



**LOBBYING**.ie

An Clár Brústocaireachta  
Register of Lobbying

**2022**

**Regulation of Lobbying  
Annual Report**



Coimisiún um Chaighdeán in Oifigí Poiblí  
Standards in Public Office Commission

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Designed by: wonder works



## Annual Report 2022

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## Introduction

In accordance with the provisions of section 25(1) of the *Regulation of Lobbying Act 2015*, I am pleased to present the Standards in Public Office Commission's annual report for 2022 on the regulation of lobbying to be laid before each House of the Oireachtas.

Throughout 2022 the Commission continued to oversee lobbying registrations and returns, issued a number of statutory decisions under the Act's provisions and conducted investigation and enforcement activities. The Commission also reached out to various stakeholders, domestic and international, in order to share information and exchange best practices

On behalf of the Commission, I would like to thank the staff of the Lobbying Regulation Unit for their work in support of the Commission throughout the past year.

A handwritten signature in black ink that reads "Garrett Sheehan". The signature is written in a cursive style and is positioned above a horizontal line.

**Garrett Sheehan**  
Chairperson  
Standards in Public Office Commission  
June 2023

# Ombudsman Statement of Strategy 2025

In 2022, through the shared offices of the Office of the Ombudsman, a Statement of Strategy for 2022 – 2025 was launched ([www.ombudsman.ie/news/ombudsman-publishes-strat/index](http://www.ombudsman.ie/news/ombudsman-publishes-strat/index)).

The Ombudsman's Office comprises six different statutory functions all of which are supported by our "Corporate Spine". In developing a strategy which supports and respects the functional independence of each statutory body, we took the approach of starting with an identification of what unites us as an overall organisation. We consulted with our external stakeholders and with staff from each of the individual Offices and Business Units. This process informed a re-assessment of our vision, our organisational culture and our values; the consideration of our key strategic influences; and the development of our shared strategic themes.

This Statement of Strategy sets out our key objectives to 2025. The Statement has six overriding strategic themes. Each of these strategic themes is underpinned by separate but linked strategic objectives for each individual office and are supported by our shared services strategic objectives.

## The Standards in Public Office Commission

The Standards in Public Office Commission is an independent body established in December 2001 under the *Standards in Public Office Act 2001*. In 2022, its members were:

- > Mr Justice Garrett Sheehan, Chairperson
- > Geraldine Feeney, former member of Seanad Éireann
- > Seamus McCarthy, Comptroller and Auditor General
- > Ger Deering, Ombudsman
- > Peter Finnegan, Clerk of Dáil Éireann
- > Martin Groves, Clerk of Seanad Éireann

The Commission's secretariat is provided by the Office of the Ombudsman.

The Commission has supervisory roles under five separate pieces of legislation (as amended):

- > the *Ethics in Public Office Act 1995* and the *Standards in Public Office Act 2001*, (together 'the Ethics Acts');
- > the *Electoral Act 1997*;
- > the *Ministerial and Parliamentary Offices Act 1938*, and
- > the *Regulation of Lobbying Act 2015*.

The Commission also has a role in investigating potential non-compliance with Part 15 of the *Local Government Act 2001*.

This report concerns the exercise of the Commission's functions under the *Regulation of Lobbying Act, 2015*. The Commission issues a separate annual report covering its activities in administering the other legislation that defines its remit.



# **Chapter One:**

## Registrations and Returns



# Chapter One

## Registrations and Returns

Under the *Regulation of Lobbying Act 2015*, a person carries on lobbying activities if (in summary) the person communicates directly or indirectly with a designated public official about a 'relevant matter' (including the development or zoning of land), the communication is not specifically excepted, and the person:

- (a) is an employer with more than 10 full-time employees or is a representative or advocacy body with one or more full-time employees, or
- (b) is paid to communicate on behalf of one of the persons described in (a) above.

Those who carry out lobbying activities, or who intend to do so, are required to register with the Commission. Thereafter, registrants are required to submit returns of lobbying activity in respect of three reporting periods each year, namely: 1 January - 30 April, 1 May - 31 August and 1 September - 31 December. Returns must be submitted within 21 days after the end of the reporting period.

### 1.1 New registrants

The **Three Step Test** allows potential registrants to determine whether they are or will be carrying out lobbying activities, meaning that they are required to register. The test, as well as other guidance on the legislation, is provided on the lobbying.ie website. Once they decide to register, all new registrations are reviewed by the Commission to ensure that the person is indeed required to register and that they have done so correctly. Where a person has registered in error, the Commission will remove the registration and any associated returns.

Each new registrant is sent a letter which highlights the reporting period deadlines, suggested best practices for account administration and details of enforcement provisions in the event of non-compliance.

The total number of registered lobbyists at the end of 2022 was 2,430. Further information on end of year totals can be viewed in **Appendix Two**.

## 1.2 Returns of lobbying activities

At the time of completing this report, more than 11,600 returns of lobbying activities have been submitted in respect of the three reporting periods in 2022. This number may change over time, as late returns for 2022 are made to the system. The graphs (in **Appendix Two**) illustrate the number of returns received in respect of each relevant period and the most popular 'relevant matters' and policy areas addressed in the returns.

All returns of lobbying submitted in 2022 were reviewed to verify that they complied with the Act<sup>1</sup>, that the information provided was clear and meaningful, and that it was provided in the appropriate manner and form. Where errors or non-compliance with the Act's requirements are identified, the Commission follows up with the registrant to address the matter.

If the Commission finds that information contained in a return of lobbying activities is incorrect, misleading or is not sufficiently detailed, the Commission may use its powers to remove the return or request its correction, as appropriate. Generally, registrants cooperate promptly when requested to amend their returns or provide further information. Where an incorrect return is removed by the Commission using its powers, the registrant will be considered not to have made the return in the first instance and risks being non-compliant. The Commission made 1,131 requests for further information during 2022. In all cases, the required information was supplied and any issue resolved. Accordingly, there were no instances where the Commission proceeded to remove a return in 2022 on foot of a failure to provide information requested.

## 1.3 Upgrades to the register in 2022

The performance of the online register is regularly reviewed, from the perspective of both users and administrator, to ensure that it is operating as effectively and efficiently as possible. A number of performance issues were identified and upgrades made to the system during 2022. Future updates may be made where a need arises.

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<sup>1</sup> <https://www.irishstatutebook.ie/eli/2015/act/5/section/12/enacted/en/html#sec12>

# **Chapter Two:**

## Regulatory Operations



# Chapter Two

## Regulatory Operations

### 2.1 Delayed publication requests

In general, details of registered lobbyists and their lobbying activity are available for public consultation on the Register of Lobbying.

Under section 14 of the Act, a person may apply to delay publication of the information contained in the person's application to register or in their return of lobbying activities, for stated reasons. The Commission's role in determining applications to delay publication is set out in **Appendix One** of this report.

There was one application made to delay publication of a return to the register under section 14 of the Act in 2022. The application was granted, the delay period has now expired and the return has been published.

### 2.2 Investigations under the Act

Section 19 provides the Commission with the authority to conduct investigations into possible contraventions of the Act.

Unregistered lobbying activity is monitored by the Commission's secretariat via open source intelligence, such as media articles and social media notifications, from complaints and information received by the Commission, or from information contained on the register itself.

Two investigations into possible unreported lobbying were carried over from 2021 into 2022, and two further investigations were launched during the year. The Complaints and Investigations Unit closed two investigations during 2022 on the basis there was no evidence that unreported lobbying had occurred in those cases. Investigation reports were provided for the Commission's consideration. Two investigations were ongoing at the end of 2022.

### 2.3 Applications for consent to waive post-employment restrictions

Section 22 of the Act provides that Ministers, Ministers of State, special advisers and senior public officials who have been prescribed under section 6(1) of the Act are subject to a 'cooling-off' period of one year after they leave office, during which time they cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances, except with the consent of the Commission.

A person subject to the cooling-off period may apply to the Commission for a waiver of the cooling-off period. Further information regarding the provisions of section 22 and the Commission's role in relation to it is set out in **Appendix One** of this report.

Consent may be sought at any time in advance of, or during, the cooling-off period. If an application is refused for a particular position, nothing precludes the individual from applying for consent again in respect of a different role.

There were no applications for a waiver of a cooling-off period during 2022.

## 2.4 Criminal offences under the Act

The Act provides for a number of criminal offences for contraventions of the requirements of the Act. Summary proceedings for an offence may be brought and prosecuted by the Commission, whereas proceedings on indictment may only be brought by the Director of Public Prosecutions.

Section 21 provides that the Commission may serve a fixed payment notice (FPN) of €200 on a person who has committed an offence, including by submitting a late return of lobbying activities. If a person fails to pay the penalty within 21 days, the Commission may proceed to prosecute the offence.

### Late returns of lobbying activity

A registrant is required to make a return of lobbying activities, including a nil return, by the statutory deadline. It is an offence to fail to make a return, or to make a return after the relevant deadline. In relation to the submission of late returns, a person is liable on summary conviction to a fine of €2,500.

A total of 468 FPNs for late returns were issued in 2022. More FPNs in respect of late returns were levied in 2022 than in 2021, which itself was up from 2020. 178 of these FPNs were for late returns in periods prior to 2022.

The Commission cancelled 50 FPNs in 2022, where:

- > a technical problem on lobbying.ie prevented the person from submitting a return on time;
- > an administrative error occurred in which the person erroneously submitted a duplicate return for the wrong period; and/or
- > the person was not required to register and had registered in error.

413 FPNs for late returns were paid over the year. 268 of these paid FPNs were for late returns in the first two periods of 2022.

50 notices of potential prosecution were issued in 2022 for non-payment of FPNs .

## Other offences

Other relevant contraventions of the Act include failure to register, failure to make a return, failure to cooperate with an investigation of the Commission or an order of an authorised officer, and intentionally providing inaccurate, false or misleading information to the Commission. In respect of these the person is liable, on summary conviction, to a maximum fine of €2,500, or if convicted on indictment, to an unlimited fine and/or a maximum of two years' imprisonment.

In practice, the Commission most often has to prosecute where a registered lobbyist has failed to make a return for a relevant period. The Commission issues a notification of offence to any registrant who has failed to make a return by the deadline, and the person is afforded an additional two weeks to submit a return of lobbying activities. If the person fails to submit the return by that date, the Commission may proceed to prosecute the offence.

