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From: Tara Buckley [REDACTED]
Sent: 10 May 2019 11:41
To: Lobbying
Subject: Second Review of Lobbying Legislation
Categories: Filed to eDocs

A Chara,

RGDATA is pleased to take part in the Second Review of the Lobbying Legislation.

RGDATA is a representative body for the independent retail grocery sector in Ireland. Campaigning for local shops and local communities including lobbying politicians and other designated public officials is a key part of our focus and operations.

The consultation paper underpinning the review process sets out a number of key headings and RGDATA's comments are outlined below.

- What are the positive features of the Act?

The Act does introduce a level of transparency on lobbying activities in Ireland, but RGDATA believes that it requires a significant overhaul if it is to be effective. In particular, the current onus of the Act places the obligation and responsibility on the party lobbying the relevant DPO to comply with the terms of the legislation. RGDATA believes that an additional obligation should be placed on the DPO to publish a register of their meetings and indicate if he or she has been lobbied. In the absence of this information returns will remain one sided, incomplete and solely dependent on the registered lobbyist being compliant. Until this imbalance is addressed, the positive features of the Act will not be fully apparent. This obligation could be introduced on a phased or weighed basis and apply to specific types of interaction or engagement – ones where the perceived risk of inappropriate engagement may be greatest (planning decisions, award of contracts, award of tenders, access to grants, legislative or regulatory change, etc)

- Does the Act achieve the objectives it set out to achieve?

In part – by opening up the lobbying process to an extent, the Act does facilitate greater transparency and accountability in the conduct of public affairs in Ireland. However, it would be important to review the exemptions that currently apply to ensure that they are being properly used and not facilitating engagement by individuals on matters of public policy which are exempt from the Act, but which should fall within its remit.

- Have any unintended consequences occurred?

RGDATA is not convinced that every registrable engagement between parties that are covered by the Act is being captured by the legislation. The conduct of public life in Ireland retains a level of informality and it is important that those being lobbied are aware of the compliance environment in which the Act operates. It frustrates the operation of the legislation if exchanges which should be caught by the Act are not recorded through an excess of familiarity or informality between the parties involved. Imposing an

obligation on DPOs to record specific types of engagement would assist in ensuring that the full intent of the Act is applied. For instance any lobbying relating to planning, the awarding of contracts or conferral of grants or changes in legislation, could require to be notified by the DPO and the lobbying entity.

- Can the Act be improved and if so how?

One bureaucratic imposition which should be addressed is the current requirement to file a “nil” return where no lobbying has taken place over the required period. Instead it should be changed so that a failure to file a return involves an implication being made that no lobbying took place in the previous period. Where someone failed to file a return and lobbying had taken place, then a fine or other penalty would be applied.

It is also important to strengthen the enforcement of the Act beyond the issuance of fixed penalty notices for not filing a return. RGDATA is not aware of any instances where a party has been prosecuted for failing to record information about a lobbying activity which took place. Has any such enforcement activity taken place? It would be important to publicise enforcement so that people recognise that non compliance has got real consequences.

- What suggestions for changes would you make?

RGDATA has set out some suggestions above which if applied would strengthen the application of the Act.

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RGDATA