

**From:** Jim O'Donohoe <jimodonohoe35@gmail.com>  
**Sent:** 21 December 2016 11:36  
**To:** Lobbying  
**Subject:** Review of the Regulation of Lobbying Act 2015

Dear Sir or Madam,

I understand that a public consultation process for the first review of the Regulation of Lobbying Act 2015 has taken place. According to the website of the Department of Public Expenditure and Reform "*Submissions are invited from interested parties*" by the closing date of 30th September 2016. Unfortunately, I was unaware that this process was taking place.

As a person who is registered as a lobbyist with Standards Commission, I have received several notifications from them concerning the new enforcement provisions relating to the Regulation of Lobbying Act 2015, but I never received any notification of the public consultation process. It seems to me that those on the Register of Lobbying should have been directly notified of the review process, as "*interested parties*".

Although the closing date has passed, I hope that you will take the following into account in the next review of the legislation.

I believe the situation in which I find myself, due to the most recent changes in the legislation, is grossly unfair. In the period 1 Sep, 2015 to 31 Dec, 2015 I had contact with a county councillor (at his instigation) regarding aspects of the review of the county development plan. Despite being unsure whether these activities constituted "*lobbying*" as defined by the Regulation of Lobbying Act 2015, I decided to "*play it safe*" and register as a lobbyist and make a return regarding my "*lobbying activities*". I did not engage in the activities as outlined in my return for any personal gain; I merely wished to offer my expertise for the benefit of my community. I believe that my "*lobbying activities*" were not the intended target of the legislation.

Nonetheless, under the Regulation of Lobbying Act 2015 (Fixed Payment Notice) Regulations 2016, I am threatened three times a year with a €200 fine even if I do NOT engage in lobbying activities but I forget to make a "Nil Return" within the required three week period and, if I fail to pay the €200 fine, I may receive a jail sentence of two years. The only apparent alternative is to "de-register" as a lobbyist by declaring that I "*have permanently ceased lobbying on all subject matters*". The note on the [lobbying.ie](http://lobbying.ie) website regarding this, advises not to select this option "*unless you are certain you will never lobby again on any subject*". I am reluctant to select this option as I cannot be certain that I will not engage in similar public spirited activities in the future.

The website of the Department of Public Expenditure and Reform states "*The purpose of the Regulation of Lobbying Act 2015 is to deliver appropriate transparency on 'who is contacting whom about what'*", but it seems I will be fined €200 each time I forget to tell the Standards Commission that I didn't engage in any lobbying activities in the past four months. So legislation which is supposed to deliver appropriate transparency on '*who is contacting whom about what*' threatens me with a €200 fine (and a two year jail sentence if I fail to pay the fine) for NOT declaring that I contacted NOBODY about ANYTHING of relevance. How bizarre!

May I suggest a solution to this? Could the legislation be revised so that the absence of a return is treated as a "*Nil Return*"? This seems to be a simple and logical solution to my dilemma.

Regards,

Jim O'Donohoe