In 2022, the Commission issued a total of 139 notices informing the registrant of their intent to prosecute if a return of lobbying activities was not submitted (non-returns). In cases where the registrant was not required to be on the register, as they, and/or the communication, were outside the scope of the Act, the register was corrected and the person's return or registration deleted, as relevant. In all other cases, the registrant complied (and incurred a late payment FPN) and prosecution was not pursued.

## Prosecution of offences

In 2022, the Commission issued a total of 189 notices of potential prosecution for offences relating to both non-returns (139 cases) and late returns (50 cases). While the majority of these notices resulted in compliance by the registrants, two prosecutions were initiated for offences of failing to submit a return for the relevant period. A further prosecution for failing to make a return was carried over from 2021. In two cases, compliance was subsequently achieved and the Commission withdrew the prosecutions. One prosecution, initiated in 2022, remained before the courts at the end of the year.

The Commission continued to encourage compliance in the first instance. Effective outreach and communication with registered lobbyists at an early stage has effectively reduced the number of files that might otherwise have been referred for prosecution each year. Most people comply with their obligations once contacted by the Commission's Complaints and Investigations Unit.

The Commission takes a less lenient approach with lobbyists who lobby without registering, repeatedly miss return periods and/or fail to comply or engage with the Commission. In such cases, the Commission will proceed to prosecution.

## 2.5 Information about Designated Public Officials on public body websites

The Act requires that each body which has designated public officials — public servants or other office holders or persons — who are prescribed in Ministerial regulations — must publish an up-to-date list of those designated public officials. Our website [lobbying.ie](http://lobbying.ie) provides relevant links to these pages.

Prior to the end of each return period, public bodies are asked to check, and update as required, a list showing the name, grade and brief details of the role and responsibilities of each designated public official prescribed for the body. They are also asked to confirm and update information relating to working groups or task forces operating under their aegis.

In January 2022, the Commission contacted all public bodies with designated public officials to verify that information was up-to-date, including the following:

- > that each relevant body had a Regulation of Lobbying page
- > whether the name(s) and position(s) held were published on the page; and
- > that each body had relevant information on their website in relation to the Transparency Code for any group working under their aegis.

The Commission also ensured that links from its own website were accurate and operational.

The results of this survey were encouraging. The Commission found that all relevant public bodies had a dedicated website page listing designated public officials as well as the relevant information relating to their position. Each body that has a group operating under the Transparency Code also had the relevant information published on their Regulation of Lobbying page.



# **Chapter Three:**

## Communications and Outreach



# Chapter Three

## Communications and Outreach

### 3.1 Outreach activities

The Commission continues to take opportunities to promote understanding of the Act and its obligations, with a view to supporting effective compliance and sharing best practices. Outreach activities continued on online platforms throughout 2022. Virtual sessions allow for participation from any location and do not impose any restrictions on participants who may be subject to limitations of travel due to time or financial constraints. Outreach using Twitter continues to be an effective means of engaging with the general public and with those individuals and organisations that (may) have obligations to register and make returns under the Act.

#### April

- > Online Open House presentation on the regulation of lobbying for new and prospective registrants
- > Presentation on the regulation of lobbying in Ireland to a roundtable on Lobbying hosted by Transparency International Estonia
- > Appearance before the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach

#### September

- > Online Open House presentation on the regulation of lobbying for new and prospective registrants.

#### November

- > Presentation to the Standards of Conduct Committee Senedd Cymru about the regulation of lobbying in Ireland
- > Virtual annual conference of the European Lobbying Regulators Network (ELRN) - Presentation on developments in the Register of Lobbying 2022

# Chapter Four:

Key Issues in 2022



# Chapter Four

## Key Issues in 2022

### 4.1 Legislative review of the Act during 2022

The Act requires the Minister for Public Expenditure, NDP Delivery and Reform to conduct a review every three years. In line with that provision, the Act was reviewed in 2016 and in 2019. Reports of both reviews were published on the website of the Department of Public Expenditure, NDP Delivery and Reform<sup>2</sup>. No amendments were made to the Act on foot of either review.

The Commission made a submission to the 2019 review that included 22 separate recommendations in respect of the Act's definitions, operations, post-employment obligations, enforcement and various other matters<sup>3</sup>.

In February 2022, the Minister published the general scheme of the Regulation of Lobbying (Amendment) Bill 2022<sup>4</sup>. The Commission welcomed the publication of the general scheme, which adopts many of the Commission's recommendations.

The Regulation of Lobbying (Amendment) Bill 2022 was progressing through the legislative process at the end of 2022.

The Commission and its secretariat will continue to engage with the Minister and his Department, with the aim of ensuring that the lobbying regime is as robust and effective as possible.

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2 Available at <https://www.gov.ie/en/press-release/4565cc-minister-donohoe-publishes-first-review-of-the-regulation-of-lobbyin/> and <https://www.gov.ie/en/press-release/03dc61-government-publishes-the-2nd-statutory-review-of-the-regulation-of-l/>.

3 Available at <https://assets.gov.ie/37189/bd8fdb2210434214bff7ba70bf8cc1e9.pdf>.

4 Available at <https://www.gov.ie/en/press-release/5b89e-minister-mcgrath-publishes-general-scheme-to-amend-irelands-lobbying-legislation/>.

# **Appendix One:**

Commission's Supervisory  
Role under the *Regulation  
of Lobbying Act 2015*



# Appendix One:

## Commission's Supervisory Role under the *Regulation of Lobbying Act 2015*

### General overview

The Act provides that a person who falls within the scope of the Act makes a relevant communication (is lobbying) if the person communicates with a designated public official about a relevant matter. Anyone lobbying must register and submit regular online returns of their lobbying activity.

Sections 5(1) and (2) of the Act set out the categories of person who are within scope of the Act, namely:

- > a person with more than 10 full-time employees;
- > a person which has one or more full-time employees and is a body which exists primarily to represent the interests of its members (referred to as a "representative body") and the relevant communications are made on behalf of any of the members;
- > a person which has one or more full-time employees and is a body which exists primarily to take up particular issues (referred to as an "advocacy body") and the relevant communications are made in the furtherance of any of those issues;
- > any person (individual or organisation) making a "relevant communication" concerning the development or zoning of land which is not their principal private residence; and
- > a "professional lobbyist" or third party who is paid to carry on lobbying activities on behalf of a person who fits within one of the categories of persons above.

Designated public officials, (DPOs) for the purposes of the Act, include Ministers and Ministers of State, Members of Dáil Éireann and Seanad Éireann, Members of the European Parliament for Irish constituencies, and Members of local authorities. DPOs also include special advisers and the senior-most civil and public servants who have been prescribed by Ministerial order.

A relevant matter is one to do with the initiation, development or modification of any public policy or of any public programme; the preparation of an enactment; or the award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds. Matters relating to the zoning and development of land are also relevant communications.

Section 5(5) of the Act provides for a number of exemptions to what is considered a relevant communication.

## The Register of Lobbying

The register itself is a web-based system. In addition to housing the online register, the website [lobbying.ie](http://lobbying.ie) includes information and guidance tools explaining the registration and return processes.

There is no cost to register, to submit returns or to access the information contained therein. While the Commission has oversight responsibility for the establishment and maintenance of the register, the content is driven by the information contained in the applications to register and returns submitted by registrants.

Anyone who is lobbying must register and submit returns three times per year, covering prescribed "relevant periods" (1 January - 30 April, 1 May - 31 August, and 1 September - 31 December). The returns must be submitted by the respective prescribed "relevant dates" (21 May, 21 September and 21 January, respectively).

The return must indicate who was lobbied, the subject matter of the lobbying activity and the results the person was seeking to secure. The returns must also indicate the type and extent of the lobbying activity. If the lobbying activity was carried out on behalf of a client, the return must provide details of the client.

## Other provisions

### Applications to delay publication under section 14 of the Act

Under section 14 of the Act, a person may apply to delay publication of the information contained in the person's application to register or in their return of lobbying activities if publishing the information could reasonably be expected to:

- > Have a serious adverse effect on the financial interests of the State, the national economy or business interests generally or the business interests of any description of persons (an application made under section 14(1)(a) of the Act), or
- > Cause a material financial loss to the person to whom the information relates or prejudice seriously the competitive position of that person in the conduct of the person's occupation, profession or business or the outcome of any contractual or other negotiations being conducted by that person (an application made under section 14(1)(b) of the Act).

If an application is made under section 14(1)(a), the Commission is required to consult with any relevant Minister(s) of the Government. The Commission is not required to consult with a Minister(s) if an application is made under section 14(1)(b). (The Commission may, however, consider it appropriate to consult with a Minister on a section 14(1)(b) application).

Section 14(9) of the Act provides that when the returns are subsequently published the Commission must publish an explanation as to why publication of the information was delayed.

Section 14(11) of the Act provides that the Commission may make a determination to delay publication on more than one occasion in relation to information contained in a return of lobbying activities.

### **“Cooling-off” period provided for under section 22 of the Act**

Section 22 of the Act provides that Ministers, Ministers of State, special advisers and senior public officials who have been prescribed for the purposes of section 6(1) of the Act are subject to a one year “cooling-off” period, during which time they cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances. The cooling-off period is the period of one year from the date the person ceased to be a DPO.

The circumstances in which section 22 of the Act applies are the making of communications comprising the carrying on of lobbying activities which:

- > Involve any public service body with which the person was employed or held an office or other position in the year prior to his/her leaving, or
- > Are to a person who was also a DPO who was employed or held an office or other position with that public service body in the year prior to the person's leaving.

A person subject to the one-year cooling-off period may apply to the Commission for a waiver of the cooling-off period.

The Commission may decide to give consent unconditionally to a reduction or waiver of the cooling-off period or may decide to give consent with conditions attached. The Commission may decide to refuse the application for all or part of the cooling-off period.



## Appeals

Under section 23 of the Act a person who is aggrieved by a decision of the Commission under sections 10(5) (relating to reports of incorrect information on the register), section 14 (delayed publication), or section 22 (cooling-off period) may appeal the Commission's decision. The Department of Public Expenditure and Reform has established panels of independent appeal officers to hear such appeals. Under section 23 the appeal is referred to an independent appeal officer who may uphold a decision of the Commission, or overturn it and replace it with another decision.

