and the greater accessibility of the archives, under controlled conditions, to Party members and the general public.
- ii If this is not feasible in the short to medium term, then the Party should seriously explore the transfer of the existing archives to a specialised repository for safe keeping. The Party shall retain ownership and control of the records in this eventuality.



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## 1. Introduction

There are few, if any, occupations in which the public require a higher standard of conduct and ethical behaviour than politics.

The overwhelming majority of people in public life of all political persuasions give unselfishly of themselves in the exercise of their political roles and demonstrate a high level of ethical behaviour.

Ireland is fortunate in having a healthy democratic system that, in the main, has enjoyed the confidence of the general public. As the largest political party in the State it is incumbent on Fianna Fáil to be at the forefront in underpinning the confidence of the public in politics and public representatives. We can never condone the betrayal of public trust, or behaviour, which would bring democratic politics into disrepute, and we repudiate such conduct.

As part of the ongoing modernisation of the Party, Fianna Fáil sees as a priority the reinforcing of an emphasis on the highest standards in public life in accordance with the ethos of its founders.

In Government, Fianna Fáil has initiated and implemented a range of legislation covering a wide range of electoral and ethical issues.

As a further stage in this process, Fianna Fáil is now publishing these guidelines and principles for officeholders and candidates with a view to supporting the highest ethical standards within the Party and in public life in general.

### 1.1 Objectives

The purpose of this document is threefold:

- (1) To set out guiding principles and a general code of conduct to which members active in public life should adhere;
- (2) To specify the requirements imposed on candidates and officeholders by the electoral and ethics legislation and practices, in order that each person may clearly understand their legal obligations; and
- (3) To provide for the establishment of a Standards in Public Life Committee to foster the development and enforcement of ethical behaviour in the Party.

This document does not seek to anticipate and provide for all the instances in the conduct of public life where issues requiring the exercise of an individual's judgement will occur. On such occasions, a candidate or officeholder must always recognise that their highest duty is to the public that they serve, and act accordingly.

The Party requires that our Fianna Fáil officeholders and candidates comply with all legal requirements both in their spirit and their letter.

However, promoting the highest ethical standards goes beyond legislation. This document seeks to promote the highest standard of conduct and is intended to complement the requirements of law. As with the relevant legislation it should not be seen as a definitive guide but instead is intended to reflect the high standards, which Fianna Fáil seeks to promote in public life.

### **1.2 Officeholders and Candidates**

The individuals who should consider themselves covered by this code of conduct are members of the Party who are either officeholders of, or candidates (including nominal candidates) for, any of the following positions:

- A member of the Government
- A Minister of State
- A member of Dáil Éireann
- A member of Seanad Éireann
- A member of the European Parliament
- A member of a County Council, Corporation, Urban Council, Údarás, Town Commission
- An official of the Party who is employed by or paid from the Party Funds
- A member of the National Executive
- A Ministerial Advisor
- A Director of Elections
- A Director of Organisation and Publicity

### **1.3 Governing Legislation**

Fianna Fáil requires that all officeholders and candidates be familiar with the relevant legislation and guidelines appropriate to the office they hold or are seeking. In particular they should have regard to the following legislation and any subsequent amendments:

- The Electoral Act 1997*
- The Electoral Act 1998*
- The Ethics in Public Office Act 1995*
- The Local Government (Declaration of Donations and Expenditure) Act 1999*

To the extent that this document deals with legislative requirements it is not designed to be a substitute for the legislation. Members and officeholders are required to familiarise themselves with the relevant legislation and with their obligations under it.

## **2. Principles of Public Life**

At all times, members covered by this document should be guided by, and adhere to the following 'Principles of Public Life':

- Public Service
- Honesty, Integrity and Responsibility
- Independence
- Transparency
- Leadership
- Discipline and Team Spirit

### **2.1 Public Service**

At all times individuals should be guided by the public good and ensure that their actions and decisions are taken in the best interests of all the public they serve.

