

Draft Code of Conduct

Ervia Group submission response

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What do you consider should be included in a Code of Conduct for persons carrying on lobbying activities?

Ervia (including Gas Networks Ireland and Irish Water) welcomes the opportunity to submit observations in response to the Public Consultation on the development of a Code of Conduct for Lobbying for persons carrying on lobbying activities (“the Code of Conduct”) published by the Standards in Public Office Commission.

Ervia, is an open and progressive organisation which strives to be accountable and transparent to the public.

Lobbying is a legitimate part of the democratic process. It allows individuals and organisations to communicate their views on matters of public interest to the government, and so improve outcomes for the individual and the community as a whole. Lobbying can sharpen debate and improve decision making by giving public office holders a wider range of evidence, perspectives and advice to inform their decisions and promote the public interest.

The public has a clear expectation that lobbying activities will be carried out ethically and transparently, and that government representatives who are approached by lobbyists are able to establish whose interests the lobbyists represent so that informed judgments can be made about the outcome they are seeking to achieve.

The purpose of the Code of Conduct should be to provide standards of good conduct for lobbyists. The standards should be designed to ensure that any “relevant communications” between lobbyists and Designated Public Officials is carried out in accordance with public expectations of transparency and integrity.

The Code of Conduct should provide for the following:

1. Include a requirement to carry on lobbying activities with honesty and integrity, and to provide factually correct, current and accurate information.
2. Include a requirement to comply with all applicable laws, regulations and rules i.e. data protection law, or anti-bribery and anti-corruption legislation.
3. Include a requirement to avoid conflicts of interest or to disclose any such conflict.
4. The requirement to maintain appropriate confidentiality of client or employer information.
5. The requirement for an individual to familiarise themselves with their organisation’s arrangements for recording and reporting lobbying activities.

Ultimately, the Code should emphasis the principles of transparency, honesty and integrity.

What do you consider should not be included in a Code of Conduct for persons carrying on lobbying activities?

The Code of Conduct should not have force in law. It should rather act as a guide for lobbyists on what is/is not acceptable behaviour. Language used in the Code of Conduct should reflect this, and be principles based as opposed to rules based.

If a decision has to be made as to whether certain acts or omissions of an individual lobbyist constitutes misconduct, this should only be taken following an investigation by SIPO who will ultimately make a determination on the matter in accordance with their powers under the Regulation of Lobbying Act.

The Code should be reviewed regularly to ensure it remains applicable and current.

Do you think the Code of Conduct should contain different provisions in relation to different descriptions of persons carrying on lobbying activities?

The inclusion of different provisions in relation to different descriptions of persons carrying on lobbying activities may contribute to the creation of differing standards.

Perhaps, there should also be a responsibility placed on Designated Public Officials (DPO) and their relationship with lobbyists. This should not be limited to the “cooling off period” to prevent former public officials from misusing the confidential information they obtained from their position.

Consideration should be given to place some onus on the DPO themselves to disclose the instances where they have, in fact initiated the discussion which may be construed as a lobbying activity for example, where a TD or Councillor endeavours to influence the extension of the gas network or the prioritisation of upgrade of a wastewater treatment plan within their constituency etc.

Any other comments, views or suggestions?

As noted above, Ervia welcomes the opportunity to submit observations in response to the Public Consultation on the development of a Code of Conduct for Lobbying for persons carrying on lobbying activities .

Ervia, is an open and progressive organisation which strives to be accountable and transparent to the public.

Lobbying activities ensure an open two-way communication between national and local government and bodies whose activities and interests are governed, regulated, impacted or otherwise influenced by such institutions.

Introducing a Code of Conduct for persons carrying on lobbying activities will contribute to emphasising that appropriate standards of behaviour are required and that at all times transparency, honesty and integrity must be maintained.