Section 24 of the Act provides that the appeal officer's decision may be appealed to the High Court.

## Investigative and enforcement provisions

The Act contains a number of investigative and enforcement provisions which were commenced on 1 January 2017.

Finally, section 2 of the Act provides for a legislative review. Following the review, the Minister may consider possible amendments to the Act. The Minister must report to the Houses of the Oireachtas on the outcome of the review and any recommendations for amendments to the Act.

## Statutory instruments

Seven statutory instruments have been introduced under the Act, namely:

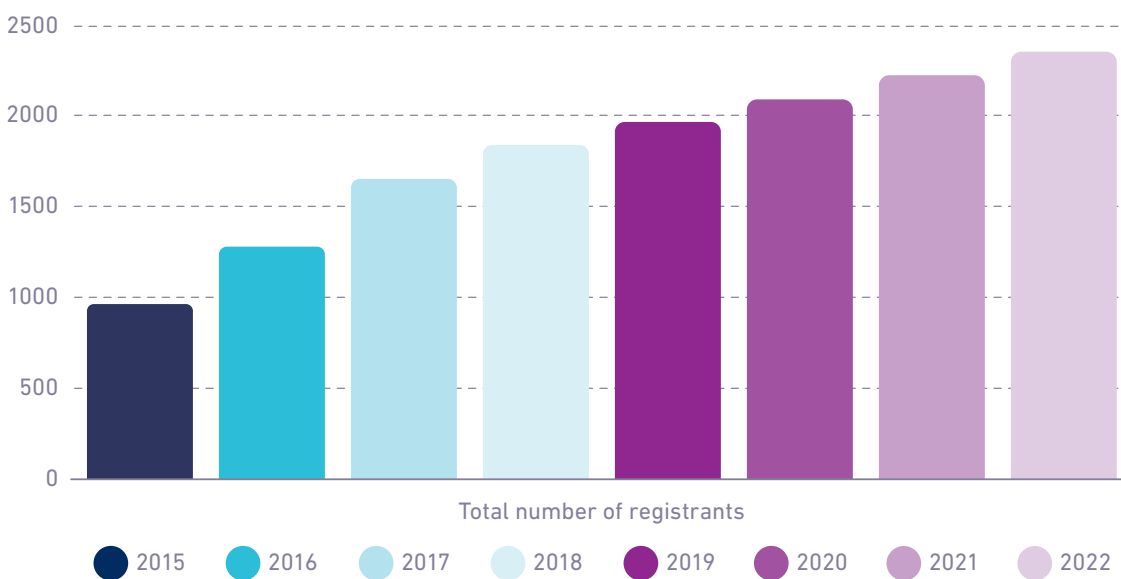
- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations (S.I. 144 of 2019);*
- > *Regulation of Lobbying Act 2015 (Commencement) Order (S.I. 152 of 2015);*
- > *Regulation of Lobbying Act 2015 (Appeals) Regulations 2015 (S.I. 366 of 2015);*
- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations (S.I. 367 of 2015);*
- > *Regulation of Lobbying Act 2015 (Commencement) Order 2016 (S.I. 360 of 2016);*
- > *Regulation of Lobbying Act 2015 (Fixed Payment Notice) Regulations 2016 (S.I. 361 of 2016); and*
- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations 2016 (S.I. 362 of 2016).*

# **Appendix Two:** Statistics

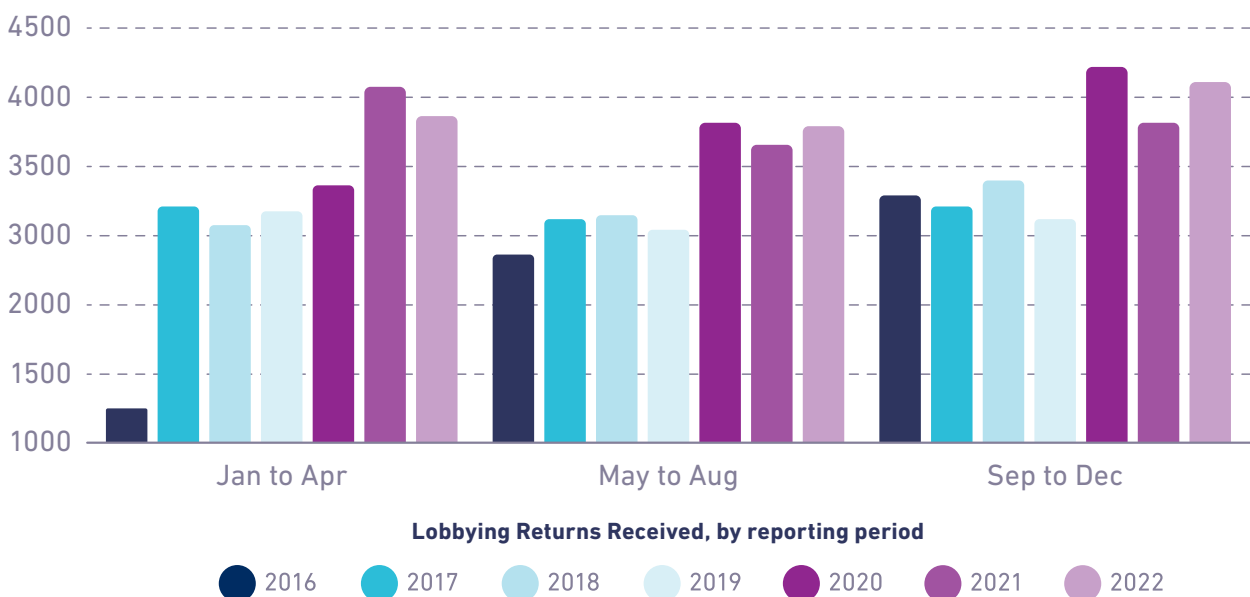


## Appendix Two: Statistics

**Figure 1 – Total number of registrants at year end**



**Figure 2 – Lobbying returns received, by reporting period**



**Figure 3 – Top five public policy matters lobbied about in 2022**

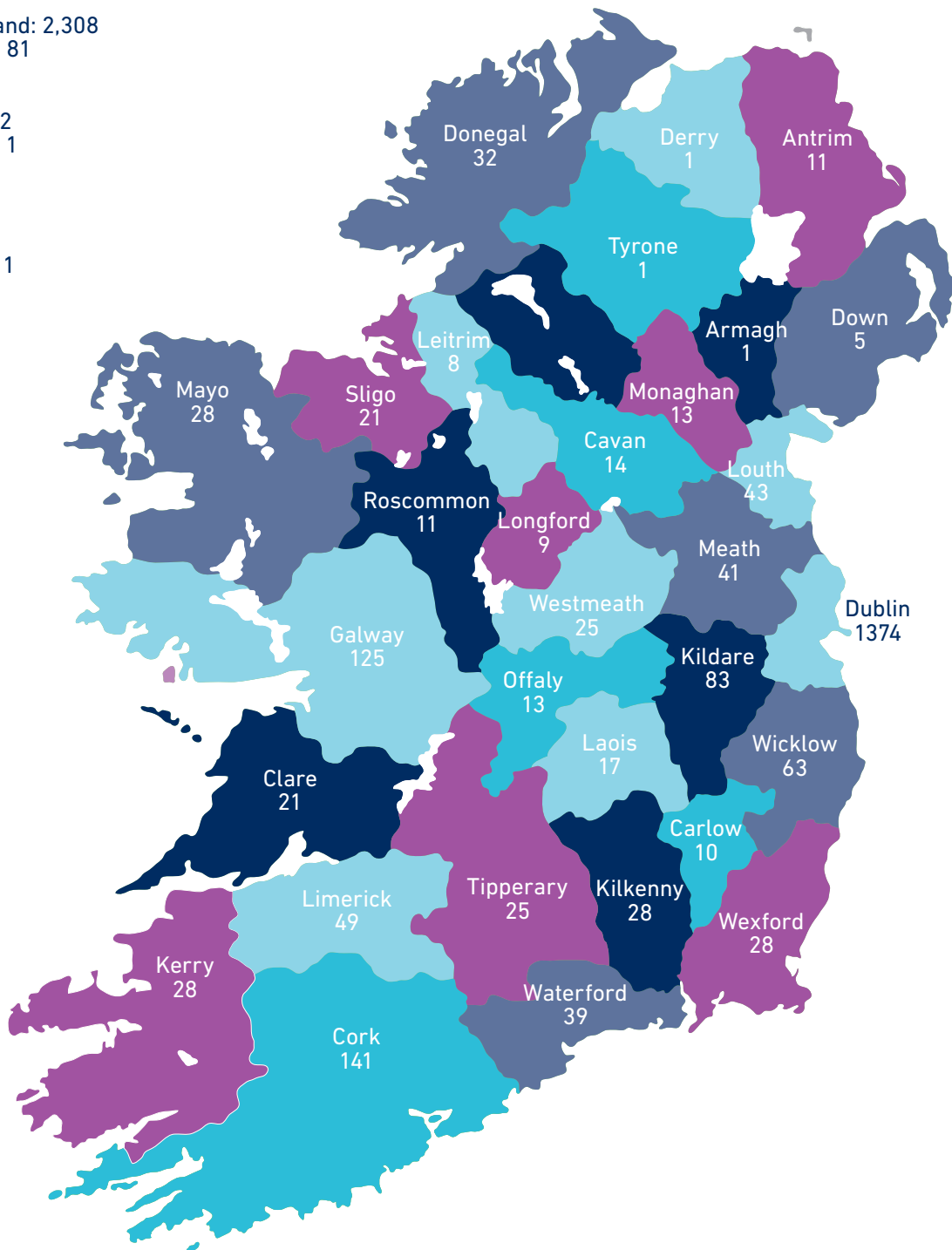


**Figure 4 – Applications to waive post-public employment cooling-off period, 2015 to 2022**

Applications received								
	2015	2016	2017	2018	2019	2020	2021	2022
Ministers	0	0	0	0	0	0	0	0
Ministers of State	0	0	0	0	0	0	0	0
Ministerial advisors	0	1	3	2	2	8	5	0
Prescribed public servants	0	1	2	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>5</b>	<b>0</b>

**Figure 5 - Regional location of registrants at end 2022**

Island of Ireland: 2,308  
Great Britain: 81  
Belgium: 17  
USA: 12  
Switzerland: 2  
Luxembourg: 1  
France: 2  
Germany: 2  
Israel: 1  
Italy: 1  
Netherlands: 1  
Australia: 1  
Canada: 1  
**Total: 2,430**







**LOBBYING**.ie

An Clár Brústocaireachta  
Register of Lobbying

# 2022

**Brústocaireacht a Rialáil  
Tuarascáil Bhliantúil 2022**



Coimisiún um Chaighdeán in Oifigí Poiblí  
Standards in Public Office Commission

**An Coimisiún um Chaighdeáin in Oifigí Poiblí**

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Suíomh gréasáin: [www.lobbying.ie](http://www.lobbying.ie)  
Twitter: @LobbyingIE

Deartha ag Wonder Works





## **Tuarascáil Bhliantúil 2022**

# Clár Ábhair

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## Brollach

I gcomhréir le forálacha alt 25(1) den *Acht um Brústocaireacht a Rialáil 2015*, tá áthas orm an tuarascáil bhliantúil do 2022 maidir le brústocaireacht a rialáil, a chur faoi bhráid thithe an Oireachtais.

