

Regulation of Lobbying Act 2015

Presentation to Association of Irish Local Government

Standards in Public Office Commission

November 2015

Introduction

- Lobbying is a legitimate and essential part of the democratic process
- Register will enhance public confidence by providing easy access to information on lobbying activities
- Regulation of lobbying should not impede individual day to day interaction with public representatives
- Designated public officials will play critical role in success of regime

Lobbying regulation: Ireland's approach

- Registration of lobbyists (wide ranging scope)
- Regular submission of returns (3 x/year)
- Web-based public registry
- Independent lobbying registrar
- Approach based on promoting compliance
- Investigation and enforcement provisions
- Regular reports to parliament
- Legislative review
- Post-employment restrictions for **some** public officials

What is lobbying?

- Layperson's view?
- View in Act:
 - Communication by:
 1. Persons within the scope of the Act
 2. On relevant matters
 3. With Designated Public Officials

Who is within the scope of the Act?

- Persons with more than 10 employees
- Representative bodies and advocacy bodies with at least 1 employee
- Third party lobbyists paid by a client (who fits one of the above criteria) to lobby on the client's behalf
- Anyone lobbying about the development or zoning of land

Only if the communications are with Designated Public Officials and relate to “relevant matters”

Who are the Designated Public Officials?

- Ministers, Ministers of State
- Members of Dáil Éireann, Seanad Éireann
- Members of the European Parliament for Irish constituencies
- **Members of Local Authorities**
- Special Advisors
- Senior Civil and Public Servants
 - Civil service: Secretaries General, Assistant Secretaries, Director grades and equivalent
 - **Local authorities: CEs , Directors of Services , Heads of Finance**
 - To be extended to PO grade within 12 months

What are relevant matters?

- 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...

Apart from matters relating only to the **implementation** of any such policy, programme, enactment or award **or of a technical nature**

Exemptions (s.5(5))

Several types of communications are exempt from requirement to register:

- Private affairs
- Principal private residence
- Diplomatic context
- Between public officials
- Strictly factual information
- Trade union negotiations
- Threat to life or safety
- Security of the State
- Shareholder of State body
- Within proceedings of Oireachtas Committee
- Information requested and published by public body
- Groups established by Public Body where Transparency Code applies

Transparency Code

- S.5(7) provides that Minister for Public Expenditure and Reform shall prepare "Transparency Code"
- Communications within certain relevant bodies (such as ministerial advisory groups) exempt from requirement to register/report on lobbying activities if they conduct activities in accordance with Code
- Code requires publication of membership, terms of reference and minutes

What is registered?

- Register after first communication with a designated official
 - Organisation Name
 - Business address
 - Person with primary responsibility for lobbying
 - Main business activities
 - Contact details
 - Company Registration Office Number and address
 - Confirmation that details supplied are correct.

What is returned?

- 3 Returns periods per year
 - 1 Sept–31 Dec; 1 Jan–30 Apr; 1 May–31 Aug
- Information required
 - Who was lobbied
 - Subject matter of lobbying activity
 - Intended results
 - Type and extent of activity
 - Name of any person in your organisation who is or was a designated official and carried out lobbying activity
 - Client information if relevant
 - Confirmation that details supplied are correct.

Delayed publication

- Standards Commission can delay publication of information on specific grounds:
 - Commercially sensitive
 - Financial interests of the State
 - Government's ability to manage the economy having regard to the public interest.
- Can request delayed publication of up to 6 months (can reapply for further period if needed)

Review of legislation

- Review one year after commencement
- Subsequent Reviews every 3 years (subject to Dáil approval)
 - Commission
 - Oireachtas Reports
 - Interested Parties
- Investigations and enforcement provisions in effect after one year

Standards in Public Office Commission

- 6 Member independent body
- Oversees ethics and electoral acts
- Supported by a Secretariat (including Lobbying Regulation Unit)
- Experienced regulator in ethics field
- Approach based on promoting compliance
- Enforcement tools used when necessary

Commission role in regulating lobbying (1)

- Registrar of Lobbying (s.9)
- Develop and oversee web-based public register (s.10)
- Matters for decision (may be appealed):
 - Information on register (ss.10(5))
 - Delayed publication (s.14)
 - Post-employment (s.22)
- Code of Conduct (s.16)

Commission role in regulating lobbying (2)

