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AN BILLE UM CHLÁRÚ BRÚSTOCAIRÍ, 2000
REGISTRATION OF LOBBYISTS BILL, 2000

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As initiated

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Exemptions.
4. Obligation of lobbyist to file return.
5. Obligation of “in house” lobbyist to file return.
6. Certification of returns.
7. Register of lobbyists.
8. Lobbyists’ Code of Conduct.
9. Guidelines and advice from Commission.
10. Investigations by Commission.
11. Reports by Commission.
12. Prohibition on disclosure of information.
13. Regulations.
14. Offence.

FIRST SCHEDULE

Public Bodies

SECOND SCHEDULE

Lobbyists’ Code of Conduct

Acts Referred to

Companies Act, 1963	1963, No. 33
Companies Acts, 1963 to 1999	
Electoral Act, 1997	1997, No. 25
Ethics in Public Office Act, 1995	1995, No. 22
Local Government Act, 1941	1941, No. 23
Ministers and Secretaries Act, 1924	1924, No. 16
Public Offices Fees Act, 1879	42 & 43 Vict. c. 58



AN BILLE UM CHLÁRÚ BRÚSTOCAIRÍ, 2000
REGISTRATION OF LOBBYISTS BILL, 2000

BILL

entitled

5 AN ACT TO PROVIDE IN THE PUBLIC INTEREST FOR THE
REGISTRATION OF PAID LOBBYISTS AND, TO THE
GREATEST EXTENT POSSIBLE CONSISTENT WITH
THE PUBLIC INTEREST IN FREE AND OPEN ACCESS
10 TO CENTRAL AND LOCAL GOVERNMENT, FOR THE
DISCLOSURE OF THEIR ACTIVITIES, AND TO PRO-
VIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Registration of Lobbyists Act, 2000. Short title and commencement.

15 (2) This Act shall come into operation on the day that is three months after the day of its passing.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“benefit” includes:

- 20 (a) a right, privilege, office or dignity and any forbearance to demand money or money’s worth or a valuable thing,
- (b) any aid, vote, consent or influence or pretended aid, vote, consent or influence,
- 25 (c) any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of, any gift, loan, fee, reward or other thing aforesaid,

or other advantage and the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;

“the Code of Conduct” means the Lobbyists’ Code of Conduct given effect to by *section 8* and set out in the *Second Schedule*;

30 “the Commission” means the Public Offices Commission established by *section 21* of the Ethics in Public Office Act, 1995;

“company” means any body corporate;

“functions” includes powers and duties and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties;

“lobbyist” means a person who engages in lobbying activities within the meaning of *subsection (2)*; 5

“the Minister” means the Minister for Finance;

“office holder” means—

- (a) a person who is a Minister of the Government or a Minister of State, 10
- (b) a person who holds the office of Attorney General,
- (c) a person who is a member of Dáil Éireann or Seanad Éireann,
- (d) a person employed by a member of Dáil Éireann or Seanad Éireann in his or her capacity as such or by a political party registered in the Register of Political Parties, 15
- (e) (i) a person who is a director, within the meaning of the Companies Acts, 1963 to 1999, of a public body,
- (ii) in the case of a public body that is not a company (within the meaning of those Acts) and that stands prescribed for the purposes of *paragraph 2* of the *First Schedule*, a person who is a member of it or a member of any board or other body that controls, manages or administers that public body, and 20
- (iii) a person who occupies a position of employment in a public body, 25
- (f) a member of the Defence Forces, and
- (g) a member of the Garda Síochána;

“person” includes—

- (a) a government, government agency or other organ of public administration of another state, and 30
- (b) an individual, a body corporate and an unincorporated body of persons;

“payment” means money or any valuable consideration and includes a contract, promise or agreement to pay money or any valuable consideration; 35

“prescribed” means prescribed by regulations made by the Minister;

“public body” shall be construed in accordance with the *First Schedule*.

(2) A person engages in lobbying activities where he or she— 40

- (a) communicates with an office holder, or
- (b) arranges a meeting between an office holder and any other person,

in an attempt to influence—

(i) the development of any legislative proposal by the Government, a Minister of the Government or a Minister of State or by a member of Dáil Éireann or Seanad Éireann,

(ii) the introduction of any Bill or resolution in either House of the Oireachtas or the passage, defeat or amendment of any Bill or resolution that is before either House of the Oireachtas,

(iii) the making, revocation or amendment of any statutory instrument,

(iv) the development or amendment of any policy or programme of a public body, or

(v) the awarding of any contract, grant, contribution or other benefit by or on behalf of a public body.