Le linn 2022, chuir an Clár Brústocaireachta, atá ar líne go hiomlán, ar chumas an Choimisiúin a ghníomhaíochtaí oibríochtúla a dhéanamh faoin Acht d'ainneoin na ndeacrachtaí a bhí ann de bharr na srianta Covid-19. D'eisigh an Coimisiún roinnt cinntí reachtúla freisin, mar aon le for-rochtain a dhéanamh ar líne, agus lean sé lena ghníomhaíochtaí imscrúdaithe agus forfheidhmithe.

Thar ceann an Choimisiúin, ba mhaith liom buíochas a ghabháil le Linda Joyce agus leis an Aonad um Brústocaireacht a Rialáil as a gcuid oibre crua le bliain anuas agus as an tacaíocht a thug siad don Choimisiún.

A handwritten signature in black ink that reads "Garrett Sheehan". The signature is written in a cursive style and is positioned above a horizontal line.

**Garrett Sheehan**

Cathaoirleach

An Coimisiún um Chaighdeán in Oifigí Poiblí

Meitheamh 2023

## Ráiteas Straitéise 2025 an Ombudsman

I 2022, trí chomhoifigí Oifig an Ombudsman, seoladh Ráiteas Straitéise do 2022 – 2025 ([www.ombudsman.ie/news/ombudsman-publishes-strat/index](http://www.ombudsman.ie/news/ombudsman-publishes-strat/index)).

Cuimsíonn Oifig an Ombudsman sé fheidhm reachtúil éagsúil agus tacaítear leo go léir ónár “Croílár Corparáideach”. Agus straitéis á forbairt a thacaíonn agus a urramaíonn neamhspleáchas feidhmiúil gach comhlachta reachtúil, ghlacamar leis an gcur chuige tosú leis na rudaí a aontaíonn sinn mar eagraíocht iomlán a shainaithint. Chuamar i gcomhairle lenár bpáirtithe leasmhara seachtracha agus le baill foirne ó gach ceann de na Oifigí agus na hAonaid Ghnó ar leith. Chuir an próiseas seo eolas ar fáil d’athmheasúnú ar ár bhfís, ár gcultúr eagraíochtúil agus ár luachanna; ár bpríomhthionchair straitéiseacha a bhreithniú; agus ár dtéamaí straitéiseacha comhroinnte a fhorbairt.

Leagtar amach sa Ráiteas Straitéise seo ár bpríomhchuspóirí go dtí 2025. Tá sé phríomhthéama straitéiseacha sa Ráiteas. Tá gach ceann de na téamaí seo mar bhonn agus mar thaca ag cuspóirí straitéiseacha ar leith ach nasctha le haghaidh gach oifig aonair agus tacaíonn ár gcuspóirí straitéiseacha seirbhísí comhroinnte leo.

## An Coimisiún um Chaighdeán in Oifigí Poiblí

Comhlacht neamhspleách é an Coimisiún um Chaighdeán in Oifigí Poiblí a bunaíodh i Nollaig 2001 faoin *Acht um Chaighdeán in Oifigí Poiblí, 2001*. Seo a leanas na comhaltaí a bhí ann in 2022:

- > An Breitheamh Onórach Garrett Sheehan, Cathaoirleach
- > Geraldine Feeney, iarchomhalta de Sheanad Éireann
- > Séamus McCarthy, an tArd-Reachtair Cuntas agus Ciste
- > Ger Deering, Ombudsman
- > Peter Finnegan, Cléireach Dháil Éireann
- > Martin Groves, Cléireach Sheanad Éireann

Is í Oifig an Ombudsman a chuireann rúnaíocht ar fáil don Choimisiún.

Tá ról mhaoirseachta ag an gCoimisiún faoi chúig phíosa ar leith reachtaíochta (arna leasú):

- > An *tAcht um Eitic in Oifigí Poiblí, 1995* agus an *tAcht um Chaighdeán in Oifigí Poiblí, 2001* (“na *hAchtanna um Eitic*” i dteannta a chéile);
- > An *tAcht Toghcháin, 1997*;
- > An *tAcht um Oifigí Aireachta agus Páirliminte, 1938*; agus
- > An *tAcht um Brústocaireacht a Rialáil, 2015*.

Tá ról ag an gCoimisiún freisin imscrúdú a dhéanamh ar neamhchomhlíonadh féideartha Chuid 15 den Acht Rialtais Áitiúil, 2001.

Baineann an tuarascáil seo le feidhmeanna an Choimisiúin faoin Acht um Brústocaireacht a Rialáil, 2015. Eisíonn an Coimisiún tuarascáil bliantúil ar leith ina gclúdaítear a ghníomhaíochtaí mar a bhaineann siad leis an reachtaíocht eile a riar atá faoina shainchúram aige.

# **Caibidil a hAon:**

Clárúcháin agus Tuairisceáin



# Caibidil a hAon

## Clárúcháin agus Tuairisceáin

Faoin *Acht um Brústocaireacht a Rialáil 2015*, téann duine i mbun brústocaireachta má (go hachomair) dhéanann an duine cumarsáid dhíreach nó indíreach le hoifigeach poiblí ainmnithe faoi ‘ábhar ábhartha’ (lena n-áirítear talamh a fhorbairt nó a zónáil), níl an chumarsáid eisceithe, agus:

- (a) Is fostóir é an duine ag a bhfuil os cionn 10 fostaí lánaimseartha nó is comhlacht ionadaíoch nó tathanta é an duine ag a bhfuil os cionn 10 fostaí lánaimseartha, nó
- (b) Tá an duine sin á íoc chun cumarsáid a dhéanamh thar ceann duine de na daoine atá luaite in (a) thuas.

Ní mór dóibh siúd a dhéanann gníomhaíochtaí brústocaireachta, nó a bhfuil sé ar intinn acu é sin a dhéanamh, clárú leis an gCoimisiún. Ina dhiaidh sin, ní mór do chláraithe tuairisceáin a chur isteach maidir le gníomhaíocht bhrústocaireachta i leith trí thréimhse tuairiscithe sa bhliain, is iad sin: 1 Eanáir – 30 Aibreán, 1 Bealtaine – 31 Lúnasa agus 1 Meán Fómhair – 31 Nollaig. Caithfear tuairisceáin a chur isteach laistigh de 21 lán tar éis don thréimhse tuairiscithe a bheith críochnaithe.

### 1.1 Cláraithe nua

Cuireann an **Tástáil Trí Chéim** ar chumas chláraithe féideartha, a dheimhniú an bhfuil siad nó an mbeidh siad i mbun gníomhaireachtaí brústocaireachta, rud a chiallaíonn go gcaithfidh siad clárú. Tá an tástáil, chomh maith le treoir eile faoin reachtaíocht, le fáil ar shuíomh grésáin lobbying.ie. Nuair a dhéanann siad an cinneadh chun clárú, déanann an Coimisiún gach clárú a athbhreithniú chun cinnte a dhéanamh de go bhfuil sé riachtanach don duine clárú agus má tá, an bhfuil sé déanta i gceart acu. Más amhlaidh gur chláraigh duine trí earráid, bainfidh an Coimisiún an clárú agus aon tuairisceáin a cuireadh isteach.

Seoltar litir chuig gach cláraí nua ina dhírítear aird ar na spriocdhátaí do na tréimhsí tuairiscithe, ar an gcleachtadh is fearr chun cuntais a riar, agus ar na forálacha forfheidhmithe atá ann i gcásanna neamhchomhlíonta.

Ba é líon iomlán na mbrústocairí ag deireadh 2022 ná 2,430. Tá tuilleadh eolais le feiceáil in **Aguisín a Dó** faoin líon iomlán a bhí ann ag deireadh na bliana.



## 1.2 Tuairisceáin ar ghníomhaíochtaí brústocaireachta

Tráth scríofa na tuarascála seo, cuireadh isteach os cionn 11,600 tuairisceán do na trí thréimhse tuairiscithe in 2022. D'fhéadfadh athrú teacht ar an uimhir seo de réir mar a chuirtear tuairisceáin dhéanacha isteach sa chóras don bhliain 2022. Léirítear sna graif (in **Aguisín a Dó**) líon na dtuairisceán a fuarthas i leith gach tréimhse ábhartha, agus na 'hábhair ábhartha' is coitianta, agus na réimsí polasaí ar ndéileáladh leo sna tuairisceáin.

Rinneadh athbhreithniú ar gach tuairisceáin brústocaireachta in 2022 chun bheith cinnte gur chomhlíon siad an Achta<sup>1</sup>, go raibh an t-eolas iontu soiléir agus sothuigthe, agus gur cuireadh i láthair é go cuí. Nuair a aithnítear earráidí nó má aithnítear nár comhlíonadh fhorálacha an Achta, déanann an Coimisiún an cás a fhiosrú leis an gcláraí.

