

TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING AND TRADE UNION ADMINISTRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Registration of Consultant Lobbyists

Sections 9 and 10: Notice to supply information and limitations on duty to supply information and use of information supplied

44. The Registrar has the power to issue an information notice in order to obtain from a consultant lobbyist, or someone he or she reasonably believes is a consultant lobbyist, information relating to compliance with the requirements imposed by this Part.
45. The information notice must specify what information must be supplied and by what date, and must contain details of the appeals procedure. The Registrar may cancel an information notice. Regulations may make provision prohibiting certain descriptions of information from being requested under an information notice, such as information engaging legal professional privilege.
46. **Section 10** sets limitations on the information which may be demanded under an information notice, and limits the use which may be made of that information. These limits give effect to the existing privilege against self-incrimination. However, *subsection (2)* of section 10 provides in effect that the privilege against self-incrimination does not apply in relation to offences under this Part and various false statement offences that could be used in relation to false responses to information notices. This is justified and proportionate because the purpose of the power to issue an information notice is to investigate possible offences under this Part and so applying the principle against self incrimination to those offences would render the information notice power pointless.