



An Roinn Fiontar,  
Turasóireachta agus Fostaíochta  
Department of Enterprise,  
Tourism and Employment

# [Public Consultation on proposed changes to the Companies Act 2014 and related legislation

## Response Template

## **Section A: Proposed amendments to the Companies Act 2014**

### **Implications of the proposed changes for information maintained by companies:**

**Question A1:**

**Do you have any views on the intended approach relating to the maintenance by companies of address details of relevant officers?**

**Response:**

DMG Media Ireland has built and developed some of Ireland's most popular media brands, including, EVOKE, RollerCoaster.ie, Extra.ie, ExtraG.ie, OneFabDay.com, The Irish Daily Mail, The Irish Mail on Sunday, and Business Plus. Anchored in Dublin and reaching the world, we combine career professional journalism with deep insights and technology to engage audiences in a sustainable manner.

DMG Media Ireland welcomes the opportunity to respond to this public consultation. We believe that the proposed changes to the Companies Act and related legislation will severely damage the ability of media organisations like ourselves to ensure that they can expose matters of public interest to the general public. In this regard, and as members of Newsbrands, we fully support the submission made by Newsbrands as part of this consultation.

To support our position, and that of NewsBrands, we list below several factors to illustrate the importance of the availability of the residential addresses of company directors. In addition, we have included below a number of concrete examples of investigations/stories that would not have been published without journalistic access to full CRO information.

**1 Ability to identify people for legal purposes**

Journalists need to be able to identify and distinguish people for legal reasons. Taking away access to their residential address from the CRO will severely hamper this ability on a practical level. It would mean we would not be able to say for example, quite quickly, that at least 17 of the Company Law Review Group have their own name/addresses available on the CRO. In a country where there are a significant number of common names, the ability to appropriately and in the public interest identify/distinguish people would be severely undermined.

**2 Ability to seek people to provide right to reply**

The obligation to afford individuals a right to reply is a key part of the Press Council's Code of Conduct, and one which DMG Media takes very seriously. It is a fundamental part of our editorial process. Apart from giving us extra legal protection, it gives our readers extra assurance that what they are reading has been put to the people we are writing about. It also affords those people the right to discuss, dispute, clarify things that will be written about them before it is published. Regularly this prevents or significantly alters what is published.

If the proposal is adopted, our ability to seek people to offer right to reply will be severely hampered. We believe this is an intrusion not just on freedom of the press but will have the effect of preventing individuals access to a right afforded to them by ethical news organisations. Seeking and getting a right to reply is the essence of responsible journalism.

We would also point out, individuals (usually acting against the public interest) already use loopholes to avoid people knowing their residential addresses. That bad actors currently seek to thwart the current system should demonstrate the current system's inherent value. If it were not an effective check/balance, bad actors would not feel the need to circumvent it.

### **3 Ability to 'follow the money'**

Investigative journalism involves exposing wrongdoing or failures involving regulators, public representatives, businesses, charities and public servants. It serves as the final watchdog for society in the event that State authorities fail. It seeks to pick up the pieces when those responsible miss something. This is valuable public-interest work that benefits society as demonstrated by the repeated awards and citations our investigations have won.

Almost always this work comes down to following the money. The established structures in place for companies/directors and those doing business are based on a long-established quid-pro-quo; In return for transparency and public disclosure, companies and their owners get limited liability.

They also get to prosper and do business in a safe and secure rule-based society. Such stability is vital to businesses of all types. This balance of rules, transparency and limited liability serves to protect society in general and those doing business. To alter the balance in favour of less transparency will hurt everyone - including legitimate businesses. If they are adhering to the rules, no one has anything to fear from an investigative journalist accessing their address via company records. Instead it is those intent on breaking the rules, those wishing to commit fraud, those seeing to dupe and deceive who we expose in print.

Mostly, our work involves following the money being moved by those who break the rules, and do not want society to see. They want to benefit from the stability of this country but not to contribute to it like the rest of us. Follow the money investigations require access to data. The process involves linking wrongdoers to their deeds and observing connections between associates. Addresses provided by directors in the Company Registrations Office (CRO) is a vital cog in this process.

This is the case even if a fake address is provided. Once checked, that in itself says something about the individual concerned. To deny a journalist the ability to check the validity of an address, or to knock on the door of a wrongdoer to confront them with evidence would be a boon for those with something to hide.

Reacting to Soviet beneficial ownership judgement, the Organised Crime and Reporting Corruption Project (OCCRP) points out that regulators and criminal investigators often rely on the work that media organisations engaged in public interest investigations publish.