Má fhaigheann an Coimisiún nach raibh an t-eolas i dtuairisceán brústocaireachta ceart, nó má bhí sé míthreorach nó má fágadh mionshonraí ar lár, d'fhéadfadh an Coimisiún a chumhachtaí a úsáid chun an tuairisceán a bhaint nó d'fhéadfadh sé ceartúchán a iarraidh, mar is cuí. Go ginearálta, comhoibríonn cláraithe go pras nuair a iarrtar orthu a dtuairisceán a leasú nó tuilleadh eolais a sholáthar. Nuair a bhaineann an Coimisiún tuairisceán mícheart ag baint úsáide as a chuid cumhachtaí, measfar nár chuir an cláraí tuairisceán isteach ar an gcéad ásc agus tá baol neamhchomhlíonta ann. D'iarr an Coimisiún tuilleadh eolais i gcás 1,131 tuairisceán le linn 2022. I ngach cás, cuireadh an t-eolas sin ar fáil agus réitíodh an cheist a bhí ann. Dá réir sin, níor tharla sé in 2022 gur bhain an Coimisiún tuairisceán toisc nár cuireadh ar fáil an t-eolas a iarraidh.

## 1.3 Uasghrádú ar an gclár in 2022

Déantar feidhmiú an chláir ar líne a athbhreithniú go rialta, ó dhearcadh na n-úsáideoirí agus an riathóra araon, chun a chinntiú go bhfuil sé ag feidhmiú chomh éifeachtúil agus chomh éifeachtach agus is féidir. Le linn 2022 aithníodh roinn saincheistanna feidhmiúcháin agus uasghrádaíodh an córas. Déanfar é a uasghrádú arís amach anseo nuair is gá.

<sup>1</sup> <https://www.irishstatutebook.ie/eli/2015/act/5/section/12/enacted/en/html#sec12>

**Caibidil a Dó :**

Oibríochtaí Rialála



# Caibidil a Dó

## Oibríochtaí Rialála

### 2.1 Iarratais ar fhoilsiú moillithe

Go ginearálta, tá sonraí bhrústocairí agus a ngíomhaíochtaí brústocaireachta le fáil don phobal ar an gClár Brústocaireachta.

Faoi alt 14 den Acht, is féidir le duine iarratas a dhéanamh chun go mbeidh moill ar fhoilsiú an eolais a bhí san iarratas a rinne duine nuair a chláraigh siad, nó ar fhoilsiú an tuairisceáin maidir lena ghníomhaíochta brústocaireachta. Ní foláir na cúiseanna seo a lua. Leagtar amach in **Aguisín a hAon** den tuarascáil seo, ról an Choimisiúin maidir leis an bhfoilsiú a chur siar.

Sa bhliain 2021, rinneadh iarratas amháin faoi alt 14 den Acht, foilsiú a chur siar i leith tuairisceáin amháin. Ceadaíodh an t-iarratas, tá an tréimhse moille dulta in éag anois agus foilsíodh an tuairisceán.

### 2.2 Imscrúduithe faoin Acht

Tugann alt 19 údarás don Choimisiún imscrúduithe a dhéanamh má mheastar gur sáraíodh an tAcht.

Déanann rúnaíocht an Choimisiúin gníomhaíochtaí brústocaireachta neamhchláraithe a mhonatóiriú trí fhaisnéis foinse oscailte, ar nós ailt sna meáin agus fógraí sna meáin shóisialta, ó ghearáin agus eolas a thugtar don Choimisiún, nó ó eolas atá sa chlár féin.

Tugadh dhá imscrúdú ar bhrústocaireacht ar aghaidh ó 2021 isteach in 2022 nach ndearnadh tuairisciú orthu, agus in 2022 seoladh dhá imscrúdú breise. Dhún an tAonad Gearáin agus Imscrúdaithe dhá fhiosrúchán le linn 2022 mar ní raibh an fhianaise ann gur tharla brústocaireacht gan tuairisciú sna cásanna sin. Cuireadh tuarascáil imscrúdaithe faoi bhráid an Choimisiúin. Ag deireadh 2022 bhí dhá imscrúdú ar bun.

### 2.3 Iarratais ar thoiliú chun srianta iarfhostaíochta a tharscaoileadh

Faoi alt 22 den Acht, tá Airí, Airí Stáit, comhairleoirí speisialta agus oifigigh phoiblí sinsearaigh atá forordaithe faoin alt 6(1) den Acht, faoi réir 'tréimhse mharana' ar feadh bliana amháin tar éis dóibh a gcuid fostaíochta nó a n-oifig a fhágáil. Le linn an ama sin, ní cheadaítear dóibh gabháil do bhrústocaireacht i gcúinsí áirithe, gan cead a fháil ón gCoimisiún.

Is féidir le duine lena mbaineann an tréimhse mharana iarratas a dhéanamh ar tharscaoileadh. Tá tuilleadh eolais le fáil in **Aguisín a hAon** den tuarascáil seo faoin fhorálacha alt 22 agus ról an Choimisiúin ina leith.

Is féidir cead a iarraidh ag am ar bith roimh nó le linn na tréimhse suaimhnithe. Má dhiúltaítear d'iarratas ar phost áirithe, ní chuirtear bac ar bith ar an duine sin iarratas eile a dhéanamh ar thoiliú maidir le ról eile.

Ní dhearnadh iarratas ar bith ar tharscaoileadh maidir leis an tréimhse mharana le linn 2022.

## 2.4 Cionta coiriúla faoin Acht

Forálann an tAcht do roinnt cionta coiriúla maidir le sáruithe ar riachtanais an Achta. Féadfaidh an Coimisiún imeachtaí achoimre i leith ciona a thionscnamh agus a thabhairt ar aghaidh, ach ní fhéadfaidh ach an Stiúrthóir Ionchúiseamh Poiblí imeachtaí ar díotáil a thionscnamh.

Forálann Alt 21 go bhféadfaidh an Coimisiún fógra íocaíochta seasta (FPN) €200 a sheirbheáil ar dhuine a rinne cion, lena n-áirítear trí thuarisceán déanach ar ghníomhaíochtaí brústocaireachta a chur isteach. Má theipeann ar dhuine an pionós a íoc laistigh de 21 lá, féadfaidh an Coimisiún dul ar aghaidh chun an cion a ionchúiseamh.

### Tuairisceáin dhéanacha ar ghníomhaíocht brústocaireachta

Ceanglaítear ar chláraí tuairisceán a dhéanamh ar ghníomhaíochtaí brústocaireachta, lena n-áirítear tuairisceán niallais, faoin spriocdháta reachtúil. Is cion é mainneachtain tuairisceán a dhéanamh, nó tuairisceán a dhéanamh tar éis an spriocdháta ábhartha. Maidir le tuairisceáin dhéanacha a chur isteach, tá duine faoi dhliteanas ar chiontú achomair, fíneáil €2,500 a íoc

Eisíodh 468 fógra um pionóis socraithe san iomlán in 2022 as tuairisceáin dhéanacha a chur isteach. Eisíodh níos mó fógraí um pionóis socraithe in 2022 ná a eisíodh in 2021, figiúr a bhí níos airde ná an figiúr do 2020.

Chuir an Coimisiún 50 fógra um pionós socraithe ar ceal in 2022, sna cásanna seo a leanas:

- > fadhb theicniúil ar lobbying.ie a chuir cosc ar an duine tuairisceán a chur isteach in am;
- > tharla earráid riaracháin inar chuir an duine tuairisceán i ndúblach isteach go hearráideach don tréimhse mhícheart; agus/nó
- > níor ceanglaíodh ar an duine clárú agus gur chláraigh sé nó sí trí dhearmad.

Íocadh 413 fógra um pionós socraithe i rith na bliana as tuairisceáin a chur isteach go déanach.

Eisíodh 50 fógra maidir le hionchúiseamh ionchasach as neamhíocaíocht i leith fógraí um pionós socraithe.

## Cionta eile

I measc na sárúithe ábhartha eile ar an Acht tá mainneachtain clárú, mainneachtain tuairisceán a dhéanamh, mainneachtain comhoibriú le himscrúdú ar an gCoimisiún nó ordú ó oifigeach údaraithe, agus faisnéis mhíchruinn, bhréagach nó mhíthreorach a sholáthar don Choimisiún d'aon ghnó. Maidir leo seo, dlífead fíneáil uasta €2,500 a chur ar an duine, ar é nó í a chiontú go hachomair, nó má chiontaítear ar díotáil é/í, fíneáil neamhtheoranta agus/nó príosúnacht dhá bhliain ar a mhéad a chur air/uirthi.

Go praiticiúil, is minic a bhíonn ar an gCoimisiún ionchúiseamh a dhéanamh i gcás inar theip ar bhrústocaire clárú tuairisceán a dhéanamh ar feadh tréimhse ábhartha. Eisíonn an Coimisiún fógra faoi chion d'aon chláraí ar theip air tuairisceán a dhéanamh faoin spriocdháta, agus tugtar coicís bhreise don duine tuairisceán ar ghníomhaíochtaí brústocaireachta a chur isteach. Má theipeann ar an duine an tuairisceán a thíolacadh faoin dáta sin, féadfaidh an Coimisiún dul ar aghaidh chun an cion a ionchúiseamh.

In 2022, d'eisigh an Coimisiún 139 fógra san iomlán inar cuireadh in iúl don chláraí go raibh sé ar intinn acu ionchúiseamh a dhéanamh murar cuireadh isteach tuairisceán ar ghníomhaíochtaí brústocaireachta. I gcásanna nár ceanglaíodh ar an gcláraí a bheith ar an gclár, toisc go raibh siad féin, agus/nó an chumarsáid, lasmuigh de raon feidhme an Achta, ceartaíodh an clár agus scriosadh tuairisceán nó clárú an duine, de réir mar is ábhartha. I ngach cás eile, chomhlíon an cláraí (agus thabhaigh sé FPN um íocaíocht dhéanach) agus níor leanadh leis an ionchúiseamh.

## Cionta a ionchúiseamh

In 2022, d'eisigh an Coimisiún 189 fógra san iomlán faoi ionchúiseamh féideartha de bharr cionta a bhaint le tuairisceáin nár cuireadh isteach (139 cás) agus tuairisceáin dhéanacha (50 cás). Cé gur go raibh mar thoradh ar na fógraí seo den chuid is mó, gur chomhlíon na clárúithe, tionscnaíodh dhá ionchúiseamh i leith mainneachtain tuairisceán a chur isteach don tréimhse ábhartha. Tugadh ionchúiseamh eile ar aghaidh ó 2021 go dtí 2023 i leith mainneachtain tuairisceán a dhéanamh. In dhá chás, chomhlíon na clárúithe ina dhiaidh sin agus tharraing an Coimisiún na hionchúiseamh siar. Tá ionchúiseamh amháin, a tionscnaíodh in 2022, fós os comhair na cúirte ag deireadh na bliana.