### **2.2 Honesty and Integrity**

Individuals should at all times conduct their public life in a manner that acts as a positive example to the public at large. This would include compliance not only with legislative requirements and a code of conduct appropriate to the position they hold, but also an adherence to the general standards and laws expected of each citizen. They have a duty to act responsibly, to uphold the right of free speech, to use privilege only for the purposes intended, and to respect the equal rights, liberty and integrity of every citizen and section of the community.

### **2.3 Independence**

Objectivity ensures that all actions and decisions are taken on their merits with a view to the public interest. The key to objectivity in the making and taking of decisions is independence from outside influences. An officeholder should not compromise his or her independence in any way and in particular by putting themselves under any financial or other obligations which could improperly influence them in carrying out their role.

### **2.4 Transparency**

Individuals must make appropriate declarations of all interests that could impact on their role and must never seek to mislead the public by act or omission in relation to such interests. Transparency also entails accountability to the public for the actions which individuals take and appropriate public disclosure for the reasoning behind such actions.

### **2.5 Leadership**

All individuals should strive by example to propagate the aims and objectives of the Party together with the principles and guidelines set out in this document.

### **2.6 Discipline and Team Spirit**

Political success in all cases results from working successfully with others. While full and frank discussion is envisaged at all levels of the party, majority decisions must be abided by.

## **3. Conflicts and Declarations of Interest**

The Party at all times requires that officeholders and candidates strive to ensure that nothing acts to influence their objectivity in making and taking decisions.

Where such potential for conflict exists it must be resolved in a manner which is in the best interests of the public.

This obligation incorporates a requirement that members comply with both the letter and the spirit of the appropriate legislative provisions.

### **3.1 Oireachtas Members**

The general requirements for members of Dáil Éireann and Seanad Éireann are set out in the *Ethics in Public Office Act 1995*. Members are required to familiarise themselves with its provisions and with the various guidelines published from time to time by the Committees on Members' Interests of the Dáil and Seanad and by the Public Offices Commission.

### **3.2 Ministers and Ministers of State**

Further to their obligations as Oireachtas members, the *Ethics in Public Office Act 1995* and *Government Procedure Instructions* impose additional responsibilities on Oireachtas Members who are members of the Government and Ministers of State. These requirements are extensive and again officeholders are required to familiarise themselves with the legislative provisions and the various published guidelines.

### **3.3 Local Authority Members**

Candidates for and holders of local authority positions are required to comply with the provisions of the Local Government (Declaration of Donations and Expenditure) Act 1999.

In addition individual local authorities require specific declarations from members. All Fianna Fáil local authority members are required by this code to comply with both the spirit and letter of these legislative and local authority requirements.

Currently there are no legal limits on the level of electoral spending which can be incurred by an individual in local elections. However the Party would expect each individual to only spend an amount commensurate with the election that they are contesting. Local Authority candidates are required to detail their electoral spending together with the identity of donors where the aggregate donations from that person or entity exceed €500.

### **3.4 Candidates**

Fianna Fáil deems all candidates once selected to be bound by the spirit of the Electoral Acts 1997 and 1998 and the *Ethics in Public Office Acts*.

The party shall require candidates to maintain records of donations and expenditure in respect of their campaign from the date on which they are selected irrespective of how early in advance of the election a candidate is selected.

In addition candidates must declare to the party all donations above €500 which they receive, again as and from the date they are selected to be a party candidate.

In addition all candidates are required to identify to Party headquarters, or to the local Party director of elections, where appropriate, any material interest which could be regarded as relevant to the manner in which their campaign is conducted.

### **3.5 Others**

Party members appointed to the position of special advisor or an equivalent position are required to make declarations under the *Ethics in Public Office Act 1995* and should familiarise themselves with its provisions.

While not governed by legislation, the Fianna Fáil Party imposes a requirement that Party officials employed by, or paid from, Party funds are required to identify to the General Secretary in writing any interest that could materially influence them in the performance of their function. This requirement is also imposed on members of the National Executive.

