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To Standards in Public Office Commission

Questions regarding the Irish Catholic Bishops Conference, the Hierarchy General Purposes Trust, and related entities

Dear SIPO Commission,

Thank you for the attention that you have given to previous correspondence with us on the issue of the SIPO laws.

Atheist Ireland is a voluntary advocacy group, registered with SIPO as a Third Party. Because of our support for SIPO and its regulations, we have declined donations that would have helped us with our political lobbying. However, we find that our work is undermined by political lobbying by other groups who have access to funding that we would be concerned about accepting.

One of our previous requests was for you to examine whether the Catholic Church should register as a third party. The Catholic Church argued at the time that it does not accept donations for political purposes, but instead uses its own money. We are now following up on this request.

We are seeking clarification on whether certain distinct and autonomous legal entities, that are associated with the Catholic Church in Ireland, should have to register with SIPOC, in light of their specific funding structures and their campaigning on political issues, with specific regard to the referendum about repealing the eighth amendment to the Constitution.

What is the Irish Catholic Bishops Conference?

The Irish Catholic Bishops Conference (also known as the Irish Episcopal Conference) is the assembly of the Bishops of Ireland exercising together certain pastoral offices for Catholics on the island of Ireland. The Conference enables the Bishops to promote the common good of the Church in Ireland. It comprises the Bishops or Diocesan Administrators of the 26 Catholic Dioceses in Ireland together with Auxiliary Bishops.

General Meetings of the Irish Catholic Bishops' Conference normally take place on a quarterly basis. Day to day operations are overseen by a secretariat. It has established five Episcopal Commissions to deal with: Catholic Education and Formation; Pastoral Care, Planning, Communications, and Resources; Social Issues and International Affairs; and Worship, Pastoral Renewal, and Faith Development.

<https://www.catholicbishops.ie/about/>

What is the Hierarchy General Purposes Trust?

The Hierarchy General Purposes Trust was established on 12 December 1975 and is registered as a charity. It has a charity regulator number (20009861) and a charity revenue number (5956). The Trust's governing document is its Trust Deed. The Trustees are the four Irish Catholic Metropolitan Archbishops. Its charitable purpose is the advancement of religion.

<https://charitiesregister.ie/org/f54a3f6e-28f6-413d-9aa0-5aae2262134f/hierarchy-general-purposes-fund>

The Hierarchy General Purposes Trust was established to assist the Irish Catholic Bishops Conference (also known as the Irish Episcopal Conference) in exercising its collective responsibility for the pastoral care, teaching and governance of the Catholic Church in Ireland. At the same time, the Conference fully respects the personal authority, responsibility and ministry of each individual Bishop within his own Diocese.

<http://www.catholicbishops.ie/wp-content/uploads/2017/10/Annual-Report-and-Financial-Statements-2016.pdf>

What is the relationship between the Trust, its donors, and the Conference?

The Hierarchy General Purposes Trust is a distinct legal entity, separate from other entities within the Catholic Church in Ireland. For example, the Charities of the Roman Catholic Archdiocese of Dublin is a different distinct legal entity, with its own charity regulator number (20002022) and its own charity revenue number (1333).

<https://charitiesregister.ie/org/c01f16a6-8cf6-435a-9ce7-a492d54f9681/charities-of-the-roman-catholic-archdiocese-of-dublin>

The assets of the Hierarchy General Purposes Trust are owned by the Trustees (the four Irish Catholic Metropolitan Archbishops) who are tasked with using those assets to assist the work of the Irish Catholic Bishops Conference.

According to the Trust's annual report:

“In order to achieve its charitable aims and objectives, the activities of the Trust are determined by the requirements of the Irish Catholic Bishops' Conference.”

Under the heading 'Relations with other charitable organisations' it adds:

“As the Trust is the administrative and funding structure of the Irish Catholic Bishops Conference, it has close links with the Diocesan charities throughout Ireland, through which the annual Diocesan contributions towards the funding of the Irish Catholic Bishops' Conference are provided.

The Trust relates to the charities of religious congregations within the conference of religious of Ireland, particularly through its provision of the administrative, human resource and financial management for the National Board for safeguarding children in the Catholic Church in Ireland.

The Trust also relates closely to those agencies of the Bishops Conference that exist as independent charities, the main ones being: Trocaire, Catholic agency for overseas development; ACCORD, Catholic marriage care service; and CURA, crisis pregnancy support services.”

<http://www.catholicbishops.ie/wp-content/uploads/2017/10/Annual-Report-and-Financial-Statements-2016.pdf>

So the Trust is a distinct legal entity, which raises money in donations from other entities. That money is then owned by the Trustees, who use it to assist with the work of an entity called the Irish Catholic Bishops Conference (and other entities associated with the Conference), as determined by the requirements of the Irish Catholic Bishops' Conference.