3.—(1) This Act does not apply to the following persons when acting in their official capacity, namely— Exemptions.

(a) diplomatic agents, consular officers or official representatives in the State of a foreign government, or

(b) officials of a specialised agency of the United Nations in the State or officials of any other international organisation to whom there are granted, by or under any enactment, privileges and immunities.

(2) Nothing in this Act shall compel the disclosure or production by any person of any information or document which he or she would, were the information or document required to be disclosed or produced by him or her in legal proceedings, be entitled to refuse to disclose or produce on the grounds of legal, professional or any other privilege.

(3) Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any person where that disclosure could reasonably be expected to threaten the safety of that person.

4.—(1) A person who, for payment, on behalf of another person (in this section referred to as “the client”), undertakes to engage in lobbying activities shall, not later than ten days after entering into that undertaking, file with the Commission, in the prescribed form and manner, a return setting out the information referred to in *subsection (3)*. Obligation of lobbyist to file return.

(2) Where a person undertakes to engage in lobbying activities in consideration of a donation (within the meaning of section 22 of the Electoral Act, 1997) being made to a political party of which he or she is a member, that person shall be deemed to have entered into that undertaking for payment and *subsection (1)* shall apply accordingly.

(3) The return mentioned in *subsection (1)* shall set out the following information with respect to the undertaking, namely—

- (a) the name and business address of the person and, if applicable, the name and business address of the firm where the person is engaged in business;
 - (b) the name and business address of the client and the name and business address of any person or organisation that, to the knowledge of the person, controls or directs the activities of the client and has a direct interest in the outcome of the person's activities on behalf of the client; 5
 - (c) where the client is a company, the name and business address of each subsidiary of the company that, to the knowledge of the person, has a direct interest in the outcome of the person's activities on behalf of the client; 10
 - (d) where the client is a company that is a subsidiary of any other company, the name and business address of that other company; 15
 - (e) where the client is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency; 20
 - (f) particulars to identify the subject matter in respect of which the person has undertaken to communicate with an office holder or to arrange a meeting, as the case may be, and such other information respecting the subject matter as is prescribed; 25
 - (g) where applicable, whether the payment to the person is in whole or in part contingent on the outcome and degree of success of the lobbying activities;
 - (h) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, programme, grant, contribution, benefit or contract; 30
 - (i) the name of the public body in which any office holder with whom the person has communicated or expects to communicate, or with whom a meeting is to be or has been arranged, is employed or serves; 35
 - (j) where the person has undertaken to communicate with an office holder for the purpose of engaging in lobbying activities, particulars to identify any communication technique (including appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with an office holder in an attempt to place pressure on the office holder to endorse a particular opinion) that the person has used or expects to use in an attempt to influence that matter; and 40
45
 - (k) such other information relating to the identity of the person, the client, any person or organisation referred to in *paragraph (b)*, any subsidiary referred to in *paragraph (c)*, the other company referred to in *paragraph (d)*, or any public body referred to in *paragraph (i)*, as is prescribed. 50
- (4) A person who files a return shall provide the Commission, in the prescribed form and manner, with—

(a) any change to the information provided by the person in the return, and

(b) any information required to be provided under *subsection (2)* the knowledge of which the person acquired only after the return was filed,

not later than thirty days after the change occurs or the knowledge is acquired.

(5) A person who completes or terminates an activity in respect of which the person has filed a return shall advise the Commission of that fact, in the prescribed form and manner, not later than thirty days after the activity is completed or terminated.

(6) A person who files a return shall provide the Commission, in the prescribed form and manner, with such information as the Commission may request to clarify any information that the person has provided to the Commission pursuant to this section, and shall do so not later than thirty days after the request is made.

(7) This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, where that employer is a company, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any company of which the employer is a subsidiary.

(8) A person who undertakes to communicate with an office holder as described in *subsection (1)(a)* shall be required to file only one return under that subsection notwithstanding that the person may, in connection with that undertaking, communicate with one or more office holders on one or more occasions.

5.—(1) Where a person employs another person a significant part of whose functions as an employee is to engage in lobbying activities with office holders on behalf of the employer, the employee shall file with the Commission, in the prescribed form and manner and at the time or times required by *subsection (2)*, a return setting out the information referred to in *subsection (3)*.

