

## Bernie Orr

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**From:** Martin Finucane <Martin.Finucane@DCCAE.gov.ie>  
**Sent:** 26 October 2016 16:02  
**To:** Lobbying  
**Subject:** comment on performance of Act

Fao Evelyn O'Connor,

Hi Evelyn,

Just following up on your email of 31 August in relation to consulting on the Lobbying Act. I appreciate that the review deadline is well passed at this stage but I have just been sent some comments in relation to the operation of the Act by one of the designated officials in this Department.

The Lobbying Act 2015, formally recognises lobbying as an activity which impacts public servants. It provides welcome clarity that has the effect of making public servants and lobbyists / industry think carefully about conversations and activities that represent lobbying.

There are impacts, intended and non-intended, to the legislation:

- This Department has received a number of FOI requests, prompted by material in lobbying returns
- Where lobbying takes place, by phone or in person, it is good practice to create a record of the call / conversation. This can create an additional administrative overhead for officials, but is important;
- Lobbyists can use the Lobbying Act 2015, and the registration of lobbying activity as an opportunity to publicise the matters on which they are lobbying Government / Government Departments. Lobbying returns are monitored by industry groups, stakeholders, and the media. Follow-up queries / FOIs can arise in Government Departments. Therefore the requirements of Lobbying Act itself can act as a catalyst for lobbying itself;
- The provisions in relation to industry / expert groups can be challenging and should be reviewed. Where a Minister appoints a group to advise on policy, it can be classified as a lobby group, particularly if there is no Assistant Secretary on the group. Exemptions are provided where the minutes of meetings are published etc. In the case of this Department, there are a number of groups to which this applies and where the provisions are challenging because of deliberative and procurement processes:
  - The National Broadband Plan Steering Group advises the Minister on the NBP strategy. It comprises telecoms experts from the UK and France, as well as ComReg, the Competition and Consumer Protection Authority, NewERA, Trinity College Dublin, the BMW and S&E Regions. It is not appropriate for detailed minutes of this group to be published when a deliberative process is ongoing and industry is not directly represented on the group. There should be provision to exclude a group of this nature as it provides expert assistance rather than lobbies the Minister;
  - The National Broadband Plan Procurement Board provides advice and feedback in relation to the NBP Procurement. It comprises a former ComReg Commissioner, representatives of the OGP, Teagasc, a former CEO of a Local Authority, an independent retired construction industry professional, and NDFA. As with the Steering Group, this group provides expert assistance and advice and does not lobby the Minister. It would be highly inappropriate for the minutes of these meetings to be published while a procurement process is ongoing;
  - The Mobile Phone and Broadband Taskforce, comprises officials from various Government Departments and Agencies, together with four independent experts representing consumers / business interests. While the group has had several meetings with industry, which would definitively be classed as lobbying, the work of the group itself should not be classed as lobbying. It would not be appropriate to publish the minutes of the meetings of this group while a deliberative process is ongoing.

Hopefully these can inform your consideration of the review.

Regards,

Martin.



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Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith príobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach. Deimhnítear leis seo freisin nár aims odh víreas sa phost seo tar éis a scanadh.