They point out: 'Enforcement authorities will be unable to do the job alone. In its anti-money laundering directive, the EU recognised that regulatory and law enforcement agencies have failed to deter money laundering, and that public access to beneficial ownership information would help compensate for that shortcoming. Across Europe and elsewhere, enforcement agencies often lack the resources and motivation to "follow the money" and frequently rely on findings from journalists, civil society, and the wider public in their official investigations.'

#### **4 Impact on Irish international reputation**

Such a move as proposed would increase the likelihood of financial impropriety - at a time when Ireland is already regularly accused of operating like a tax haven. Currently, for example, Ireland is less transparent than Luxembourg where journalists can access the beneficial owners' register.

Even an Irish journalist can apply to access the Luxembourg register. This right of access has been denied in Ireland to all journalists in Europe. These kinds of restrictions do not enhance society. Instead they favour white collar crime and facilitate the laundering of money.

#### **5 Refusal to engage can prevent publication of public interest investigations**

For decades the Irish Mail Investigations Department has been exposing matters of public importance that would not have been possible without access to the addresses of directors (please consult attached list of investigations/stories). In other cases, these stories would have been far harder to publish. Sometimes, a story can be prevented if the subject refuses to engage and goes into hiding. This tactic alone can, because of our defamation laws, prevent a story from being published.

Going to the home of a director to ensure they have an opportunity to reply to the results of an investigation - even by simply handing them a letter - frequently forces them to engage and gets a story that otherwise would not be published over the line. When we investigate an allegation we end up confirming that nothing is wrong and no story ensues. That is part of responsible, public-interest journalism. Someone who is innocent has nothing to fear from this fact-checking process. They can engage and explain and in our experience they are grateful to have the opportunity to do so. Making addresses of those doing business private will only serve those with something to hide.

#### **5 Who benefits?**

At the moment the proposal would take away the ability of the general public to access information about companies or organisations that may have direct impact on

their lives or jobs. The question has to be asked: who benefits from such a blanket move?

The Organised Crime and Reporting Corruption Project (OCCRP) looked into the background of the man who took the Sovim ruling that has led to this proposed change. He is 'businessman Patrick Hansen, who was suing to avoid his name appearing as a beneficial owner of a real estate company. In 2008, Hansen founded Luxaviation, a large private jet company, alongside Nikolay Bogachev, a Russian billionaire and former KGB officer'.

Yes Ireland needs to respond to the ruling but it does not need to throw the baby out with the bathwater. The EU ruling itself says: 'Press and civil society organisations that are connected with the prevention and combating of money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership.' (EU Court of Justice in WM, Sovim SA v Luxembourg Business Registers).

Transparency International reacted to this decision: 'The court was clear: media and civil society organisations that are involved in the fight against money laundering have a legitimate interest in accessing data on companies' real owners. This means that journalists and civil society organisations should be able to access this information without having to demonstrate their legitimate interest in specific cases.'

Speaking to the question of who benefits from the secrecy, the OCCRP says it well: 'Thanks to leaks such as the Panama Papers, we know that there's a massive industry of lawyers, accountants, and company formation agents who are willing to help corrupt and criminal actors hide their wealth. They often help hide their clients' identities by setting up multiple layers of anonymous companies in so-called "secrecy jurisdictions" — that is, countries or territories that do not require ownership to be publicly disclosed. A large majority of serious corruption cases use anonymous companies to evade detection.'

***APPENDIX: List of investigations/stories that would not have been possible to publish without journalistic access to full CRO information.***

**The Quinn family's asset transfers.**

We were to the fore in tracking the Quinn family assets across the world. This work involved accessing the addresses of family members through their directorships at the CRO.

One of the many Quinn stories we published was a 2012 expose of family members caught on video discussing their plans to deceive the Irish authorities and courts.

<https://www.newsscoops.org/stories-and-investigations/secret-video-of-quinns-plan-to-lie/>

A central figure in this story was Peter Quinn - a nephew of Sean Quinn Snr - who went on the run to avoid jail.

Using his directorship addresses, we were the only people to track him down while he was on the run.

<https://www.newsscoops.org/uncategorized/my-luxury-life-as-a-fugitive-quinn/>

### **Michael Lynn**

We have been involved in investigating solicitor Michael Lynn for years. This frequently requires that addresses of associates are accessed.

One of many examples in which this was vital involves the case of Yavor Poptoshev. We were the first media outlet to report that Mr Poptoshev - a long-term Bulgarian associate of Lynn's - controlled a company that purchased a new home lived in by Mr Lynn and his family.

A network of new Irish firms, set up by Poptoshev, is currently the focus of a Garda money laundering investigation into Lynn that has seen millions in Irish accounts frozen. At their request, we have cooperated with gardai in this investigation. This work would not have succeeded without access to directorship addresses.