Obligation of “in house” lobbyist to file return.

(2) An employee to whom *subsection (1)* applies shall file a return—

(a) where the functions described in *subsection (1)* commenced to be a significant part of his or her duties before the date on which this Act comes into force, within two months after that date;

(b) where the functions described in *subsection (1)* commence to be a significant part of his or her functions on or after that date, within two months after the date on which those functions commence to be a significant part of his or her functions; and

(c) within two months after the end of each calendar year, beginning with the calendar year in which the employee is required to file a return pursuant to *paragraph (a)* or *(b)*.

- (3) The return shall set out the following information, namely—
- (a) the name and business address of the employee;
 - (b) the name and business address of the employer;
 - (c) where the employer is a company, the name and business address of each subsidiary of the company that, to the knowledge of the employee, has a direct interest in the outcome of the employee's activities on behalf of the employer; 5
 - (d) where the employer is a company that is a subsidiary of any other company, the name and business address of that other company; 10
 - (e) where the employer is an organisation, a description of the organisation's membership and such other information to identify its membership as is prescribed;
 - (f) where the employer is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency; 15
 - (g) where the employee is attempting to influence any matter described in *section 2(2)(i) to (v)* at the time the return is filed, particulars to identify the relevant subject matter and such other information respecting the subject matter as is prescribed; 20
 - (h) particulars to identify the subject matters in respect of which the employee has communicated or expects to communicate with office holders during the calendar year to which the return relates, in an attempt to influence any matter described in *section 2(2)(i) to (v)*, and such other information respecting those subject matters as is prescribed; 25 30
 - (i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, programme, grant, contribution or benefit;
 - (j) the name of any public body in which any office holder with whom the employee has communicated or expects to communicate, in connection with any matter referred to in *paragraph (g) or (h)*, is employed or serves; 35
 - (k) particulars to identify any communication technique (including appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with an office holder in an attempt to place pressure on the office holder to endorse a particular opinion) that the employee has used or expects to use in an attempt to influence any matter referred to in *paragraph (g) or (h)*; 40 45
and
 - (l) such other information relating to the identity of the employee, the employer, any subsidiary referred to in *paragraph (c)*, the other company referred to in *paragraph (d)* or any public body referred to in *paragraph (j)* as is prescribed. 50

(4) An employee who files a return shall provide the Commission, in the prescribed form and manner, with—

(a) any change to the information provided by the employee in the return, and

5 (b) any information required to be provided under *subsection (3)* the knowledge of which the employee acquired only after the return was filed,

not later than thirty days after the change occurs or the knowledge is acquired.

10 (5) An employee who files a return shall advise the Commission, in the prescribed form and manner, if the functions described in *subsection (1)* cease to be a significant part of his or her functions or he or she ceases to be employed by the employer, and shall do so not later than thirty days after the event.

15 (6) An employee who files a return shall provide the Commission, in the prescribed form and manner, with such information as the Commission may request to clarify any information that the employee has provided to the Commission pursuant to this section, and shall do so not later than thirty days after the request is made.

20 (7) In this section, “employee” includes an officer who is compensated for the performance of his or her duties.

25 **6.**—Every person who submits a return or other document to the Commission pursuant to this Act shall certify on the return or other document or, where it is submitted in electronic or other form, in the prescribed manner, that the information contained in it is true to the best of his or her knowledge and belief. Certification of returns.

7.—(1) The Commission shall establish and maintain a register in which shall be kept a record of all returns and other documents submitted to it under this Act. Register of lobbyists.

30 (2) The register shall be organised in such manner and kept in such form as the Commission may determine.

(3) The Commission may verify the information contained in any return or other document submitted to it under this Act.

35 (4) The register shall be open to public inspection at such place and at such reasonable hours as the Commission may determine.

8.—(1) The Code of Conduct is set out in the *Second Schedule* and shall have effect in respect of lobbying activities. Lobbyists’ Code of Conduct.

(2) A person who is required to file a return under *section 4(1)* or *5(1)* shall comply with the provisions of the Code of Conduct.

