

Appendix 2

Template submission response.

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What are the positive features of the Act?

- The legislation is fairly comprehensive.
- Lobbyists are not permitted to self-regulate, as was the case in the UK for decades which never seemed to work.
- It is a good foundation to build upon.
- Former Minister Brendan Howlin seemed to really want the legislation passed and for it to work. He acted as a textbook political policy entrepreneur in our view. This kind of presence is vital in driving legislation through and ensuring there is real governmental commitment to it working.
- It is readily suited to amendments that would make it more comprehensive.
- The online database of lobbyists is updated regularly and easily accessible, offering one of the most user-friendly and well-organized databases in the world.
- There has been no suggestion that the Act goes too far. In fact, we would argue that it does not go far enough, but is a good starting point to introduce the public to lobbying regulations.
- A significant number of lobbyists have registered since the legislation came into force.
- Transparency for the public also means transparency for lobbyists themselves – which is something that came up in the past when we spoke to a number of major interest groups about the implications of lobbying regulations between 2011 and 2014, as the legislation was being formulated. This is also an issue we came across when doing interviews overseas with lobbyists in the US and Canada.
- The law is built upon laws in North America (particularly, Canada) which have stood the test of time. Thus, the Irish law draws from experience with lobbying regulations elsewhere, showing the positive experience that can be gained from ‘policy learning’.
- This is now increased transparency overall in Irish politics and the recognition that transparency is a norm.
- There are fines and penalties for those who break the rules – which is a very important aspect in terms of promoting good governance.

- The revolving door is turning just a little bit more slowly now thanks to the 12 month cooling off period. This sends a positive signal to society at large, since the DPOHs cannot as lobbyists immediately capitalize on what they learned as public servants.
- Of course the cooling off period does not apply to former DPOs doing any other jobs apart from lobbying – so there is still a world of opportunity out there for them.
- The registers use of online media is good and the register seems to be updated regularly and promptly.
- All our research overseas shows that the majority of lobbyists themselves should be most pleased with the legislation. They now work in a regulated profession, and as a result the pejorative nature of the word lobbyist should diminish with time. This is something we found occurring in Poland and Lithuania in the years after they introduced their lobbying regulations at the beginning of the century.

Does the Act fulfil the objectives it set out to achieve?

- Yes it does – lobbying is being regulated and a level of transparency previously absent is now present in Irish democracy.
- The law does not interfere with people seeming to meet with their representative on matters pertaining to their own personal concerns as constituents.
- The regulations in place largely meet what the act sought to achieve. Could it have been more ambitious – yes. But, prudent steps have been taken to date and the regulations can be fine-tuned with amendments. Such amendments will not seem as radical to a society that is increasingly used to lobbying regulations.
- Because of the law people are genuinely asking themselves if they are lobbyists and are taking this matter seriously – as can be seen from the high number of registrations on the lobbyist registers website.
- In comparison to other countries that introduced lobbying regulations for the first time – Australia back in 1983 or again in 2006, or Israel in 2008, the Irish effort has been much more successful – judged on the number of registrations that have so far occurred.

Have any unintended consequences occurred, in your view?

- Nothing obvious has come to our attention. There are no glaring loopholes yet. But if they appear they can be amended.
- That said, maybe more effort could be put into clarifying what is lobbying and what is not – as there has been some confusion on that front.

Do you think the Act can be improved in any way and, if so, how?

- Lobbyists should have to register the minute they begin lobbying.
- The financial disclosures of lobbyists and their employers could be sought in returns to the register. This is a requirement in many US states.
- The cooling off period could be extended to say 24 months as in some US states, or even up to five years as has been seen in Canadian federal legislation. Again, this would only relate to DPOs wanting to become lobbyists. It would in no way interfere with them pursuing any other possible career.
- Lobbyists who are found guilty of breaching the regulations should be placed on a register of delinquent lobbyists. This would act a deterrent to others to break the law.
- Fine and prison sentences for breaches of the law should be increased

significantly. They should be made at least equivalent to those found in the US and other regulated high income countries.

- The provision of photo ID with returns could be a requirement and these photos could then be placed on the register too.
- Maybe facilities could be put in place for people to register on the lobbying register through their Facebook accounts, or other social media accounts, if they wished to. This would readily provide additional information about them, and what we found in other jurisdictions is that professional lobbyists see registers as another medium in which to promote themselves and their business.

What suggestions for changes, if any, would you make?

- The lobbying register could make better use of social media to explain the nuances of lobbying and what differentiates it from approaching your TD on a personal matter.
- Simple YouTube videos could provide guidance.
- This would involve more resources being provided to the registers office.
- But additional resources will probably be needed if the register is reformed or changed following this review. There could be a yellow card and red card system developed to highlight lobbyists who were found to have breached the rules, or who were convicted for the same. This would work as a warning to the public, DPOs as to the behaviour of certain lobbyists.
- Subsection 5(5)(k) of the Act provides exceptions to the requirement to register (and submit returns of lobbying activity) for actors working in specified 'public services bodies' (as defined in Section 7 of the Act, <https://www.lobbying.ie/help-resources/information-for-public-bodies/list-of-public-service-bodies/>). The list is very, very long. It should not be forgotten that the point of the register is to add transparency in the policy making process so citizens can view who is lobbying whom about what.

Would it not be in the public's interest, for example, to see what Irish based Universities (which are presently exempt) are doing in terms of trying to influence government policies? It is in the interest of some of these public service bodies to clearly state what they are doing – and not hide under a policy 'of exemption' – to report what they are doing. Hence, it is recommended to revisit this list and to reconsider (and to change) which public service bodies should be exempt from registering.

Please remember to include in your submission

- * specific examples from your own experience which confirm your position where you are making points regarding the Act, and
- * reasons for any suggestions for changes or improvements to the Act and sufficient and appropriate current evidence / data / examples to support these suggestions.