## 4.1 Fianna Fáil Party Pledge

Each Candidate who contests a General, European or Local election on behalf of Fianna Fáil will be required to sign a Fianna Fáil Party Pledge prior to contesting the selection convention or otherwise being selected.

While this pledge will of necessity vary for each election it will incorporate the following terms:

"Realising the honour conferred on me if selected as a candidate for Fianna Fáil, I undertake to conduct the election campaign in accordance with the instructions of the National and Constituency Directors of Election.

if selected I will enter into and abide by a 'Campaign Undertaking' with the Party. I also declare that I have complied or am in the process of complying in good faith with all my tax obligations.

I undertake to refrain from doing anything inimical to the prestige of the Fianna Fáil organisation.

If elected I pledge myself to work to the best of my ability for the Aims and Objectives of Fianna Fáil, as set out in the party Corú, and at all times to abide by majority decisions of the party or resign my seat.

I pledge to abide by the highest standards of ethical behaviour as a candidate and if successful as a public representative. In particular I pledge to have regard to and abide by the party's Guidelines on Standards in Public Life for Officeholders and Candidates.

I promise that if called upon by the National Executive by a two-thirds majority of the members present and voting at a meeting specially convened for the purpose, to resign my seat or withdraw my candidacy, I will do so.

I pledge that should my endeavour to be selected as a Fianna Fáil candidate for this election be unsuccessful I will not stand as an independent candidate or as a candidate for any other political party or grouping.

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

## 4.2 Tax Affairs

A member of the Party shall not be eligible to be a candidate for any elected public office unless and until the member has made a declaration they have complied with or are in the process of complying with all their tax obligations. The party may require any office holder or candidate to provide, within a reasonable time frame, satisfactory evidence supporting this declaration.

## 5. Conduct of Campaigns

Fianna Fáil requires that all candidates selected by the Party observe the highest standards of decency and propriety in the conduct of campaigns. Fianna Fáil will introduce a "campaign undertaking" to be entered into by all candidates, Directors of Elections and Party Headquarters which will set out their respective responsibilities in the conduct of the campaign.

### 5.1 Spending Restrictions

The *Electoral Act 1997* as amended by the *Electoral Act 1998* imposes a number of campaign spending restrictions and accounting procedures on candidates for various elections. Overall spending restrictions are also imposed on the Party. Accordingly, candidates are required to co-operate closely with the Party's national election agent, the individual's own election agent and with Party headquarters staff in ensuring compliance with the strict spending limits and accounting procedures required by this legislation.

### 5.2 Appointing Election Agents

Candidates must, in consultation with the local director of elections and Party Headquarters where relevant, appoint an election agent for the purpose of compliance with *The Electoral Act 1997*. The identity of the election agent must be notified to the returning officer before the close of nominations.

All contracts made for the purpose of the candidate's campaign, including for example printing contracts or employment contracts, must be made by the agent and all election expenses must be incurred and paid on the candidate's behalf by the election agent.

### 5.3 Campaign Donations

*The Electoral Act 1997* requires that unsuccessful candidates in Dáil, Seanad and European Presidential and Bye-Elections must declare all donations they receive which exceed a value of £500. 'Donations' in this regard includes, a donation of money, a donation of property or goods, the temporary use of property or goods, (such as use of an office or car), a donation of a service,

or discounts from the commercial rate for goods or services. This contribution is made in a special statement, which candidates must furnish, to the Public Offices Commission within 56 days from the relevant polling day.

Candidates must not accept any anonymous donations and any such over £100, must be forwarded to the Public Offices Commission.

Members of the Oireachtas and Irish members of the European Parliament are required to incorporate donations received during election campaigns in their annual declarations to the Public Office Commission.

#### **5.4 Campaign Literature**

Fianna Fáil requires that all campaign literature published comply with the criteria of the National Director of Elections, and the local director of elections where appropriate and be designed to maximise support for the Party.