40 **9.**—(1) The Commission—

(a) shall from time to time draw up and publish to persons to whom any provision of *section 4* or *5* applies guidelines concerning the steps to be taken by such persons to

Guidelines and advice from Commission.

ensure compliance by them with this Act generally and, in particular, with the provisions of those sections, and

- (b) may, at the request of a person to whom any provision of *section 4* or *5* applies, give advice to the person in relation to any provision of this Act or as to the application, in any particular case, of any such provision. 5

(2) When a request is made under *subsection (1)(b)* in relation to a particular case, the provision concerned of this Act shall not, as respects the person who made the request, apply in relation to that case during the period from the making of the request to the time when advice is given by the Commission in relation to the case or it declines to give such advice. 10

(3) The Commission shall, within 21 days of the receipt by it of a request for advice under *subsection (1)(b)*, furnish the advice to the person concerned or notify him or her of its decision to decline to do so. 15

(4) A person shall act in accordance with guidelines and advice published or given to the person under this section unless, by so doing, the act concerned would constitute a contravention of another provision of this Act. 20

Investigations by
Commission.

10.—(1) The Commission shall consider all returns and other documents and information submitted to it under this Act.

(2) Subject to the subsequent provisions of this section, where the Commission believes on reasonable grounds that a person may have breached any provision of this Act, the Commission shall investigate to determine whether any such breach has occurred. 25

- (3) (a) Where the Commission, following consideration by it under *subsection (1)* or an investigation under *subsection (2)*, finds an error or omission which it considers to be minor and inadvertent, it shall furnish to the person by whom the documents were or information was submitted details of the error or omission, as the case may be, and the Commission shall inform that person that he or she may correct the error or make good the omission within the period of 14 days from the date on which the notification issued to that person. 30 35

- (b) Where a person to whom notification has been given under *paragraph (a)* corrects the error or makes good the omission to which the notification relates to the satisfaction of the Commission, it shall take no further action in the matter. 40

- (4) (a) For the purposes of an investigation under *subsection (2)*, the Commission may make such inquiries as it considers appropriate and may require any person to furnish any information, document or thing in the possession or procurement of the person which it may require for the purposes aforesaid. 45

- (b) The provisions of *subsection (11)* of *section 32* of the *Ethics in Public Office Act, 1995*, shall apply and have effect in relation to the performance by the Public Offices Commission of its functions under this Act. 50

11.—(1) Subject to *subsection (3)*, after conducting an investigation the Commission shall prepare a report of the investigation, including the findings, conclusions and reasons for the Commission's conclusions and shall cause a copy of it to be laid before each House of the Oireachtas. Reports by Commission.

(2) The report may contain details of any payment received, disbursement made or expense incurred by any person who is required to file a return under *section 4* or *5* if the Commission considers publication of the details to be in the public interest.

(3) Where, after conducting an investigation, the Commission is of the opinion that an offence under this Act may have been committed—

(a) it shall prepare a report in writing in relation to the matter and furnish it together with any relevant document or other thing in its possession to the Director of Public Prosecutions who shall notify the Commission as to whether he or she has taken proceedings for an offence in respect of any matter mentioned in the report or has decided not to take any such proceedings and of the final outcome of any such proceedings (including any appeal, whether by way of case stated or otherwise, rehearing or retrial), and

(b) it shall add to its report under *subsection (1)* a copy of its report under *paragraph (a)* and a statement of the notification or notifications aforesaid.

(4) The Commission shall, within three months after the end of each calendar year, prepare a report with regard to the exercise of the functions conferred on the Commission under this Act during that year and shall cause a copy of it to be laid before each House of the Oireachtas.

12.—The Commission, and every person acting on behalf of or under the direction of the Commission, shall not disclose any information that comes to their knowledge in the performance of their functions under this Act unless— Prohibition on disclosure of information.

(a) the disclosure is, in the opinion of the Commission, necessary for the purpose of conducting an investigation under this Act or establishing the grounds for any findings or conclusions; or

(b) the information is disclosed in a report of the Commission or in the course of a prosecution for an offence.

13.—(1) The Minister may make regulations— Regulations.

(a) requiring a fee to be paid on the filing of a return or a return of a class of returns under *section 4* or *5*, or for any service performed or the use of any facility provided by the Commission, and prescribing the fee or the manner of determining it;

(b) respecting the submission of returns or other documents to the Commission under this Act, including their submission in electronic form, the persons or classes of persons by whom they may be submitted in that form and

the time at which they are deemed to be received by the Commission;

(c) prescribing any matter or thing that by this Act is to be or may be prescribed; and

(d) generally for carrying out the purposes and provisions of this Act. 5

(2) The Public Offices Fees Act, 1879, shall not apply to fees under this section.

Offence.