Lean an Coimisiún de bheith ag spreagadh comhlíonadh ar an gcéad dul síos. Laghdaigh for-rochtain agus cumarsáid éifeachtach le brústocaireí clárúithe go luath líon na gcomhad a d'fhéadfadh a bheith curtha ar aghaidh le haghaidh ionchúisimh gach bliain murach sin. Comhlíonann formhór na ndaoine a ndualgais nuair a dhéanann an tAonad Gearán agus Imscrúduithe teagmháil leo.

Glacann an Coimisiún cur chuige nach bhfuil chomh trócaireach céanna le brústocaireí a dhéanann brústocaireacht gan clárú, tréimhsí fillte a chailleadh arís agus arís eile agus/nó nach gcomhlíonann na hiarratais a dhéanann an Coimisiún nó nach dtéann siad i dteagmháil leis. I gcásanna den sórt sin, rachaidh an Coimisiún ar aghaidh chuig ionchúiseamh.

## 2.5 Faisnéis faoi Oifigigh Phoiblí Ainmnithe ar láithreáin ghréasáin comhlachtaí poiblí

Ceanglaítear leis an Acht nach mór do gach comhlacht a bhfuil oifigigh poiblí ainmnithe aige atá forordaithe i rialacháin Aireachta mar sheirbhísigh poiblí nó mar shealbhóirí oifige, liosta cothrom le dáta de na hoifigigh poiblí ainmnithe sin a fhoilsiú. Soláthraíonn ár láithreán gréasáin lobbying.ie naisc ábhartha leis na leathanaigh seo.

Roimh dheireadh gach tréimhse fillte, iarrtar ar chomhlachtaí poiblí liosta a sheiceáil agus a nuashonrú de réir mar is gá, ar liosta é a thaispeánann ainm, grád agus sonraí gearra ról agus freagrachtaí gach oifigigh poiblí ainmnithe atá forordaithe don chomhlacht. Iarrtar orthu freisin faisnéis a bhaineann le meithleacha nó tascfhórsaí atá ag feidhmiú faoina gcoimirce a dheimhniú agus a thabhairt cothrom le dáta.

I mí Eanáir 2022, rinne an Coimisiún teagmháil le gach comhlacht poiblí le hoifigigh poiblí ainmnithe chun a fhíorú go raibh an fhaisnéis cothrom le dáta, lena n-áirítear an méid seo a leanas:

- > Go raibh leathanach Um Brústocaireacht a Rialáil ag gach comhlacht ábhartha;
- > Ar foilsíodh nó an raibh ainm agus seasamh an duine/na naoine ar an leathanach; agus
- > Go raibh faisnéis ábhartha ag gach comhlacht ar a láithreán gréasáin maidir leis an gCód Trédhearcachta d'aon ghrúpa atá ag obair faoina choimirce.

Chinntigh an Coimisiún freisin go raibh naisc óna shuíomh gréasáin féin cruinn agus ag obair i gceart.

Ba ábhar misnigh iad torthaí an tsuirbhé seo. Chinn an Coimisiún go raibh leathanach gréasáin tiomnaithe ag gach comhlacht poiblí ábhartha ina liostaítear oifigigh poiblí ainmnithe chomh maith leis an bhfaisnéis ábhartha a bhaineann lena seasamh. D'fhoilsigh gach comhlacht a bhfuil grúpa acu atá ag feidhmiú faoin gCód Trédhearcachta an fhaisnéis ábhartha ar a leathanach Brústocaireacht a Rialáil.

# Caibidil a Trí:

Cumarsáid agus  
For-rochtain



# Caibidil a Trí

## Cumarsáid agus For-rochtain

### 3.1 Gníomhaíochtaí for-rochtana

Leanann an Coimisiún de dheiseanna a thapú chun tuiscint ar an Acht agus ar a oibleagáidí a chur chun cinn, d'fhonn tacú le comhlíonadh éifeachtach agus dea-chleachtais a roinnt. Leanadh le gníomhaíochtaí for-rochtana ar ardáin ar líne i rith 2022. Cuireann seisiúin fhíorúla ar chumas daoine páirt a ghlacadh ó gach cearn den tír agus ní chuireann siad aon srianta ar rannpháirtithe a d'fhéadfadh a bheith faoi réir teorainneacha taistil mar gheall ar shrianta ama nó airgeadais. s bealach éifeachtach i gcónaí é for-rochtain a úsáideann Twitter chun teagmháil a dhéanamh leis an bpobal i gcoitinne agus leis na daoine aonair agus na heagraíochtaí sin a bhfuil nó a bhféadfadh oibleagáidí a bheith orthu clárú agus tuairisceáin a dhéanamh faoin Acht.

#### Aibreán

- > Seisiún Faisnéise Tithe Oscailte Ar Líne ar an mbrústocaireacht a rialáil do chláráithe nua agus do chláráithe féideartha
- > Cur i láthair ar an mbrústocaireacht a rialáil in Éirinn i gcrúinniú comhchéime faoin mbrústocaireacht a reachtáil Trédhearcacht Idirnáisiúnta na hEastóine
- > Láithriú os comhair an Chomhchoiste Airgeadais, Caiteachais Phoiblí agus Athchóirithe agus an Taoisigh

#### Meán Fómhair

- > Seisiún Faisnéise Tithe Oscailte Ar Líne ar an mbrústocaireacht a rialáil do chláráithe nua agus do chláráithe féideartha

#### Samhain

- > Cur i láthair don Choiste um Chaighdeán Iompraíochta de chuid Senedd Cymru faoin mbrústocaireacht a rialáil in Éirinn
- > Comhdháil Bhliantúil Fhíorúil a reachtáil Lónra Eorpach na Rialtóirí um Brústocaireacht - Cur i láthair ar fhorbairtí ar an gClár Brústocaireachta 2022



# **Caibidil a Ceathair:**

Athbhreithniú Reachtach  
in 2022



# Caibidil a Ceathair

## Athbhreithniú Reachtach in 2022

### 4.1 Athbhreithniú reachtach ar an Acht le linn 2022

Ceanglaíonn an tAcht go ndéanfaidh an tAire Caiteachais Phoiblí agus Athchóirithe athbhreithniú gach trí bliana. Ar aon dul leis an bhforáil sin, rinneadh athbhreithniú ar an Acht in 2016 agus in 2019. Foilsíodh tuarascálacha ar ar dá athbhreithniú sin ar shuíomh gréasáin na Roinne Caiteachais Phoiblí agus Athchóirithe<sup>2</sup>. Ní dhearnadh aon leasú ar an Acht de bhun ceachtar den dá athbhreithniú.

Chuir an Coimisiún aighneacht faoi bhráid an athbhreithnithe 2019 ina raibh 22 moladh ar leith maidir le sainmhínithe, oibríochtaí, oibleagáidí iarfhostaíochta, forfheidhmiú agus nithe éagsúla eile an Achta<sup>3</sup>.

I mí Feabhra 2022, d'fhoilsigh an tAire scéim ghinearálta an Bhille um Brústocaireacht a Rialáil (Leasú), 2022<sup>4</sup>. Is díol sásaimh don Choimisiún foilsíú na scéime ginearálta, a ghlacann go leor de na moltaí a rinne an Coimisiún roimhe seo.

Bhí an Bille um Brústocaireacht a Rialáil (Leasú), 2022 ag dul tríd an bpróiseas reachtach ag deireadh na bliana 2022.

Leanfaidh an Coimisiún agus a rúnaíocht de bheith i dteagmháil leis an Aire agus lena Roinn, agus é mar aidhm acu a chinntiú go bhfuil an córas brústocaireachta chomh láidir agus chomh héifeachtach agus is féidir.

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2 Le fáil ag <https://www.gov.ie/en/press-release/4565cc-minister-donohoe-publishes-first-review-of-the-regulation-of-lobbyin/> and <https://www.gov.ie/en/press-release/03dc61-government-publishes-the-2nd-statutory-review-of-the-regulation-of-l/>.

3 Le fáil ag <https://assets.gov.ie/37189/bd8fdb2210434214bff7ba70bf8cc1e9.pdf>.

4 Le fáil ag <https://www.gov.ie/en/press-release/5b89e-minister-mcgrath-publishes-general-scheme-to-amend-irelands-lobbying-legislation/>.

# **Aguisín a hAon:**

Ról Maoirseachta an  
Choimisiúin faoin *Acht um  
Brústocaireacht a Rialáil 2015*



## Aguisín a hAon:

### Ról Maoirseachta an Choimisiúin faoin *Acht um Brústocaireacht a Rialáil 2015*

#### Forbhreathnú ginearálta

Foráiltear leis an Acht go ndéanann duine a thagann faoi raon feidhme an Achta cumarsáid iomchuí (go bhfuil sé/sí ag déanamh brústocaireachta) i gcás go ndéanann sé/sí cumarsáid le hoifigeach poiblí ainmnithe maidir le ní iomchuí. Ní mór d'aon duine atá ag gabháil do ghníomhaíocht brústocaireachta clárú agus tuairisceáin rialta ar líne maidir lena g(h)níomhaíochtaí brústocaireachta a chur isteach.

Leagtar amach in alt 5(1) agus (2) den Acht na catagóirí duine a thagann faoi raon feidhme an Achta, is iad sin:

- > duine ag a bhfuil níos mó ná 10 fostaí lánaimseartha;
- > comhlacht ionadaitheach ag a bhfuil fostaí lánaimseartha amháin nó níos mó, agus is ann go príomhúil don chomhlacht sin ionadaíocht a dhéanamh ar son leasanna a chomhaltaí (ar adtugtar “comhlacht ionadaitheach”) i gcás go ndéantar na cumarsáidí iomchuí thar ceann aon duine de na comhaltaí;
- > duine ag a bhfuil fostaí lánaimseartha amháin nó níos mó agus is comhlacht é a fhiosraíonn saincheistanna áirithe (ar a dtugtar “comhlacht tathanta”) i gcás go mbaineann na cumarsáidí iomchuí le haon cheann de na saincheistanna sin;
- > aon duine (duine aonair nó eagraíocht) atá ag déanamh “cumarsáid iomchuí” faoi thalamh a fhorbairt nó a chriosú i gcás nach ionann an talamh sin agus a p(h)ríomháit chónaithe; agus
- > “brústocaire gairmiúil” a fhaigheann íocaíocht as gníomhaíochtaí brústocaireachta a sheoladh thar ceann duine a thagann faoi cheann amháin de na catagóirí daoine thuas.