The Electoral Act 1997 obliges candidates and their agents to ensure that the names of both the printer and the agent publishing the literature on the candidate's behalf appear on all election literature.

Candidates are required to comply with the provisions of the *Litter Act 1982* and with local bylaws in regard to the erection and removal of election posters.

## **6. Fundraising for Candidates and Officeholders**

All members of the Party involved in fund-raising are required to comply with detailed procedures governing fundraising, which are circulated from time to time by the Party's Honorary Treasurers and the Financial Controller.

In addition to ensuring that fundraising is both ethical and transparent such procedures will serve to assist members with meeting their obligations under the Ethics in Public Office Act 1995 and the Electoral Act 1997 as amended by the Electoral Act 1998. However the following general principles should be observed:

### **6.1 Fundraising Events**

If a member holds a fundraising event or function the purpose of the event must be clearly stated in advance. It must be clearly evident to what political activity the funds raised will be applied.

### **6.2 Contributions to the Party**

If a member receives a donation intended for the Party either at national or local level the donation must be forwarded to the Party without delay.

Donors wishing to make a contribution to the Party at national level must be requested to make their cheque payable to 'Fianna Fail - Head Office'.

Members are required never to accept any contribution that could possibly compromise their independence. This relates not only to the identity of the donor but also the level of contribution involved.

The party nationally shall impose a threshold amount for an individual donation which a candidate or officeholder may receive and retain.

Any amount in excess of that threshold must be forwarded to the party organisation or to national headquarters in accordance with the party fundraising guidelines for that election.

This threshold shall be set from time to time and for different elections by the Fianna Fail Trustees and shall form part of the candidate's obligations under the Campaign Undertaking set out at 5 above.

A candidate or officeholder must obtain a receipt for any donation forwarded to Party Headquarters.

### **6.3 Maintenance of Records**

Receipts must be issued for all donations received.

In the case of fundraising events details of all income and expenditure must be recorded.

Members are required to maintain a separate bank-account for fundraising events, which they organise.

### **6.4 Disclosure of Donations**

Office holders are required in particular to make themselves familiar with the requirements of the Ethics in Public Offices Act 1995 and the Electoral Act 1997, The Electoral Act 1998 and the Local Government (Declaration of Donations and Expenditure) Act 1999 and to ensure they fully meet their obligations under the Acts with regard to the declaration of donations and the maintenance of records.

## 7. Standards in Public Life Committee

### 7.1 Appointment

The Party leader shall appoint a Standards in Public Life Committee which shall be made up of no more than five people to include the Chairperson of the Parliamentary Party and the General Secretary.

Where the Standards in Public Life Committee is undertaking an enquiry concerning a member of the Parliamentary Party then in addition to the Chairman of the Parliamentary Party it shall include two other members of the parliamentary party.

### 7.2 Function

The Standards in Public Life Committee shall have as its primary responsibility the encouraging and reinforcing of a culture of the highest standard of ethical behaviour in the Party and in public life in general

It shall also be responsible for ensuring the implementation of these guidelines and principles. It shall ensure their publication and circulation, and shall undertake a full review of them at least every five years.

## 8. Compliance Procedures

### 8.1 Preliminary Examination

Where the Chairman of the Parliamentary Party is notified in writing, by any person, whether a party member or not, of an allegation of a breach of these guidelines and principles by a member of the Parliamentary Party, and is of the opinion that it is neither frivolous nor vexatious, he / she shall cause to be carried out a preliminary examination of the matter.

The report of such preliminary examination shall be presented to a meeting of the Standards in Public Life Committee. The Chairman of the Parliamentary Party can also commence a preliminary examination on his / her own initiative.

Where the General Secretary is notified in writing, by any person, whether a party member or not of an allegation against an officeholder or candidate not being a member of the Parliamentary Party and is of the opinion that it is neither frivolous or vexatious, the General Secretary shall cause to be carried out a preliminary examination of the matter. The report of such preliminary examination shall be presented to a meeting of the Standards in Public Life Committee.