Does the Bishops' Conference use the Trust's money for political purposes?

2016 is the most recent year for which the Trust's accounts are published. In 2016 the Trust had income of €4.71 million from donations, government grants, charitable activities, investments, and other income. €4.5 million of this was from donations. Within that, €1.8 million was from Diocesan Contributions. This amount was the only substantial amount described as unrestricted, meaning that that the Trust can spend it at its own discretion. This means that any political spending by the Bishops' Conference seems likely to be funded from Diocesan donations.

In 2016 the Trust spent €4.79 million on assisting activities of the Catholic Bishops' Conference, resulting in a deficit for the year of €85,000. Within this expenditure, €775,000 went to the activities of the Commission for Planning, Communication, and Resources. This Commission includes the Council for Communications, which engages in training and communications support as well as involvement in mass media and digital media.

<http://www.catholicbishops.ie/wp-content/uploads/2017/10/Annual-Report-and-Financial-Statements-2016.pdf>

In 2018 the Irish Catholic Bishops Conference began an initiative called Choose Life 2018. This includes a website and a weekly printed newsletter sent to all Dioceses around the country. Its stated purpose is to encourage discussion in families on the value of every human life.

<https://www.chooselife2018.ie>

<https://www.catholicbishops.ie/2017/09/05/choose-life-website/>

However, as well as doing this, this website and these weekly printed newsletters also overtly campaign for a particular outcome in the coming referendum on the eighth amendment to the Constitution. As one example, Newsletter Number 5 includes the following quotes:

“The eighth amendment has preserved and fostered a culture of life that we can be proud of. We know that thousands of children's lives have been saved in Ireland by the eighth amendment over the past 30 years — Bishop Leo O'Reilly.”

“The eighth Amendment is a very important piece of legislation. It was passed by referendum in 1983 by a two thirds majority. It is a unique constitutional provision that grants equal legal protection to the lives of pregnant women and unborn babies. The Irish constitution, with the eighth Amendment, recognises the universal human rights to life. Without it, all of our other rights are baseless. It is the reason there are tens of thousands of people alive and in our country today.”

“Reasons to protect the eighth amendment: 1. the unborn child is one of us (paragraph follows about the development of a foetus). 2. Abortion rights in other countries. When abortion becomes legal in a country, it slowly becomes acceptable. In England and Wales, one in five pregnancies end in abortion every year. France and Spain also have an abortion rate of one in five. Italian and Portuguese figures reveal a rate of one in six. Sweden's abortion rate is one in four. There is every reason to believe that, if legalised, Irish abortion rates would rapidly rise as they have in other countries.”

https://www.chooselife2018.ie/wp-content/uploads/2018/03/ChooseLife2018_Issue5_Final.pdf

What is the intent of the donor?

One of the key tests in the SIPO law is the intent of the donor. In this case, the Trust uses the money to fund the activities of the Conference, with the activities determined by the requirements of the Conference. But the people who control the Trust are the same people who control the Conference, so they know what the requirements of the Conference are. Therefore they knowingly intend part of the money to be used for a political purpose that they are aware of.

Questions based on the above information

On the basis of the above information, we are asking SIPOC to consider:

1. Is the Irish Catholic Bishops' Conference engaged in promoting a political purpose under the SIPO law, by publishing a website and weekly printed newsletters that are circulated to every Diocese in the country, promoting a particular outcome in the coming referendum on the eighth amendment to the Constitution?
2. If so, is that political purpose funded by donations from the Hierarchy General Purposes Trust (which are given to further the requirements of the Irish Catholic Bishops' Conference, which the Trustees are aware includes this political purpose, because the same people control the Trust as control the requirements of the Conference)?
3. If so, should the Irish Catholic Bishops' Conference disclose how much money it has received from the Hierarchy General Purposes Trust for the purpose of the Choose Life 2018 campaign?
4. If that amount exceeds the SIPO limit, should the Irish Catholic Bishops' Conference register as a Third Party, should the Hierarchy General Purposes Trust register as a Corporate Donor?
5. Alternatively, if that political purpose is not deemed to be funded by donations from the Hierarchy General Purposes Trust, is that political purpose funded by the initial donations to the Hierarchy General Purposes Trust (from other separate entities, including Catholic Dioceses)?
6. If so, are those initial donations subject to the SIPO law, using the same questions as above, including the fact that the people controlling the initial donations from each Diocese are the same people as the people who ultimately determine the requirements of the Conference?

Conclusion

Thank you again for the attention that you have given to previous correspondence with us on the issue of the SIPO laws. We look forward to your response.

Yours sincerely,

Michael Nugent
Chairperson
Atheist Ireland