Áirítear le hOifigigh Phoiblí Ainmnithe Airí den Rialtas agus Airí Stáit, Comhaltaí de Dháil Éireann agus de Sheanad Éireann, Comhaltaí de Pharlaimint na hEorpa do thoghlaigh in Éirinn, agus Comhaltaí d'Údaráis Áitiúla. Áirítear le hOifigigh Phoiblí Ainmnithe freisin comhairleoirí speisialta agus na státseirbhísigh agus na seirbhísigh poiblí is sinsearaí arna n-ainmniú mar Oifigigh Phoiblí Ainmnithe le hOrdú ón Aire.

Is é is ní iomchuí ann aon ní a bhaineann le haon bheartas poiblí nó le haon Chlár poiblí a thionscnamh, a fhorbairt nó a mhodhnú, le hachtachán a ullmhú, nó le dámhachtain aon deontais, iasachta nó tacaíochta airgeadais eile, aon chonartha nó comhaontaithe eile, nó aon cheadúnais nó údaraithe eile lena ngabhann cistí poiblí. Is cumarsáidí iomchuí iad nithe a bhaineann le talamh agus a chriosú freisin.

Foráiltear le halt 5(5) den Acht do roinnt díolúintí maidir le cumarsáidí a meastar gur cumarsáidí iomchuí iad.

## An Clár Brústocaireachta

Is córas Gréasánbhunaithe atá sa Chlár é féin. Mar aon leis an gClár ar líne a óstáil, cuimsítear ar an suíomh gréasáin [www.lobbying.ie](http://www.lobbying.ie) uirlisí faisnéise agus treorach lena mínítear na próisis le haghaidh clárú agus tuairisceáin a chur isteach.

Ní ghearrtar aon chostas i leith clárú, tuairisceáin a chur isteach ná teacht ar an bhfaisnéis atá ar fáil sa Chlár. Cé go bhfuil sé de fhreagracht ar an gCoimisiún maoirseacht a dhéanamh ar bhunú agus ar chothabháil an Chláir, bíonn ábhar an Chláir faoi réir na faisnéise a thugtar sna hiarratais ar chlárú agus sna tuairisceáin a chuireann cláraithe isteach.

Ní mór d'aon duine atá ag gabháil do ghníomhaíocht brústocaireachta clárú agus tuairisceáin a chur isteach trí huair in aghaidh na bliana, ina gcuimsítear na "tréimhsí iomchuí" forordaithe (an 1 Eanáir – an 30 Aibreán, an 1 Bealtaine – an 31 Lúnasa, agus an 1 Meán Fómhair – an 31 Nollaig). Ní mór na tuairisceáin a chur isteach faoi na "dátaí iomchuí" forordaithe faoi seach (an 21 Bealtaine, an 21 Meán Fómhair agus an 21 Eanáir faoi seach).

Ní mór na nithe seo a leanas a léiriú sa tuairisceán: cé hé/hí a ndearnadh brústocaireacht air/ uirthi; ábhar na gníomhaíochta brústocaireachta agus na torthaí a bheartaigh an duine a bhaint amach léi. Ní mór cineál agus méid na gníomhaíochta brústocaireachta a léiriú sa tuairisceán freisin. Má seoladh an ghníomhaíocht brústocaireachta thar ceann cliant, ní mór sonraí faoin gcliant a chur ar fáil sa tuairisceán.

## Forálacha Eile

### Iarratais ar fhoilsiú a mhoilliú faoi alt 14 den Acht

Faoi alt 14 den Acht, féadfaidh duine iarratas a dhéanamh ar mhoill a chur ar fhoilsiú na faisnéise atá ina (h)iarratas ar chlárú nó ina t(h)uairisceán maidir le gníomhaíochtaí brústocaireachta i gcás, maidir le haon fhaisnéis a chur ar fáil, go bhféadfaí le réasún a bheith ag súil leis:

- > go mbeadh drochéifeacht thromaí ag an gcur ar fáil sin ar leasanna airgeadais an Stáit, ar an ngeilleagar náisiúnta, nó ar leasanna gnó i gcoitinne nó ar leasanna gnó daoine d'aon tuairisc (iarratas arna dhéanamh faoi alt 14(1)(a) den Acht), nó
- > go mbeadh an cur ar fáil sin ina chúis le cailteanas airgeadais ábhartha don duine lena mbaineann an fhaisnéis nó go ndéanfaí dochar mór leis an gcur ar fáil sin do staid iomaíochta an duine sin i seoladh shlí bheatha, ghairm nó ghnó an duine nó do thoradh aon chaibidlí conarthacha nó eile atá á seoladh ag an duine sin (iarratas arna dhéanamh faoi alt 14(1)(b) den Acht).

Má dhéantar iarratas faoi alt 14(1)(a), ceanglaítear ar an gCoimisiún dul i gcomhairle le haon Aire/Airí iomchuí den Rialtas ina leith. Ní cheanglaítear ar an gCoimisiún dul i gcomhairle le hAire/Airí más faoi alt 14(1)(b) a dhéantar an t-iarratas. (D'fhéadfadh an Coimisiún dul i gcomhairle le hAire maidir le hiarratas a bhaineann le halt 14(1)(b), má mheasann go bhfuil sé sin iomchuí).

Foráiltear le halt 14(9) den Acht gurb amhlaidh, nuair a fhoilseoidh an Coimisiún na tuairisceáin dá éis sin, nach mór dó míniú a fhoilsiú ar an gcúis ar moillíodh foilsiú na faisnéise.

Foráiltear le halt 14(11) den Acht go bhféadfaidh an Coimisiún cinneadh a dhéanamh foilsiú a mhoilliú níos mó ná uair amháin i ndáil le faisnéis atá i dtuairisceán maidir le gníomhaíochtaí brústocaireachta.

## **An tréimhse “mharana” dá bhforáiltear faoi alt 22 den Acht**

Foráiltear le halt 22 den Acht go mbeidh Airí den Rialtas, Airí Stáit, comhairleoirí speisialta agus seirbhísigh poiblí shinsearacha arna bhforordú chun críocha alt 6(1) den Acht faoi réir tréimhse mharana aon bhliana. Is tréimhse é sin ar lena linn nach bhféadfaidh siad gabháil do ghníomhaíochtaí brústocaireachta in imthosca sonracha agus nach bhféadfaidh siad bheith fostaithe ag duine, ná nach soláthróidh siad seirbhísí do dhuine, a sheolann gníomhaíochtaí brústocaireachta. Is ionann an tréimhse mharana agus an tréimhse aon bhliana amháin dar tosach an lá a scoir an duine dá bheith ina (h)Oifigeach Poiblí Ainmnithe.

Is iad na himthosca lena mbaineann alt 22 den Acht aon imthosca, a bhaineann le cumarsáidí a dhéanamh arb ionann iad agus gníomhaíochtaí brústocaireachta a sheoladh:

- > go bhfuil baint acu le haon chomhlacht seirbhíse poiblí lena raibh an duine fostaithe nó lena raibh oifig nó post eile ina s(h)eilbh sa bhliain sular fhág sé/sí an comhlacht, nó
- > gur chuig duine a bhí ina (h)Oifigeach Poiblí Ainmnithe freisin agus a bhí fostaithe nó a raibh oifig nó post eile ina s(h)eilbh leis an gcomhlacht seirbhíse poiblí sin sa bhliain sular fhág sé/sí an comhlacht.

Féadfaidh duine atá faoi réir na tréimhse mharana aon bhliana iarratas a dhéanamh chuig an gCoimisiún go ndéanfaí an tréimhse mharana a tharscaoileadh.

Féadfaidh an Coimisiún a chinneadh toiliú gan choinníoll a thabhairt le laghdú na tréimhse marana nó le tarscaoileadh na tréimhse marana nó féadfaidh sé coinníollacha a chur ag gabháil leis an toiliú. Féadfaidh an Coimisiún a chinneadh diúltú toiliú a thabhairt i leith iomlán na tréimhse marana ná i leith aon choda di.

## Achomhairc

Faoi alt 23 den Acht, is amhlaidh, maidir le haon duine arb éagóir leis/léi breith ón gCoimisiún faoi ailt 10(5) (a bhaineann le faisnéis mhíchruinn a thuairisciú ar an gclár), alt 14 (foilsiú moillithe), nó alt 22 (tréimhse mharana) go bhféadfaidh sé/sí achomharc a dhéanamh i gcoinne na breithe ón gCoimisiún. Chuir an Roinn Caiteachais Phoiblí agus Athchóirithe painéil oifigeach achomhairc neamhspleách ar bun chun achomhairc den sórt sin a éisteacht. Faoi alt 23, tarchuirfear an t-achomharc chuig oifigeach achomhairc neamhspleách, ar duine é/í a fhéadfaidh seasamh le breith ón gCoimisiún nó an bhreith a aisiompú agus breith eile a chur ina háit.

Foráiltear le halt 24 den Acht go bhféadfar achomharc in aghaidh na breithe ón oifigeach achomhairc a dhéanamh chuig an Ard-Chúirt.

## Forálacha imscrúdaithe agus forfheidhmithe

Cuimsítear san Acht roinnt forálacha imscrúdaithe agus forfheidhmithe a tháinig i bhfeidhm an 1 Eanáir 2017.

Ar deireadh, foráiltear le halt 2 den Acht d'athbhreithniú reachtach a dhéanamh ar an Acht. Tar éis an athbhreithnithe, féadfaidh an tAire breithniú a dhéanamh ar leasuithe féideartha ar an Acht. Ní mór don Aire tuairisc a thabhairt do Thithe an Oireachtais ar thoradh an athbhreithnithe agus ar aon mholtaí maidir le leasuithe ar an Acht.