### 8.2 Notification to the Officeholder or Candidate

At the stage where a preliminary examination is being undertaken, the individual concerned shall be notified that an allegation has been made and the nature of it.

### 8.3 Standards in Public Life Committee Investigation

On receipt of the report of such a preliminary examination, the Standards in Public Life Committee, if it deems the matter worthy of further examination shall cause to be carried out any such further, examinations, investigations or private hearings which it deems appropriate.

On foot of such a preliminary examination and at its own discretion, the committee may recommend to the National Executive or Parliamentary Party or other body as appropriate, the suspension of an individual from Party membership or temporary removal of the appropriate Party whip pending the outcome of any further examination or investigation.

### 8.4 Fair Procedures

At all times any examination, investigation or hearings by the Standards in Public Life Committee shall be conducted with due regard to natural justice and fair procedure.

Where any investigation, enquiry or trial is being undertaken by any court, tribunal or statutory body, which concerns the issues or the officeholder who is the subject matter of an investigation by the Standards Public Life Committee then the Standards in Public Life Committee, in the interest of natural justice, may postpone, suspend or adjourn its own investigation pending the outcome of that other enquiry.

Any individual against whom an allegation has been made shall have the opportunity to be heard at each stage of the process and shall have the right to be heard at the National Executive or Parliamentary Party as appropriate.

### 8.5 Parliamentary Party and National Executive

If deemed necessary The Standards in Life Public Committee shall report the outcome of any such investigation to the Parliamentary Party or National Executive, as appropriate.

In general it is the Parliamentary Party which shall consider breaches by officeholders or candidates who are members of the Parliamentary Party. Breaches by other members shall be dealt with, in the main, by the National Executive.

The Parliamentary Party or National Executive, as appropriate, may impose penalties against the officeholder or candidate.

## 8.6 Right of Officeholder or Candidate to Initiate Examination

At any time, any member can request the Chairman or the Parliamentary Party or the General Secretary as appropriate to carry out a preliminary examination on any matter pertaining to him / her which may or may not be in the public domain. In addition the member will have the right to have the results of such an examination to be notified to the Standards in Public Life Committee and the National Executive or Parliamentary Party as appropriate.

## 8.7 Reprimands and Penalties

The penalties available to the Parliamentary Party or National Executive or relevant Local Authority group shall include but are not limited to:

- Removal from Party offices or positions
- Removal of Parliamentary Party or Local Authority Group Whips
- Suspension from Parliamentary Party or Local Authority Group Whips
- Suspension from Party Membership
- Expulsion from Party Membership

## 8.8 Automatic Referral

Notwithstanding the preceding sections, where an officeholder or candidate is convicted of a serious criminal offence or has been convicted of a Revenue offence, as defined by Section 1078 of the Taxes Consolidation Act 1997, then the Standards in Public Life Committee shall automatically initiate whatever investigation or private hearing it deems appropriate.

## 9. Implementation

### 9.1 Implementation Date

These guidelines and principles shall, subject to approval by the party's Ard Fheis, come into effect as and from the 4th March 2000.

### 9.2 Circulation and Notification

It shall be the responsibility of the General Secretary to forward a copy of the up to date version of this document to Officeholders and Candidates. A copy of these guidelines will be available to any person free of charge from Fianna Fáil Headquarters 13 Upper Mount St. Dublin 2.

The document shall be updated at least every five years unless requested in the interim by the Parliamentary Party or National Executive, and the updated version again circulated to all officeholders and candidates.

## 10. Advice and Guidance

Where a member of the Parliamentary Party requires advice or guidance as to the application or interpretation of the relevant legislation or of this Code of Conduct, he or she should consult with the Chairman of the Parliamentary Party in the first instance.

Where any other member of the party is in doubt as to the applicability or otherwise of the legislation or this document they should direct their queries in the first instance to the General Secretary of the Party.

The Chairman of the Parliamentary Party or General Secretary can if required seek assistance from the Standards in Public Life in giving such advice and guidance.