

## PRESS RELEASE

### **Minister for Public Expenditure and Reform announces Government approval for comprehensive statutory framework for the Regulation of Lobbying.**

The Minister for Public Expenditure and Reform Mr. Brendan Howlin T.D. today announced that the Government has approved the drafting of the Regulation of Lobbying Bill 2013.

On welcoming the decision Minister Howlin stated:-

*“The Government’s Decision to commence drafting of the Regulation of Lobbying Bill 2013, marks a significant step in bringing greater openness and transparency to the important process of interaction between the political and administrative systems and all sectors of society who communicate directly or indirectly on specific policy, legislative matters or prospective decisions.”*

In bringing forward these proposals the Government wants to help rebuild public trust in the political system by throwing light on its interaction with those who seek to shape and influence policy across all sections of society. Account was taken of the views emerging from the wide and comprehensive public consultation and also of the advice from regulators in other jurisdictions to ensure a balanced set of measures.

In light of stakeholder concern that a significant burden was not imposed on those required to register the Bill focuses on capturing key information rather than on every contact made. This approach will assist in keeping the cost of compliance low.

The Minister also highlighted that his legislative proposals were drafted in close consultation with the Office of the Attorney General.

The proposals will now be submitted by the Minister to the Oireachtas Committee for Finance, Public Expenditure and Reform for pre legislative scrutiny.

This Bill provides for a statutory web-based register of lobbying activity with a focus on ease of use. The key features are:-

- Appointment of a regulator to manage the implementation of the register and monitor compliance. As part of this function the regulator will also provide guidance to lobbyists and have the powers to investigate breaches of the Bill. The Minister intends that Standards in Public Office Commission (SIPO) will act as the regulator.
- Communication whether directly or indirectly communicated on specific policy, legislative matters or prospective decisions with designated public officials or office holders will be registered. It is not proposed that every contact with designated public office holders or public officials but rather the Bill focuses on the subject matter of the communication, the purpose of the lobbying, the organisations/ person lobbied, the type and intensity of lobbying activity carried out;

- The Bill provides for a cooling off period of 1 year during which designated former public officials seeking to lobby their former colleagues in the public body in which they previously worked (or in a further public body to which such colleagues have subsequently transferred) will be obliged to apply to the regulator. The regulator will be obliged to consider the period of employment in the public office, the nature of the activities undertaken and impose conditions on the employment accordingly. This approach allows the registrar to permit, for example, the take up of employment but to impose restrictions in relation to engagement in certain activities rather than a blanket ban.
- Normal citizen interaction with their local political representatives is a fundamental democratic right and it is not intended to restrict such contact in this Bill. This exemption focuses on individuals who are communicating with their local political representatives in relation to private or personal matters excluding land re-zoning or development. It also focuses on micro enterprises with less than 10 employees who are communication in relation to their own business affairs. Local community organisations composed entirely of volunteers would also be excluded from the scope of the Bill.
- Charities can avail of tax exempt status once they meet certain criteria laid down by the Revenue Commissioners. Such organisations are permitted to engage in advocacy in pursuit of their charitable objectives where such matters are of public benefit. Concerns were expressed by a number of charitable organisations that registration on a register of lobbyists might endanger their charitable status. My Department has engaged in consultation with the Office of the Revenue Commissioners and with the charity sector in relation to this matter and is satisfied that the approach outlined in the Bill will adequately address these concerns. Further consultations will be held with the Office of the Revenue Commissioners during the drafting process on the final wording.

Lobbying activity forms an important element of the democratic process and provides both Government and decision makers with an understanding of the how prospective decisions may effect both individuals and organisations. It leads to greater openness and transparency on public policy formulation and provides valuable input to the decision making process. The intention of this Bill is to continue to encourage such participation in the decision making process, but to ensure that it is done in a fully open manner.

## Notes for Editors

### The Lobbied

The Bill will define the lobbied as follows:-

- *Ministers, Ministers of State,*
- *TDs, Senators and members of their staff,*
- *Members of Local Authorities,*
- *Special Advisers,*
- *Ombudsman and Comptroller and Auditor General,*

- *Senior Civil and Public Servants (as prescribed by the Minister), and*
- *Such other persons or categories of persons as may be prescribed.*

In order to ensure the lobbying regulation is not circumvented by the use of intermediaries it is intended that direct and indirect communication with the lobbied will be subject to registration.

It is intended the Bill will include initially the following *Senior Civil and Public Servants*:-

- *Secretary General and Assistant Secretary grades in the Civil Service and*
- *Equivalent grades in Local Authorities.*

It is intended that the Minister would by regulation extend the legislation to include other areas of the public service and to other grade levels, on a phased basis, in line with experience of implementation.

#### Lobbying Activities

“*Specific policy, legislative matters or prospective decisions*” are included as matters on which lobbying takes place.

#### Semi State Bodies

Concerns have been expressed that the normal interactions on governance issues between commercial State Bodies and their parent Departments could potentially come within the scope of the Bill. For the avoidance of doubt, such matters are explicitly exempt. However, communication relating to the operation of commercial State Bodies in a competitive market or coming within the regulatory functions of the parent Department are included within the Bill.

#### Administrative Burden

The consultation process has demonstrated the complexity of the issues arising in relation to the introduction of regulation in this area for the first time. The Bill seeks to balance the need for maximum transparency in public policy making with the need to avoid unnecessary administrative burden on those sectors which interact with Government. A review of the legislation is proposed 12 months after commencement in light of experience with implementation of the regulatory arrangements.

#### Policy Development and Decision Making

The key objective of this legislation is to promote greater transparency in the formulation and development of public policy and decision making. The introduction of lobbying regulation and the parallel implementation of such measures as the restoration and extension of Freedom of Information would be expected to contribute significantly to the Government’s transparency objectives. The Minister is also currently reviewing the case for Ireland’s membership of the multilateral global Open Government Partnership which is expected to provide a framework for the development of specific proposals designed to promote a more open and consultative approach to policy formulation and to encourage more pro-active release of information relation to interaction with stakeholders by Ministers and by senior civil and public servants.