



# Regulation of Lobbying Act 2015: *What you need to know*

17 November 2021



Coimisiún um Chaighdeán in Oifigí Poiblí  
Standards in Public Office Commission

# Presentation topics

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- Overview of *Regulation of Lobbying Act 2015*
  - The Three-Step Test
  - Registration and return requirements
  - Contraventions and enforcement
- How to prepare for compliance
- Avoiding common pitfalls
- Code of Conduct
- Questions



## Regulation of Lobbying: Overview of Act

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- Independent lobbying registrar – Standards Commission
- Registration of lobbyists (wide ranging scope)
- Regular submission of returns (3 x/year)
- Web-based public registry (lobbyist, lobbied, subject, intended result)
- Post-employment restrictions for **some** public officials
- Investigation and enforcement provisions (compliance focus)
- Legislative review mechanism

## What is lobbying? The Three-Step Test

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- Communication must meet the “three step test” to be considered lobbying - communication by:
  1. Persons within the scope of the Act
  2. With Designated Public Officials
  3. On relevant matters
- Act makes no distinction regarding method, venue or formality of communication
  - Mail, telephone, in-person, electronic, social media
  - Office, social setting, casual encounter, other

## Step 1: Are you within scope of the Act?

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- Persons with **more than 10 employees**
- **Representative or advocacy bodies** with at least 1 employee
- **Third parties** paid to lobby on a client's behalf
- Anyone lobbying **about development or zoning** of land



But even if you meet these criteria you need to register only if the communications are with Designated Public Officials (DPOs) and relate to “relevant matters”

## Step 2: Are you communicating with a DPO?

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- Ministers, Ministers of State
- Members of Dáil Éireann, Seanad Éireann
- Irish Members of the European Parliament
- Members of Local Authorities
- Special Advisors
- Senior Civil and Public Servants
  - Civil service: Secretaries General, Assistant Secretaries, Director grades and equivalent
  - Local authorities: Chief Executives , Directors of Service, Heads of Finance, Head of HR (Dublin City Council)
  - The Minister may expand group in future (public bodies or levels)



## Step 3: Is it about a relevant matter?

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- The initiation, development or modification of any public policy or of any public programme
- The preparation of an enactment
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds.

**Not a relevant matter:** Matters relating only to the **implementation** of any such policy, programme, enactment or award or **matters of a technical nature**

## Exemptions (section 5(5))

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Several types of communications are exempt from the 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 (Consultations)
- Groups established by Public Body where Transparency Code applies (Task forces. Working groups)



## Registration requirements

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- Register after first communication with DPO
- Create an account on Lobbying.ie
- Include in registration:
  - Organisation Name - option to include “trading as” name if different from legal name.
  - Business address and contact details
  - Main business activities
  - Identify person with primary responsibility for lobbying
  - Company Registration Office Number or Charitable Registration Number

# Return requirements

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- 3 Returns periods per year with mandatory deadlines
  - 1 September–31 December: returns due 21 January
  - 1 January–30 April: returns due 21 May
  - 1 May–31 August: returns due 21 September
- Nil returns are also required
- One return per subject - include following information:
  - Who was lobbied
  - Subject matter/intended results
  - Type and extent of activity
  - Current/former DPOs lobbying for you
  - Client information (if relevant; lobbyist)

# Contraventions and Enforcement

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- **Contraventions of Act:**
  - Lobbying without registering
  - Failure to submit return by deadline (including nil return)
  - Providing inaccurate/misleading information
  - Failing to comply with an investigation
  - Obstructing an investigation
- **Consequences of non-compliance**
  - Fixed payment notices for late returns: €200
  - Investigation and prosecution of contraventions
  - If convicted: higher fines and/or imprisonment



## Preparations for Compliance

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- Review your organisation's arrangements for recording relevant communications
- Identify individual(s) responsible for registration and compilation of returns.
  - Data can be entered on the register on an ongoing basis by more than one employee and saved in draft form (on a private area of the register) prior to its formal submission.
- Nominate compliance officer
  - Single person responsible for reviewing all final returns for completeness, accuracy and consistency
  - Person can submit final return at the end of each reporting period
  - Make sure that person has a backup!

## Avoiding common pitfalls

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- 1) Should you register? Do the **three-step test**
- 2) **Register** once you commence lobbying
- 3) Track your lobbying activity with an eye to returns
  - **One return per subject**, not for every communication
- 4) Meet the deadlines
  - 21 January, 21 May, 21 September: **mandatory deadlines**
  - **Nil returns** are also expected
  - Have organisational backups
- 5) Make returns **meaningful**
- 6) Indicate if you have **ceased lobbying**