14.—A person who knowingly makes any false or misleading statement in any return or other document submitted to the Commission 10 under this Act, whether in electronic or other form, shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months, or to both; or 15

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Section 2.

FIRST SCHEDULE

Public Bodies

1. Each of the following shall be a public body for the purposes 20 of this Act:

(1) a Department of State, including any body, organisation or group specified in relation to that Department of State in the Schedule to the Ministers and Secretaries Act, 1924,

(2) a local authority for the purposes of the Local Government 25 Act, 1941,

(3) a health board,

(4) any body, organisation or group standing prescribed for the time being, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to 30 the functions of that other Minister of the Government, and being—

(a) a body, organisation or group established—

(i) by or under any enactment (other than the Companies Acts, 1963 to 1999) or any scheme administered by a Minister of the Government, 35

(ii) under the Companies Acts, 1963 to 1999, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government, 40

(b) any other body, organisation or group financed as aforesaid,

(c) a company (within the meaning of the Companies Act, 1963),
a majority of the shares in which are held by or on behalf
of a Minister of the Government,

5 (d) any other body, organisation or group appointed by the
Government or a Minister of the Government,

(e) subject to *paragraph 2*, any other body, organisation or group
on which functions in relation to the general public or a
class of the general public stand conferred by any enact-
ment, or

(f) a subsidiary of a body, organisation or group specified in any
of the foregoing provisions of this subparagraph.

2. A body, organisation or group standing prescribed pursuant to
regulations for the purposes of *clause (e)* of *paragraph 1(4)* shall be
15 a public body only as respects functions referred to in that clause.

SECOND SCHEDULE

Section 8.

Lobbyists' Code of Conduct

A. Introduction

This Code of Conduct is founded on the following four concepts:

- 20 • free and open access to government is an important matter of
public interest;
- lobbying public office holders is a legitimate activity;
- it is desirable that public office holders and the public be able
to know who is attempting to influence government; and
- 25 • a system for the registration of paid lobbyists should not
impede free and open access to government.

The purpose of this Code of Conduct is to assure the public that
lobbying is done ethically and with the highest standards with a view
to conserving and enhancing public confidence and trust in the integ-
30 rity, objectivity and impartiality of government decision-making. In
this regard, the Code of Conduct complements the registration
requirements of the *Registration of Lobbyists Act, 2000*.

Lobbyists are required to comply with the provisions of this Code
of Conduct. This Introduction states the purposes of the Code and
35 places it in a broader context. Next comes a body of overriding prin-
ciples, which are in turn followed by specific rules. The principles set
out, in positive terms, the goals and objectives to be attained without
establishing precise standards. The rules then provide more detailed
requirements for behaviour in certain situations.

40 The principles therefore provide a framework for the Code as
expressed in the rules. As a consequence, the powers of investigation
which are provided to the Public Offices Commission in the Act will
only be triggered where there is an alleged breach of a rule.

B. Principles

Integrity and honesty

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists. 5

Openness

Lobbyists should, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

Professionalism

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with not only the letter but also the spirit of this Code of Conduct as well as all the relevant laws, including the *Registration of Lobbyists Act, 2000*, and its regulations. 10

C. Rules 15

Transparency

1. Identity and purpose

Lobbyists shall, when making a representation to an office holder, disclose the identity of the person or organisation on whose behalf the representation is made, as well as the reasons for the approach. 20

2. Accurate information

Lobbyists shall provide information that is accurate and factual to office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

3. Disclosure of obligations 25

Lobbyists shall indicate to their client or employer their obligations under the *Registration of Lobbyists Act, 2000*, and their obligation to adhere to this Code of Conduct.

Confidentiality

4. Confidential information 30

Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client or employer, or the law requires disclosure.

5. Insider information

Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client or employer. 35

Conflict of interest

6. Competing interests

Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved. 40

7. Disclosure

Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking. 45

8. Improper influence

Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.



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AN BILLE UM CHLÁRÚ BRÚSTOCAIRÍ, 2000
REGISTRATION OF LOBBYISTS BILL, 2000

EXPLANATORY MEMORANDUM

Purpose of Bill

The Bill is, by its long title, an Act to provide in the public interest for the registration of paid lobbyists and, to the greatest extent possible consistent with the public interest in free and open access to central and local government, for the disclosure of their activities, and to provide for related matters.

Provisions of Bill

Section 1 contains standard provisions relating to the short title of the Bill and its commencement date — three months from the date of its passing.

