



## **OLDER & BOLDER**

### **SUBMISSION ON REGULATION OF LOBBYISTS**

**FEBRUARY 29 2012**

#### **INTRODUCTION**

Older & Bolder is an alliance of eight NGOs in the age sector. Our member organisations are: Active Retirement Ireland, Age & Opportunity, Alzheimer Society of Ireland, Carers Association, Irish Hospice Foundation, Irish Senior Citizens Parliament, Older Women's Network and Senior Help Line. Our shared vision is of an Ireland that affirms ageing and the rights of all older people enabling everyone to live and die with confidence and dignity as equal, respected and involved members of society.

The alliance acknowledges the invitation from the Department of Public Expenditure and Reform to forward a submission on the design and implementation of a regulatory system for lobbying in Ireland. We recognise that the Minister for Public Expenditure and Reform has made a commitment, as part of the Public Service Reform Programme, to prepare legislation on a regulatory system in 2012. We also support the aim of maximising transparency and accountability in all areas of public life.

The main points of Older & Bolder's submission relate to:

- (1) the nature of the consultation process preceding the preparation of legislation;
- (2) the potentially negative implications of the regulation of lobbyists for voluntary organisations with charitable status; and
- (3) the time-frame for the work on the development of a regulatory system;

#### **COMPLEXITY OF THE WORK**

The work involved in preparing legislation on a regulatory system for lobbyists is highly complex and the consequences of 'getting it wrong' are potentially serious. How, for example, will the formal regulation of lobbyists manage an uneven playing field on which some players have frequent opportunities for informal, social access to Ministers and senior civil and public servants and others do not enjoy the same level of informal access ?

Other countries have grappled with these issues in developing regulatory systems and we can learn from their experience. But we need the time and opportunity to do so.

## **NATURE OF THE CONSULTATION**

In the first instance, the time-frame for the consultation is tight. The provision of the OECD Principles for Transparency and Integrity in Lobbying is useful but the principles raise questions demanding research and consideration in an Irish context. This takes time and resources. Given the inherent unevenness of the playing field on lobbying, our view is that there are limits to the value of individual submissions from individual stakeholders in the absence of, at a minimum, a baseline briefing paper and structured opportunities for meetings and the exchange of ideas between different categories of stakeholder.

Older & Bolder's recommendation is that the consultation process should be adapted to the model employed by the Law Reform Commission and possibly led by the Law Reform Commission. The Commission's model incorporates expert-led development of a consultation paper including analysis of international experience; widespread dissemination; multiple opportunities for response to the consultation paper; and preparation of a final report and recommendations providing a sound basis for legislation.

## **POTENTIALLY NEGATIVE IMPLICATIONS OF REGULATION FOR ORGANISATIONS WITH CHARITABLE STATUS**

In the short term, key issues relate to the definitions of lobbying and advocacy and to the recognition of the distinctive role of voluntary organisations with charitable status who engage in advocacy activities in pursuit of their charitable objectives. Both lobbying and advocacy are entirely legitimate activities for charities advancing education of the public at large, and decision-makers, by positively influencing and shaping beliefs, values, attitudes and opinion regarding ageing and older people.

Advice from Revenue to colleagues in the Community & Voluntary sector has been that voluntary organisations who are included in a formal register of lobbyists will lose their charitable status. Older & Bolder would view such a development with alarm.

All of these issues point to the need to give special consideration to the differing roles and circumstances of lobbyists in the commercial and voluntary sectors in designing any system for the registration of lobbyists.

The members of the alliance believe that voluntary organisations should have a continued right of access to policy-makers and to participation in the policy-making process and that forms of regulation which would restrict such access are unacceptable. We emphasise that our concerns relate to restriction, not to increased transparency and accountability within the system which we favour.

## **TIME-FRAME**

In view of the concerns outlined above, Older & Bolder recommends that the time-frame for the preparation of legislation for regulation of lobbying should be extended. This would allow for a more in-depth consultation process of the kind outlined in this submission.

## **FURTHER ENQUIRIES**

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