



**An Bille um Stocaireacht a Rialáil
(Fostaíocht Iar-théarma Mar Bhrústocaire), 2020
Regulation of Lobbying
(Post-term Employment As Lobbyist) Bill 2020**

*Meabhrán Mínitheach
Explanatory Memorandum*



**AN BILLE UM STOCAIREACHT A RIALÁIL
(FOSTAÍOCHT IAR-THÉARMA MAR BHRÚSTOCAIRE), 2020
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(POST-TERM EMPLOYMENT AS LOBBYIST) BILL 2020**

EXPLANATORY MEMORANDUM

Purpose of Bill

Section 22 of the Regulation of Lobbying Act 2015 imposes restrictions on ‘post-term’ employment as a lobbyist that apply to persons who have served in certain sensitive positions.

Essentially, there is a one year ‘cooling-off’ period for senior and junior Ministers, special advisers and senior civil servants. For one year from ceasing to hold such a position, the person may not, except with the consent of the Standards in Public Office Commission (SIPO), carry on lobbying activities, or be employed by a person carrying on lobbying activities, that involve the Government Department or other public body in which that person served during his or her last year of office or employment.

However, the 2015 Act does not contain any enforcement powers in relation to section 22, and nor is contravention of that section an offence. The purpose of this Bill is to regularise the situation, so as to enable section 22 to be properly enforced.

Provisions of Bill

Section 1 amends section 18 of the 2015 Act. This section defines ‘relevant contraventions’ for the purposes of that legislation, and the effect of the amendment is to include a contravention of section 22 within the definition of a relevant contravention.

Once a contravention of section 22 is deemed to be a relevant contravention, then SIPO becomes empowered to authorise an investigation to be carried out. SIPO can appoint authorised officers to carry out the investigation on its behalf, who can request any information or copies of documentation deemed appropriate to the investigation and has the power to enter premises to seek copies of documents subject to the consent of the occupier or pursuant to a warrant. Any information that is in the authorised officer’s possession will remain confidential unless this Bill requires its publication.

Further, under section 20 of the 2015 Act, a person who commits a relevant contravention is guilty of an offence and liable on summary conviction to a class C fine and on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years or both.

It is a defence in proceedings for an offence under section 20 for the defendant to prove that he or she had taken all reasonable steps to avoid the commission of the offence.

Section 2 provides in standard way for the short title of the Bill.

Ged Nash, TD

Samhain, 2020.