## Ionstraimí reachtúla

Tugadh seacht n-ionstraim reachtúla isteach faoin Acht, ba iad sin:

- > Na Rialacháin fán Acht um Brústocaireacht a Rialáil, 2015, (Oifigigh Phoiblí Ainmnithe) (I.R. Uimh. 144 de 2019);
- > An tOrdú fán Acht um Brústocaireacht a Rialáil, 2015 (Tosach Feidhme) (I.R. Uimh. 152 de 2015);
- > Na Rialacháin fán Acht um Brústocaireacht a Rialáil, 2015 (Achomhairc), 2015 (I.R. Uimh. 366 de 2015);
- > Na Rialacháin fán Acht um Brústocaireacht a Rialáil, 2015 (Oifigigh Phoiblí Ainmnithe) (I.R. Uimh. 367 de 2015);
- > An tOrdú fán Acht um Brústocaireacht a Rialáil, 2015 (Tosach Feidhme), 2016 (I.R. Uimh. 360 de 2016);
- > Na Rialacháin fán Acht um Brústocaireacht a Rialáil, 2015 (Fógra Íocaíochta Seasta), 2016 (I.R. Uimh. 361 de 2016); agus
- > Na Rialacháin fán Acht um Brústocaireacht a Rialáil, 2015 (Oifigigh Phoiblí Ainmnithe), 2016 (I.R. Uimh. 362 de 2016).

# **Aguisín a Dó:**

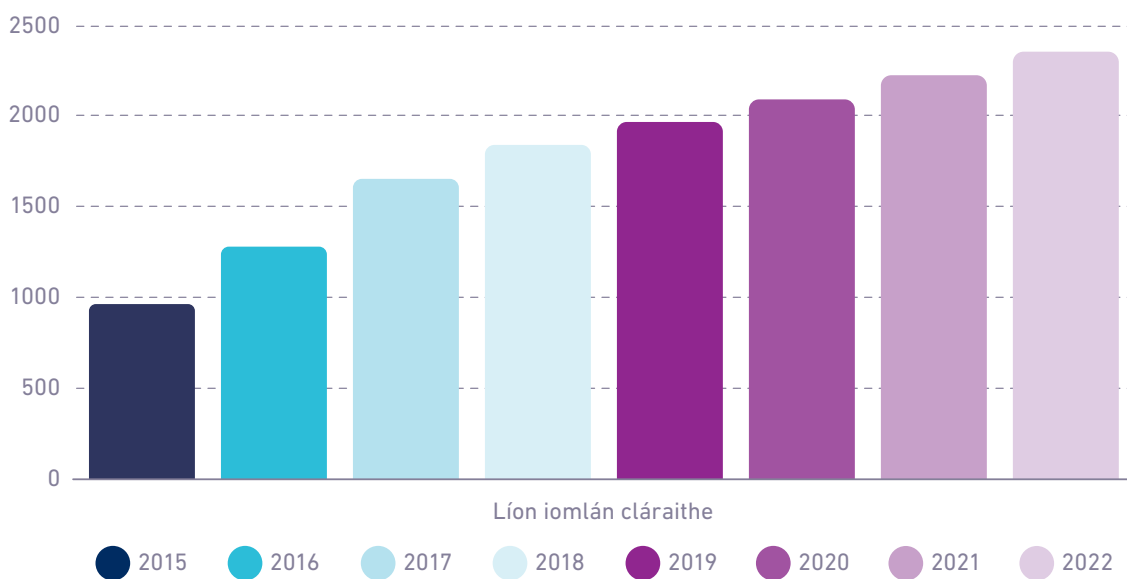
Staitisticí



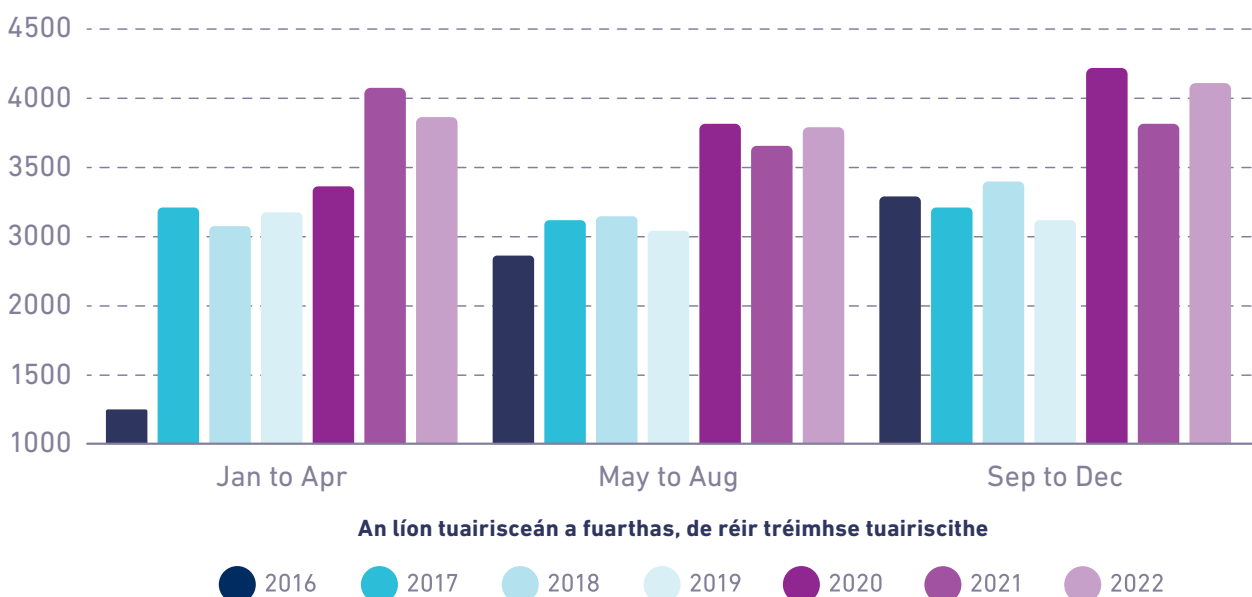


## Aguisín a Dó: Staitisticí

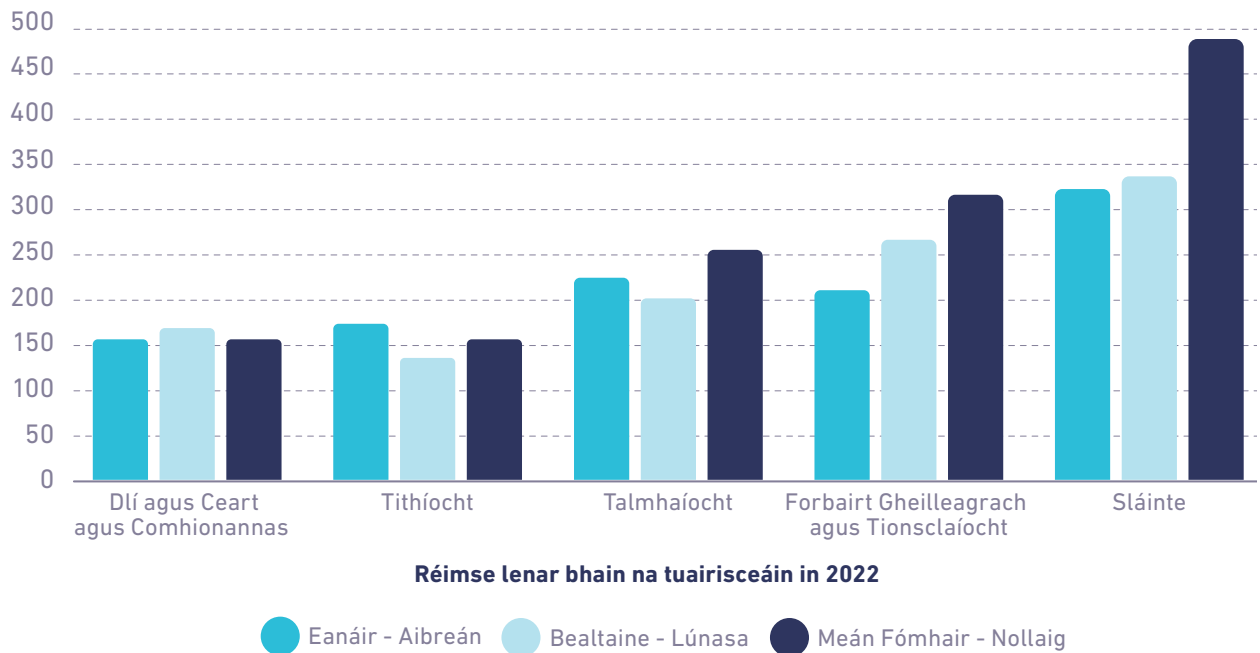
**Figiúr 1 – An líon iomlán cláraithe ag deireadh bliana**



**Figiúr 2 – An líon tuairisceán a fuarthas, de réir tréimhse tuairiscithe**



### Figiúr 3 – Na cúig réimse beartais phoiblí is mó a ndearnadh brústocaireacht ina leith in 2022



### Figiúr 4 – Iarratais leis an tréimhse mharana d'iarfhostaithe ón tseirbhís phoiblí a tharscaoileadh, 2015 to 2022

Iarratais a fuarthas								
	2015	2016	2017	2018	2019	2020	2021	2022
Airí	0	0	0	0	0	0	0	0
Airí Stáit	0	0	0	0	0	0	0	0
Comhairleoirí Speisialta Aire	0	1	3	2	2	8	5	0
Seirbhísí stáit forordaithe	0	1	2	0	0	0	0	0
<b>IOMLÁN</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>5</b>	<b>0</b>

## Figiúr 5 – Láthair réigiúnach na gcláraithe ag deireadh 2022

Iomlán Oileán na hÉireann 2,308  
 An Bhreatain Mhór: 81  
 An Bheilg: 17  
 SAM: 12  
 An Eilvéis: 2  
 Lucsamburg: 1  
 An Fhrainc: 2  
 An Ghearmáin: 2  
 Iosrael: 1  
 An Iodáil: 1  
 An Ísiltír: 1  
 An Astráil: 1  
 Ceanada: 1  
**Iomlán: 2,430**