Section 2 defines certain expressions used in the Bill. In particular, “office holder” is defined as meaning—

- a Minister of the Government or a Minister of State,
- the Attorney General,
- a member of Dáil Éireann or Seanad Éireann,
- a person employed by a member of Dáil Éireann or Seanad Éireann in his or her capacity as such or by a registered political party,
- a director, member or employee of a public body (within the meaning of the *First Schedule*), including a person who is a member of that public body or a member of any board or other body that controls, manages or administers that public body),
- a member of the Defence Forces, and
- a member of the Garda Síochána.

Also, “lobbyist” is defined as a person who engages in lobbying activities within the meaning of *subsection (2)*.

In accordance with *section 2(2)*, a person engages in lobbying activities where he or she communicates with an office holder, or arranges a meeting between an office holder and any other person, in an attempt to influence—

- the development of any legislative proposal by the Government, a Minister of the Government or a Minister of State or by a member of Dáil Éireann or Seanad Éireann,

- the introduction of any Bill or resolution in either House of the Oireachtas or the passage, defeat or amendment of any Bill or resolution that is before either House of the Oireachtas,
- the making, revocation or amendment of any statutory instrument,
- the development or amendment of any policy or programme of a public body, or
- the awarding of any contract, grant, contribution or other benefit by or on behalf of a public body.

Section 3 exempts from the Act the representatives of a foreign state, the United Nations and certain other international organisations. It provides also that the Act shall not compel the disclosure of information which would be privileged from disclosure in legal proceedings or the disclosure of the name or identity of any person where that disclosure could reasonably be expected to threaten the safety of that person.

Section 4 provides that a person who, for payment, on behalf of a client undertakes to engage in lobbying activities shall, not later than ten days after entering into that undertaking, file with the Public Office Commission a return setting out the information referred to below.

Where a person undertakes to engage in lobbying activities in consideration of a donation being made to a political party of which he or she is a member, that person shall be deemed to have entered into that undertaking for payment.

The return shall set out—

- the name and business address of the person and, if applicable, the name and business address of his or her firm;
- the name and business address of the client and the name and business address of any person or organisation that, to the knowledge of the person, controls or directs the activities of the client and has a direct interest in the outcome of the person's activities on behalf of the client;
- where the client is a company, the name and business address of each subsidiary of the company that, to the knowledge of the person, has a direct interest in the outcome of the person's activities on behalf of the client;
- where the client is a company that is a subsidiary of any other company, the name and business address of that other company;
- where the client is funded in whole or in part by a government, the name of the government or government agency and the amount of funding received by the client from that government or government agency;
- particulars to identify the subject matter in respect of which the person has undertaken to communicate with an office holder or to arrange a meeting;
- where applicable, whether the payment to the person is in whole or in part contingent on the outcome and degree of success of the lobbying activities;

- particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, programme, grant, contribution, benefit or contract;
- the name of the public body in which any office holder with whom the person has communicated or expects to communicate, or with whom a meeting is to be or has been arranged, is employed or serves;
- where the person has undertaken to communicate with an office holder for the purpose of engaging in lobbying activities, particulars to identify any communication technique (including appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with an office holder in an attempt to place pressure on the office holder to endorse a particular opinion) that the person has used or expects to use in an attempt to influence that matter; and
- such other information relating to the identity of the person, the client, and any person, organisation, company or body referred to as is prescribed.

A person who files a return is also required to provide the Commission with any change to the information provided in the return, and any information required to be provided the knowledge of which the person acquired only after the return was filed, not later than thirty days after the change occurs or the knowledge is acquired. He or she should also provide notice of completion or termination of an activity in respect of which a return has been filed and should provide additional information where the Commission requests clarification.

This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, where that employer is a company, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any company of which the employer is a subsidiary. These matters are dealt with in *section 5*.

A person who undertakes to communicate with an office holder is required to file only one return notwithstanding that he or she may, in connection with that undertaking, communicate with one or more office holders on one or more occasions.

Section 5 provides that where a person employs another person a significant part of whose functions as an employee is to engage in lobbying activities with office holders on behalf of the employer, the employee shall file with the Commission a return setting out information similar to that referred to above.

An employee to whom this requirement applies shall file a return either within two months after the Act comes into force, or after the date on which those functions commenced to be a significant part of the employee's functions, and annually thereafter. In this section, "employee" includes an officer who is compensated for the performance of his or her duties.

