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**DFI Submission to**

**the Standards in Public Office Commission**

**On the Public Consultation on the Draft Code of Conduct for Lobbying**

**27 July 2018**

Disability Federation of Ireland, DFI, is an umbrella body, dedicated to promoting the rights and recognition of people with disabilities, working to change harmful beliefs and values around people with disabilities and their rightful role in society. We work to shape and promote an equal society which is fully inclusive of people with disabilities, through our work with individuals and organisations.

DFI supports the idea of a Code of Conduct for Lobbying. We do, however, have some concerns about the way the Code of Conduct may affect Charities that lobby for the public benefit. We have set out some points we believe should be considered in the preparation of the final Code of Conduct. We consider that clearing up these points will help ensure that the Code of Conduct achieves its purpose of regulating professional lobbying without frustrating the role of Charities and other civil society organisations in pursuing policy in the public interest:

1. On the relationship between those carrying out lobbying and Designated Public Officials, DPOs: For those lobbying in the public interest, it is not uncommon to develop a working relationship with a DPO, based around a common interest in an important topic. While charities should never abuse these relationships, they can help to progress an issue.
2. The draft Code of Conduct requires that information be presented honestly and without manipulation. This is a principle we agree with. It is important to remember that every argument has multiples sides, with competing evidence and facts on each side. No one could be expected to present every aspect of an issue. The important point is those who wilfully manipulate information. This could be clarified in the final draft.
3. The draft Code of Conduct discusses professional lobbyists and the need to disclose conflicts of interest. A definition of a professional lobbyist would be useful. Our understanding is that it would not apply to an employee for a charity that engages in lobbying in the public benefit, as the employee gains nothing personally from lobbying.
4. Section 16 (1) of the Act refers to a Code of Conduct “with a view to promoting high professional standards and good practices”. “Good practice” while based on professional and ethical standards must have regard to a range of situations. Good or “best practice” has to be grounded around getting from where practice is at into movement in the right direction as quickly as possible without there being unintended and/or unhelpful consequences.
5. In relation to those being lobbied and those who are lobbying it is important to take into account and build upon already existing supervisory, professional and other regulatory / legislative provisions. Are such instruments being fully used?
6. In referencing standards of behaviour already existing for elected or appointed officials you then say “there is no equivalent statutory mechanism regarding the manner in which persons carry out lobbying activities with elected or appointed public officials”. If one is lobbying on behalf of a charity, which is registered by the State, one is working in a “public benefit” organisation the objects of which have been approved by the State. The Charity Act 2009 and the Charity Regulator have a role here. The Act, along with the objects of one’s organisation, at least provide the principles that should direct and guide behaviour.
7. You state that Section 16 (3) allows for a Code to have different provisions in relation to different descriptions of persons who carry out lobbying activities. This provision aids consideration of the point made above.
8. At a broader level the Constitution of Ireland dealing with fundamental rights in Article 40 (6) gives to citizens the right to form “associations and unions”. Some of these entities are registered as charities and as stated earlier are therefore organisations of “public benefit” where the State has considered and agreed their objects.
9. There needs to be a practical expression of respect for this status on the one hand, and on the other hand the standards, orientation of behaviour and professionalism or vocationalism which should flow from that.
10. The alignment of Charity status of an organisation and its objects which imply or suggest engagement with its related public service / benefit organisations and the realm of public representatives should be taken into account.
11. Ireland has a relatively small population and people have direct connections with others. They also have, or may have had, through parties/entities known someone else, shared an interest in a professional capacity or social and sporting interest, etc. For that reason DFI agrees that principle based rather than rules based is the way to progress. That approach needs the support of transparency and declaration of relationships to assist it. Currently, the draft Code of Conduct requires a former DPO to, generally speaking, undergo a one year cooling off period before engaging in lobbying activities. Further clarification around this point would be appreciated.

DFI is happy to respond to any further engagement with the Standards in Public Office Commission.



DFI is about making Ireland fairer for people with disabilities.

We work to create an Ireland that everyone can access. Where

everyone is equally valued.

We do this by strengthening the voice of people with disabilities

and strengthening the work of the disability sector.

There are over 120 member organisations of DFI. We also work

with a growing number of other organisations that have a

significant interest in people with disabilities.

DFI provides:

• Information

• Training and Support

• Networking

• Advocacy and Representation

• Research, Policy Development and Implementation

• Organisation and Management Development

Disability is a societal issue and DFI works with Government,

and across all the social and economic strands and interests of

society.

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