



Regulation of Lobbying (Amendment) Bill 2020

Mar a tionscnaíodh

As initiated



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Acts Referred To:

Regulation of Lobbying Act 2015 (No. 5)



Regulation of Lobbying (Amendment) Bill 2020

BILL

entitled

An Act to provide for amendments to the Principal Act, to extend the definition of persons to which the Act applies, to allow the Commission to provide directions on communication, to provide that the Code of Conduct be laid before the Oireachtas; to provide the Commission with further powers to investigate and report on breaches of the Code of Conduct; to extend the cooling-off period to two years, to extend the scope of Section 22 of the Principal Act and to make a failure to comply with that section an offence; to ensure that Designated Public Officials are aware of post-employment obligations; to allow the Commission to publish certain details regarding its decisions to waive or reduce the cooling-off; to provide for anti-avoidance clause be added to the list of relevant contraventions, and related matters

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act-

“Principal Act” means the Regulation of Lobbying Act 2015;

Amendment of Section 5 of the Principal Act

2. (1) Section 5(2) of the Principal Act is amended by the insertion of the following subsections after subsection (c):

“(d) that the person is a business representative body, or coalition of business interests, irrespective of the number or status of employees, where one or more of the members of the business representative body or coalition of business interests would fall within the scope of one of the subsections (a) – (c) above, if they were to carry on lobbying activities outside of the business representative body, or coalition of business interests.”

(2) Section 5 of the Principal Act is amended by the insertion of the following subsections after subsection (9):

“(10) The names of individual persons, who carry on lobbying activities as part of a business representative body or coalition of business interests, as provided in section 5(2)(d) above, shall be included on the returns of the business representative body or coalition of business interests that are furnished to the Commission under this Act.”

Amendment of Section 11 of the Principal Act

3. (1) Section 11(1)(b) of the Principal Act is amended to be read as follows:

“(b) the address (or principal address) at which the person carries on business or main activities or (if there is no such address) the address at which the person ordinarily resides,”

Duties of Designated Public Officials

4. (1) Part 2 of the Principal Act is amended by the insertion of the following new section after section 15:

“Duties of Designated Public Officials

16A. (1) Where a Designated Public Official is aware that a person or body carrying on lobbying activities has failed to comply with the registration of lobbying activities in accordance with the provisions of this Act, the Designated Public Official shall cease any further communication with such a person or body and shall inform the person or body in writing the reasons why such communication has ceased.

(2) Where communication has ceased in accordance with subsection (1) above, a Designated Public Official shall inform the Commission of the communication in writing.

(3) Where the Commission is made aware that a Designated Public Official has been or is in communication with a person or body carrying on lobbying activities where that person or body has failed to comply with the registration of lobbying activities in accordance with the provisions of this Act, the Commission shall immediately direct the Designated Public Official to cease communication with that person or body.

(4) Where the Commission is made aware that a Designated Public Official has been or is in communication with a person or body carrying on lobbying activities where that person or body has been guilty of a contravention in accordance with the provisions of this Act, the Commission shall immediately direct the Designated Public Official to cease communication with that person or body.

(5) Where communication has ceased under the provisions of this section, the Commission shall determine the duration of the cessation and shall have the power to

direct that communication may be re-established between the Designated Public Official and the person or body carrying on lobbying activities.”

Amendment of Section 16 of the Principal Act

5. (1) Section 16(5) of the Principal Act is amended to be read as follows:

“(5) A person carrying on lobbying activities shall comply with the code of conduct.”

- (2) Section 16 of the Principal Act is amended by the insertion of the following subsections after subsection (5):

“(6) The Commission may investigate and report on breaches of the code of conduct.

(7) The Commission shall take into consideration, when investigating or making a decision to prosecute an offence under section 20 of this Act, whether a person carrying on lobbying activities has complied with the code of conduct.

(8) An authorised officer appointed under section 19 of this Act shall take into consideration when carrying out an investigation, whether a person carrying on lobbying activities has complied with the code of conduct.

(9) The Commission shall prepare an annual report relating to the code of conduct and shall cause a copy of it to be laid before each House of the Oireachtas no later than 30 June in the year following that to which it relates.”

Amendment of Section 18 of the Principal Act

6. (1) Section 18 of the Principal Act is amended by the insertion of the following subsections after subsection (e):

“(f) Failing to follow the direction of the Commission in section 16A(3) or 16A(4).

(g) Contravening section 22(1).

(h) The taking of any action by a person that has as its intended purpose the avoidance or circumvention of his or her obligations under the Act.”

Amendment of Section 22 of the Principal Act

7. (1) Section 22(2) of the Principal Act is amended to be read as follows:

“(2) In this section—

“relevant designated public official” means a person who is a designated public official by virtue of paragraph (a), (e) or (f) of section 6 (1);

“relevant period” means the period of two years beginning with the day on which the person ceases to be a relevant designated public official.”

(2) Section 22(3) of the Principal Act is amended to be read as follows:

“(3) The circumstances to which this section applies are any in which the making of the communications comprising the carrying on of lobbying activities—

(a) involves any public service body with which the person was connected with and/or had significant involvement with and/or held influence over and/or had significant contact with during the period of two years ending with the day on which the person ceased to be a relevant designated public official, or

(b) is to a person who was a designated public official connected with and/or had significant involvement with and/or held influence over and/or had significant contact with that public service body during that period.”

(3) Section 22 of the Principal Act is amended by the insertion of the following subsections after subsection (5):

“(6) (a) Upon notice of resignation from a Designated Public Official, the public service body to which such notice is made shall advise the Designated Public Official of his or her obligations and duties under Section 22 of this Act.

(b) A public service body may seek guidance and advice from the Commission in respect of subsection (a) above.

(7) The Commission shall publish in the annual report, referred to in section 25 of this Act, the following details relating to applications for consent under subsection (5) above, where such consent is granted by the Commission:

- (a) The name of the person granted consent;
- (b) The former public body for which the person worked;
- (c) The dates of the cooling-off period;
- (d) The duration of any reduction or waiver in the cooling-off period; and
- (e) The details of any conditions attached to the consent.

Amendment of Section 25 of the Principal Act

8. (1) Section 25(2)(c) of the Principal Act is deleted.

Short title and commencement

9. (1) This Act may be cited as the Regulation of Lobbying (Amendment) Act 2020.

(2) The Principal Act and this Act shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as the Minister may by order; and such day or days shall not be later than 90 days from the date on which the Act is signed into law.