Section 6 provides that every person who submits a return or other document to the Commission shall certify on the return or other document that the information contained in it is true to the best of his or her knowledge and belief.

In accordance with *section 7*, the Commission shall establish and maintain a register, in which shall be kept a record of all returns and other documents submitted to it under this Act, to be organised in such manner and kept in such form as the Commission may determine. The register shall be open to public inspection at such place and at such reasonable hours as the Commission may determine.

Section 8 provides for a Lobbyists' Code of Conduct the provisions of which are set out in the *Second Schedule*. Persons required to file returns under the Act are required also to comply with the provisions of the Code of Conduct.

Section 9 provides for the drawing up by the Commission of guidelines concerning the steps to be taken to ensure compliance with this Act and also the giving of advice to affected persons in any particular case.

When a request is made in relation to a particular case, the relevant provision of the Act shall not, as respects the person who made the request, apply in relation to that case during the period from the making of the request to the time when advice is given by the Commission in relation to the case, or it declines to give such advice. The Commission must, within 21 days of the receipt by it of a request for advice, furnish the advice to the person concerned or notify him or her of its decision to decline to do so.

A person is required to act in accordance with guidelines and advice published or given to the person under this section unless, by so doing, the act concerned would constitute a contravention of another provision of this Act.

In accordance with *section 10*, the Commission shall consider all returns and other documents and information submitted to it under this Act. Where it believes on reasonable grounds that a person may have breached any provision of this Act, it shall investigate to determine whether a breach has occurred.

Where the Commission finds an error or omission which it considers to be minor and inadvertent, it shall furnish to the person by whom the documents or information was submitted details of the error or omission and the Commission shall inform that person that he or she may correct the error or make good the omission within the period of 14 days from the date on which the notification issued to that person.

Where a person to whom such notification has been given corrects the error or makes good the omission to which the notification relates, to the satisfaction of the Commission, it shall take no further action in the matter.

For the purposes of an investigation, the Commission may make such inquiries as it considers appropriate and may require any person to furnish any information, document or thing in the possession or procurement of the person which it may require.

The provisions of subsection (11) of section 32 of the Ethics in Public Office Act, 1995 (Powers of Commission), shall apply and have effect in relation to the performance by the Public Office Commission of its functions under this Act.

Section 11 provides that, after conducting an investigation the Commission shall prepare a report of the investigation, including the findings, conclusions and reasons for the Commission's conclusions and shall cause a copy of it to be laid before each House of the Oireachtas.

The report may contain details of any payment received, disbursement made or expense incurred by any person who is required to file a return under the Act, if the Commission considers publication of the details to be in the public interest.

Where, after conducting an investigation, the Commission is of the opinion that an offence under this Act may have been committed it shall prepare a report in writing in relation to the matter and furnish it together with any relevant document or other thing in its possession to the Director of Public Prosecutions who shall notify the Commission as to whether he or she has taken proceedings for an offence in respect of any matter mentioned in the report or has decided not to take any such proceedings and of the final outcome of any such proceedings (including any appeal, whether by way of case stated or otherwise, rehearing or retrial).

The Commission shall, within three months after the end of each calendar year, prepare a report with regard to the exercise of the functions conferred on the Commission under this Act during that year and shall cause a copy of it to be laid before each House of the Oireachtas.

Section 12 prohibits disclosure by the Commission and every person acting on its behalf of information coming to their knowledge in the performance of their functions under this Act, unless the disclosure is, in the opinion of the Commission, necessary for the purpose of conducting an investigation under this Act or establishing the grounds for any findings or conclusions, or the information is disclosed in a report of the Commission or in the course of a prosecution for an offence.

Section 13 is a standard provision relating to the making of regulations under the Act by the Minister for Finance.

Section 14 creates the offence of knowingly making any false or misleading statement in any return or other document submitted to the Commission under this Act. The individual concerned shall be liable—

- on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months, or to both; or
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

The *First Schedule* lists public bodies to which the Act applies. These include—

- a Department of State,
- a local authority,
- a health board,
- certain other bodies, organisations or groups standing prescribed for the time being by the Minister for Finance, with the consent

of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, which satisfy the criteria set out in that Schedule.

The *Second Schedule* sets out the provisions of the Lobbyists' Code of Conduct.

Na Seanadóirí Seosamh Mac Coistealbha, Caitlín Ní Mheára agus Breandán Ó Riain, Bealtaine, 2000.