

**BANKING AND PAYMENTS
FEDERATION IRELAND
SUBMISSION ON**

**“Public Consultation on a Code of Conduct for
persons carrying on lobbying activities”**

July 2018

Introduction

BPFI welcomes the efforts to put in place a Code of Conduct for persons carrying on lobbying activities. This submission takes as its starting point the Consultation paper and draft Code of Conduct prepared by the Standards in Public Office Commission and provides a number of comments and feedback on those documents, as submitted by the BPFI membership. BPFI would like to note our continued support for the register and for the stated principles of “high professional standards and good practice” in all our lobbying interactions and returns.

Response to Consultation

1. In Section 3, on “Ensuring accuracy of information”, we note the references to ensuring information exchanged between lobbyist and DPO is strictly “factual”. We believe there could be greater clarity in this section, given that “communications requesting factual information or providing factual information in response to a request for the information” are specifically excepted from reporting requirements under the original Act. Would suggest that “genuine representations” may more accurately reflect the objective of the section, rather than “factual and accurate”.
2. In Section 8 (B), on the “Cooling off” period, we note the legalistic language and tone makes this section more difficult to follow than those surrounding it. Suggest that reworking this section into plain English and referring to “restrictions on DPOs when lobbying post-employment”, rather than “cooling off periods”, would make it easier to understand.
3. Where the Draft Code refers to “a professional lobbyist”, as opposed to “a person carrying on lobbying activities”, it would be helpful to include clarification around the precise meaning of this description.
4. We would welcome the addition of greater guidance and specificity with regards to what exactly does and does not constitute lobbying activity under the Act. This comment follows correspondence between BPFI members and SIPO indicating that many of the items currently being recorded on the register, do not qualify as lobbying activity.

5. Mention is made in the preamble of the Draft Code that “the principles of the Code should apply to all communications with persons in public office, whether prescribed for the purposes of the Act or not”. We would question the necessity of including this, as it could create undue uncertainty around the issue of which interactions require formal monitoring and confuses the issue of what is mandatory under the original Act.
6. The final paragraph of Section 8 (A), refers to a requirement that “the head of an organisation should ensure that employees or other persons who carry out lobbying activities on the organisation’s behalf are aware of the organisation’s requirements under the Act”. We would suggest that the Commission recognise, here or elsewhere, that it is appropriate for the head of a large corporate or other organisation to appoint one or more responsible officers within the organisation to supervise and control the lobbying activities of the entity and its employees under the Act.
7. In the second paragraph of Section 3, it states that where “a person carrying on lobbying activities considers that there is a material change in factual information provided”, that person is responsible for providing updates and revised information to any relevant DPOs. In addition to the limitations already set forth in this section of the draft Code, we would suggest limiting this to relevant matters that the organisation continues to actively lobby given the fact that not all matters will be monitored indefinitely, particularly if an organisation is no longer active in a particular market, chooses to stop their engagement or determines that the matter is no longer relevant.
8. In response to the consultation question, “Do you think the Code of Conduct should contain different provisions in relation to different descriptions of persons carrying on lobbying activities?” we would recommend noting the distinction between government relations/policy professionals, who are accustomed to dealing with public representatives and reporting on their lobbying activities, and commercial professionals/salespeople, whose communications are rarely reportable and may contain competitively sensitive or confidential business information.

BPFI and our members welcome efforts by the Commission to create a Code of Conduct for persons carrying on lobbying activities and note approval for the stated intention to align the obligation of lobbyists to avoid improper influence, with similar rules applicable to public officials.

About BPFI

Banking and Payments Federation Ireland (BPFI) is the voice of banking and payments in Ireland. Representing over 70 domestic and international member institutions, we mobilise the sector's collective resources and insights to deliver value and benefit to members, enabling them to build competitive sustainable businesses which support customers, the economy and society. Delivering a range of services through our specialist team, BPFI also offers an Associate network through which we offer many of the benefits of membership to the leading professional service firms that provide related advisory and consultancy services.

Contacting us

BPFI look forward to progressing the agenda set out in this submission in co-operation with the relevant stakeholders and is happy to meet with interested parties to discuss the contents of this document as necessary. Should you wish to contact BPFI towards this end or for further information regarding the contents of this document, please contact:

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