# Code of Conduct

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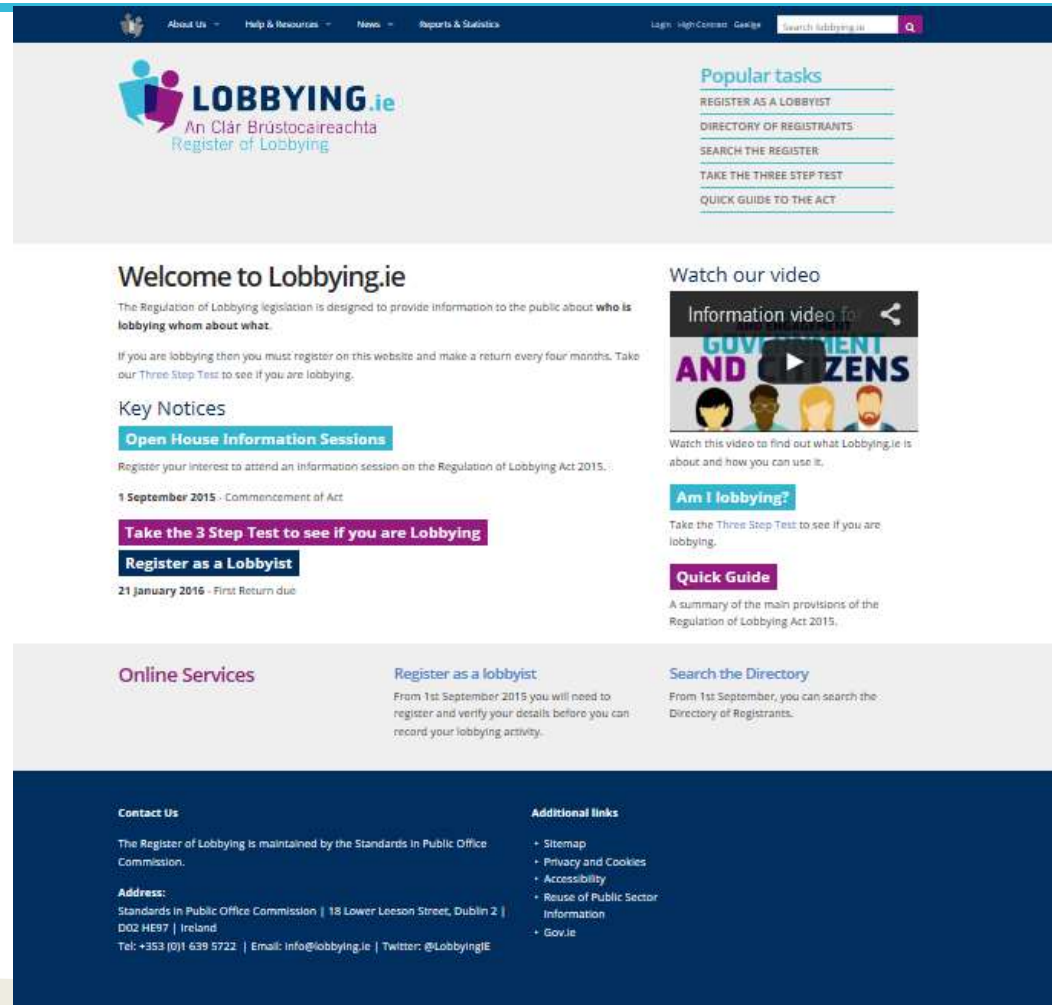
- *Came into effect 1 January 2019*
- *Purpose to govern behaviour – ensure lobbying ethical*
- *Sets out 8 key principles*
- *Persons lobbying should have regard to Code*

## **Eight Principles of Code:**

- 1) Demonstrate respect for public bodies
- 2) Act with honesty & integrity
- 3) Ensure accuracy of Information
- 4) Disclose identity and purpose
- 5) Preserve confidentiality
- 6) Avoid improper influence
- 7) Observe provisions of Act
- 8) Observe provisions of code

# Thank you/Questions?

Visit our website:  
[www.LOBBYING.ie](http://www.LOBBYING.ie)



The screenshot shows the LOBBYING.ie website homepage. At the top, there is a navigation menu with links for 'About Us', 'Help & Resources', 'News', and 'Reports & Statistics'. A search bar is located on the right side of the header. Below the navigation, the LOBBYING.ie logo is displayed on the left, and a 'Popular tasks' section is on the right, listing: '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 features a 'Welcome to Lobbying.ie' section with the following text:
 

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.

Below this is a 'Key Notices' section with three items:
 

- 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**

To the right of the notices is a 'Watch our video' section featuring a video thumbnail titled 'Information video for GOVERNMENT AND CITIZENS'. Below the video, it says: 'Watch this video to find out what Lobbying.ie is about and how you can use it.' Below the video are two more links: 'Am I lobbying?' (Take the Three Step Test to see if you are lobbying.) and 'Quick Guide' (A summary of the main provisions of the Regulation of Lobbying Act 2015).

The bottom section of the page is divided into three columns:
 

- Online Services**: Includes 'Register as a lobbyist' (From 1st September 2015 you will need to register and verify your details before you can record your lobbying activity.) and '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
- Additional links**: Sitemap, Privacy and Cookies, Accessibility, Reuse of Public Sector Information, Gov.ie