### **Nama developer Tony Gaughan**

Like many bankrupts, Mayo developer Tony Gaughan transferred assets to family members - such as the young daughter of former TD Beverley Flynn - and sold off foreign properties from under creditors.

We exposed these transfers in 2013.

We would not have completed this investigation without access to addresses in the CRO.

<https://www.newsscoops.org/property-developers/beverley-flynn-partner-goes-bankrupt-in-uk/>

### **Sean Dunne**

Investigating someone intent on breaking rules in place for the common good of creditors is a regular occurrence for us. It always requires CRO directorship addresses to be accessed.

We have exposed how Sean Dunne transferred his assets to his wife while living a life of luxury in New York and Switzerland while bankrupt.

<https://www.newsscoops.org/stories-and-investigations/sean-dunnes-life-in-nama/>

<https://www.newsscoops.org/property-developers/gayle-banks-e4m-on-swiss-apartment-sale/>

### **Brian O'Donnell**

Similarly we have shown how bankrupt Dublin solicitor, Brian O'Donnell, transferred property worth more than €100m to his son.

<https://www.newsscoops.org/property-developers/odonnell-gave-e156m-property-to-his-son/>

### **John Shee**

Another example involves Limerick businessman John Shee who went on the run while siphoning away assets from creditors. We tracked him to a hideout in France and exposed the millions put beyond reach.

<https://www.newsscoops.org/stories-and-investigations/exclusive-on-the-run-developer-hiding-out-in-south-of-france/>

**Hospice Head of Finance sold Spanish house bequeathed to charity to his friend.**

Conflict of interest stories frequently involve people in positions of power/influence who have breached rules and do not want to be exposed.

One of many examples of this kind of story involves a house in Spain, bequeathed to St Mary's Hospice, that was secretly sold by the charity's Head of Finance to his friend.

We published this story in 2019. It would not have been published without the ability to access directors' addresses, something that enabled us to speak face to face with those involved.

The Head of Finance concerned is now in jail because of his actions.

<https://www.newsscoops.org/stories-and-investigations/hospice-gifted-e250k-house-sold-it-for-e37k/>

<https://www.newsscoops.org/charities-in-focus/our-ladys-hospice/hospice-s-home-sold-to-friend-of-charity-boss/>

<https://www.newsscoops.org/charities-in-focus/the-charity-chief-accused-of-fraud/>

We frequently investigate conflicts of interest involving figures in the public service who are involved in improperly ensuring associates or relatives or themselves get contracts.

We have, for example, exposed HSE managers who have set up firms to provide the HSE with supplies and HSE consultants who direct work to private clinics they are associated with. We would not have successfully done so without the ability to access their addresses at the CRO.

**Exposing firetrap developer Paddy Byrne - and other bankrupts.**

We have often investigated business figures who have been struck off or bankrupted. One example is Paddy Byrne. Mr Byrne ran Barrack Homes and built the Millfield Manor estate in Newbridge. Because of fire safety problems, six houses at the estate burned to the ground. Mr Byrne then went bankrupt in the UK and was barred by the UK Insolvency Service from being a director of a company for 10 years.

In a 2015 story we exposed how Mr Byrne had gone back into business in Ireland despite being banned as a director. He did this by using family members as fronts. We would not have been able to publish this story without accessing the addresses of these family members from the CRO.

Blocking access to addresses would halt our ability to pursue stories where those involved in wrongdoing are using others as fronts.

<https://www.newsscoops.org/property-developers/back-on-site-the-firetrap-builder/>

**Fake cheque signatures at Ireland's largest approved housing body.**

In 2016 we exposed that the signature of the former chairman of Ireland's largest approved housing body was being forged on cheques for years after he departed.

This raised serious governance questions involving hundreds of million in State funds. The story relied on being able to access the address of the chairman and other directors. This allowed us to go to them in person and confront them with the evidence of professional handwriting comparisons - a move that saw them confirm the fake signatures in person.

<https://www.newsscoops.org/stories-and-investigations/forgery-scandal-in-social-housing/>

#### **New Beginning data sale to fund**

In 2014 we exposed how mortgage campaigners New Beginning - led by barrister Ross Maguire - sold a database containing the financial details of more than 1,000 struggling homeowners to a €2bn investment fund that aims to buy up 15,000 distressed homes here.

Once again we would not have concluded this investigation without the addresses of those behind the fund.

<https://www.newsscoops.org/stories-and-investigations/families-data-sold-by-new-beginning/>

#### **Goal execs set up firm to sell to their own charity**

We used directors' addresses and other CRO data in 2015 to reveal how Goal bosses were selling to their own charity. The scandal saw USAID pull its funding for Goal's Syria projects and an associate of the Goal directors was jailed.