- Provide guidance, promote understanding (s.17)
- Power to investigate (s.19)
- Fixed Payment Notices (low level fines) for minor breaches (s.21)
- Offences provisions for significant breaches (s.20)
- Annual reports to Oireachtas

Key milestones

1. Regulatory unit established
2. Advisory Group in place
3. Website and online registration system developed
4. Communications and outreach campaign
5. Guidance and information material published
6. Commencement of legislation – 1 September 2015
7. First returns due – 21 January 2016

Guidelines for Local Authorities

- Guidelines on website www.lobbying.ie (for DPOs and tailored for Local Authorities)
 - Click “Help and Resources” / “Information for Public Bodies”
- Overview of topics covered:
 - Definitions (lobbying, relevant matter, exemptions)
 - How registry will identify DPOs and lobbyists etc.
 - Best practices for DPOs (record-keeping, self-identification)
 - Excepted communications
 - Post employment cooling-off period
 - Identification of former DPOs in lobbying return

Guidelines on Zoning and Development

- Guidelines on website www.lobbying.ie
 - Click “Help and Resources” / “Information for Lobbyists”
- Overview of topics covered:
 - What is meant by zoning and development
 - How zoning and development rules might apply to individuals
 - Deciding if an activity is lobbying (what’s in, what’s out)
 - How to comply with the legislation

What does it all mean for you?

- Meeting with lobbyists legitimate and valid part of your role – should continue to facilitate and encourage communications.
- Not all communication is lobbying.
- Not all lobbying happens in a meeting room.
- Obligation to register rests with person lobbying, not you.
- Communications between you (in capacity as public servant) and other designated public officials or public servants are exempt.
- Certain Task Forces and working groups are exempt.
- Officials' names will appear on the register as a result of lobbying communication.
- There is a right to seek correction of any inaccurate information.

