


Regulation of Lobbying Act 2015

Presentation to
Association of Irish Local Government

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How it began

Background

- Programme for Government
- Mahon Tribunal
- Researched lobbying regulation in Canada, USA, Australia and several European countries

Public Consultation

- Submissions invited based on OECD Principals
- Conference / Meetings held with interested parties
- Work informed by Prof Gary Murphy DCU, Prof Raj Chari TCD & Dr John Hogan DIT
- Work informed by Lyn Morrison Integrity Commissioner, Ontario, Canada

Full details of all aspects of the consultation process including submissions received and reports of stakeholder meetings at

<http://www.per.gov.ie/regulation-of-lobbying/>

Developing the Legislation

- Public Consultation – from end 2011
- Policy Paper - mid 2012
- Seminar – July 2012
- Published General Scheme of a Bill – April 2013
- Publication of the Bill – mid 2014
- Concluded its passage through Dáil and Seanad – March 2015

What is Lobbying?

- Communication by:
 1. Persons within the scope of the Act
 2. On relevant matters
 3. With Designated Public Officials



1. Who is within the scope of the Act?

- Communication with designated public officials by:
 - Persons with more than 10 employees
 - Representative bodies and advocacy bodies with at least 1 employee
 - 3rd party lobbyists (those who are paid by a client to lobby on the client's behalf)
 - Anyone lobbying about the development or zoning of land

Only if the communications relate to “relevant matters”

2. What are relevant matters?

“Relevant matters”:

- the initiation, development or modification of any public policy or of any public programme,
- the preparation of an enactment, or
- the award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds,

apart from matters relating only to the **implementation** of any such policy, programme, enactment or award **or of a technical nature**

3. Who are the Designated Public Officials?

Designated public officials (DPOs):

- Ministers, Ministers of State
- Members of Dáil Éireann, Seanad Éireann,
- Members of the European Parliament for constituencies in the State
- **Members of Local Authorities**
- Special Advisors
- Senior Civil and Public Servants (on commencement Sec Gen, Asst Sec. in the Civil Service and **CEOs, Directors of Services in local authorities**)
- Other Public Servants as prescribed
 - Rolled out to the wider public service and more grades over time

What does it mean for you?

- Lobbying of public representatives and public officials is a healthy element of a democracy and should continue to be supported and encouraged.
- There are **no** statutory obligations on the Designated Public Official under the Act.
- The **onus is on the person lobbying** you to register the communication.
- Your **name will appear on the register** as a result of lobbying communication having taken place with you.
- Communications between a Local Authority Member (in their capacity as a member) and other designated public officials or public servants are **exempt**.
- There are **no statutory obligations regarding record keeping** under the Bill.

The Exemptions (s.5(5))

- Normal citizen access to representatives
- Diplomatic context
- Strictly factual Information
- Trade Union negotiations
- Groups established by Public Body where transparency applies
- Threat to life or safety
- Between public officials
- Shareholder of a State body on governance issues
- Security of the State
- Oireachtas Committee
- Registrar can delay publication of information on grounds
 - commercially sensitive
 - Financial interests of the State
 - Governments ability to manage the economyhaving regard to the public interest.

What is Registered?

- Register after first communication with a designated official
 - Organisation Name
 - Business address
 - Person with primary responsibility for lobbying
 - Main business activities
 - Contact details
 - Company Registration Office Number and address
 - Confirmation that details supplied are correct.

What is Returned?

- 3 Returns per year submitted within 21 days of return date
- Information required
 - Information on who was lobbied
 - Subject matter of lobbying activity and the results intended to secure
 - Type and extent of activity
 - Name of any person in your organisation who is or was a designated official and carried out lobbying activity
 - Client information if relevant
 - Confirmation that details supplied are correct.

The Commission

The System

- Web based register of lobbying activity

The Commission

- The Standards in Public Office Commission will be the Registrar



The Cooling Off Period (s.22)

- **Does not apply to Local Authority Members**
- Ministers, Advisers, Senior Public Officials - to seek approval from the Registrar to take up a role post-public employment involving lobbying former colleagues
- Period of one year from leaving office
- Conditions may be imposed by SIPOC
- Fair and proportionate approach

Reports & Review

Annual reports to the Oireachtas

Review

- One year after commencement
- Subsequent Reviews every 3 years (subject to Dáil approval)
 - Commission
 - Oireachtas Reports
 - Interested Parties

What you now need to do

- Familiarise yourself with the legislation;
- Sources of Information – leaflet / DPER website – www.per.gov.ie / SIPOC website - www.lobbying.ie / briefings, etc.
- Be aware of the Transparency Code in relation to working groups, etc. established;
- Raise awareness - be proactive in meetings, etc. in introducing yourself as a Designated Public Official;
- Continue to support lobbying and engagement with elected officials by all sectors of society.

Timeframes

- All stages in the Dáil and Seanad passed
- Advisory Group established early 2015
- Pilot of system March – April 2015
- Launch of web-based register on 1 May 2015
- Commencement of Act on 1 September 2015
- Review – one year after commencement

Department of Public Expenditure and Reform

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Thank You