<https://www.newsscoops.org/stories-and-investigations/revealed-goal-staff-set-up-private-company-to-profit-from-aid-business/?amp=1>

#### **Catch 22 - How fishing industry breaks catch rules**

This award-winning 2018 investigation exposed how the millionaire owners of many of Ireland's fishing trawlers were breaking catch rules by secretly manipulating the size of their ships.

It also exposed how State watchdogs sat on evidence that this was happening.

This work required access to the addresses of the directors of the firms concerned.

<https://www.newsscoops.org/stories-and-investigations/catch-22/?amp=1>

#### **St John of God - John Pepper**

We have frequently investigated St John of God - a charity funded to the tune of hundreds of millions annually by taxpayers.

Our award-winning work into this charity in 2016/2017 exposed how it broke HSE rules to pay millions in top ups to senior managers including the CEO, John Pepper. This related in a damning HSE audit and a demand from the Government that millions be refunded.

We also exposed a web of nepotism in which Pepper family members were working for the charity.

Accessing directors addresses in the CRO allowed us to complete this work as we sought to speak with board members.

It also allowed us to prove that Mr Pepper remained in Ireland at a time when he told HSE auditors he could to meet them because he would be in Africa.

<https://www.newsscoops.org/charities-in-focus/st-john-of-god-chiefs-secret-e2m-payments/>  
<https://www.newsscoops.org/charities-in-focus/st-john-of-god-snub-to-the-hse/>

**Gavin or Liam Duffy?**

During the 2018 presidential election we revealed that Gavin Duffy had been born Liam.

However, after a car crash in which he maimed a woman, he changed his name.

Accessing old CRO data showing the Duffy family address was vital as it confirmed to us that Liam/Gavin was a member of the correct Duffy family.

<https://www.newsscoops.org/politics/my-remorse-over-horror-car-crash/>

**Implications of the proposed changes for filing with the Companies Registration Office:**

**Question A2:**

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Companies Registration Office of address details of relevant officers?**

**Response:**

As per above Question A1

**Restricted access to the “usual residential address”:**

**Question A3:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers?**

**Response:**

In the event that the Department adopts the proposed amendments, the following category should be added to the proposed list of entities that may be granted access to the ‘usual residential address’ of relevant officers: “ a bone fide member of the Press or broadcast media’

**Question A4:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers?**

**Response:**

As per above Question A1

## **Section B: Proposed changes to the Co-operative Societies Bill:**

### **Implications for information retained by a Co-operative Society:**

**Question B1:**

**Do you have any views on the intended approach relating to the maintenance by co-operative societies of address details of relevant officers?**

**Response:**

### **Implications of the proposed changes for information maintained by the Registrar of Co-operative Societies:**

**Question B2:**

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Co-operative Societies of address details of relevant officers of co-operative societies?**

**Response:**

**Restricted access to the “usual residential address”:**

**Question B3:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers of co-operative societies?**

**Response:**

**Question B4:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers of co-operative societies?**

**Response:**

## **Section C: Changes to the Registration of Limited Partnerships and Business Names Bill:**

### **Implications for information retained by the LP:**

**Question C1:**

In relation to the implications for Limited Partnerships, do you have any comments on the proposals?

**Response:**

### **Implications of the proposed changes for information on LPs maintained by the Registrar of Companies:**

**Question C2:**

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a partner in a Limited Partnership?

**Response:**

**Implications of the proposed changes for information on Register of Business names maintained by the Registrar of Companies:**

**Question C3:**

**Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a person registering a business name?**

**Response:**

**Restricted access to the “usual residential address” for an LP and a registered business name:**

**Question C4:**

**Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?**

**Response:**

**Question C5:**

**Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?**

**Response:**

### **Freedom of Information Act 2014 and Publication of Submissions**

Your attention is drawn to the fact that information provided by you in submissions is subject to release by the Department under the Freedom of Information Act 2014. In responding to

this public consultation, all individuals and organisations should clearly indicate where their submission contains personal information, commercially sensitive information, or confidential information which they would not wish to be made publicly available by being published on the Department's website or released by the Department pursuant to the receipt of an FOI Request under the Freedom of Information Act 2014.

### **General Data Protection Regulation (GDPR) and Data Protection Acts 1988 to 2018**

The Department of Enterprise, Tourism and Employment is subject to the provisions of the GDPR and Data Protection Acts 1988 to 2018. In this context, the Department will treat all personal information which you provide in submissions as part of this public consultation process with the highest standards of security in line with our data protection compliance requirements. We would like to draw your attention to the Department's Data Protection Privacy Notice which is available on our website and explains how and when we collect personal data, why we do so and how we treat this information. It also explains your rights in relation to the collection of your personal information and how you can exercise your rights under data protection laws.

**November 2025**