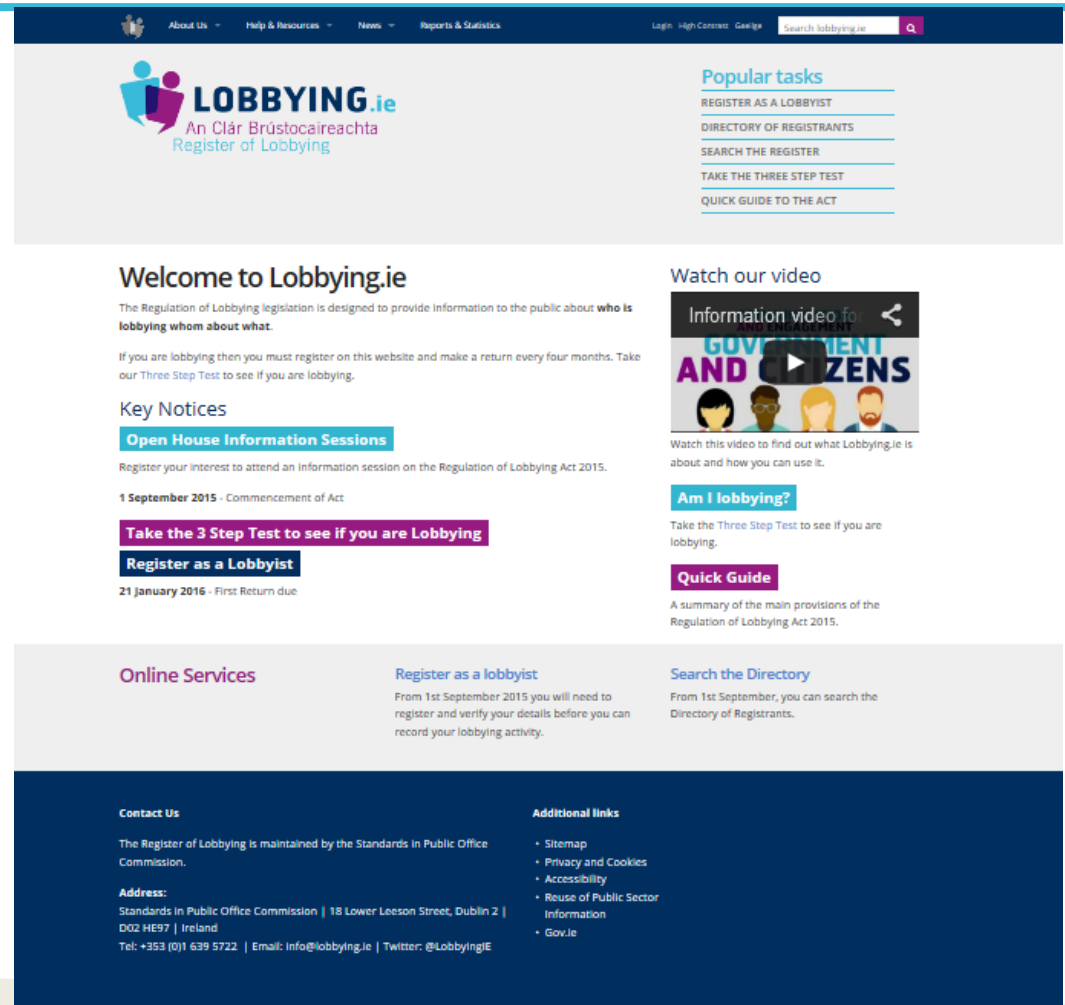
Best Practices for Local Authorities

- Be aware of the rules when meeting with lobbyists
 - Get familiar with the Act and guidelines
- Determine if working groups should operate under Transparency Code
- Self-identify as a Designated Public Official
 - Meetings, Emails, Business cards, other?
- Maintain good record keeping habits
- Check the register from time to time
- Guide people lobbying you to www.lobbying.ie for more information on their obligations
- Continue to engage with lobbyists

Thank You

Website:

www.LOBBYING.ie



The screenshot shows the LOBBYING.ie website interface. At the top is a dark blue navigation bar with links for 'About Us', 'Help & Resources', 'News', and 'Reports & Statistics'. On the right of the bar are links for 'Login', 'High Contrast', and 'Geolite', along with a search bar containing 'Search lobbying.ie'. Below the navigation bar is a light grey header section featuring the LOBBYING.ie logo and a list of 'Popular tasks' including 'REGISTER AS A LOBBYIST', 'DIRECTORY OF REGISTRANTS', 'SEARCH THE REGISTER', 'TAKE THE THREE STEP TEST', and 'QUICK GUIDE TO THE ACT'. The main content area is divided into several sections: a 'Welcome to Lobbying.ie' section explaining the purpose of the site and the registration process; a 'Key Notices' section with links for 'Open House Information Sessions', 'Take the 3 Step Test to see if you are Lobbying', and 'Register as a Lobbyist'; a 'Watch our video' section with a video player titled 'Information video for GOVERNMENT AND CITIZENS'; and a 'Quick Guide' section. At the bottom, there are three columns: 'Online Services' with a link to 'Register as a lobbyist', 'Search the Directory', and a 'Contact Us' section providing the address of the Standards in Public Office Commission and contact details. A final 'Additional links' section includes links to the Sitemap, Privacy and Cookies, Accessibility, Reuse of Public Sector Information, and Gov.ie.

Welcome to Lobbying.ie
The Regulation of Lobbying legislation is designed to provide information to the public about **who is lobbying whom about what**.
If you are lobbying then you must register on this website and make a return every four months. Take our **Three Step Test** to see if you are lobbying.

Key Notices
Open House Information Sessions
Register your interest to attend an Information session on the Regulation of Lobbying Act 2015.
1 September 2015 - Commencement of Act
Take the 3 Step Test to see if you are Lobbying
Register as a Lobbyist
21 January 2016 - First Return due

Watch our video
Information video for **GOVERNMENT AND CITIZENS**
Watch this video to find out what Lobbying.ie is about and how you can use it.
Am I lobbying?
Take the **Three Step Test** to see if you are lobbying.
Quick Guide
A summary of the main provisions of the Regulation of Lobbying Act 2015.

Online Services
Register as a lobbyist
From 1st September 2015 you will need to register and verify your details before you can record your lobbying activity.
Search the Directory
From 1st September, you can search the Directory of Registrants.

Contact Us
The Register of Lobbying is maintained by the Standards in Public Office Commission.
Address:
Standards in Public Office Commission | 18 Lower Leeson Street, Dublin 2 | D02 HE97 | Ireland
Tel: +353 (0)1 639 5722 | Email: info@lobbying.ie | Twitter: [@LobbyingIE](https://twitter.com/LobbyingIE)

Additional links
• Sitemap
• Privacy and Cookies
• Accessibility
• Reuse of Public Sector Information
• Gov.ie