



Internal Guide to the Regulation of Lobbying Act

Applicable to Committees (Secretaries and Chairs) and staff across all Society Directorates.



1. Context and overview

1.1. This internal guide sets out:

- An explanation of what is and what is not lobbying
- A number of points to note in advance of making contact with public officials
- The procedure to put in place, once communications have been made.
- A recommended recording sheet for internal use

1.2. Obligations under the Regulation of Lobbying Act 2015 commenced on the 1st September 2015. In the case of the Law Society, both employees and volunteer members of the Society are impacted upon by its provisions. This will include Committee Secretaries, their Chairs, in addition to management across all the Directorates.

1.3. The objective of the Act is to capture the existence of 'relevant communications' with certain designated public officials on certain matters. There are a number of classes of communications that do not require registration. The Society is obliged to register the existence of any relevant communications through the online portal, lobbying.ie, three times a year, and this will be done through one point of contact in the Society.

1.4. The Society's lobbying activities, where registrable, will be publicly available online and may be viewed by the public, media and other stakeholders.

1.5. It is important from a reputational point of view that the Society complies fully and openly with its obligations. It should be noted that having to register certain communications is a positive exposure for the Committees' and Society's work, as it denotes activism on issues of wider application or public interest.

1.6. Failure to notify and comply with the provisions of the Act may result in financial and criminal sanction for the Society and its officers. Staff should note that they have a contractual obligation to comply with Society policies.

1.7. Reporting, and registration periods are as follows

<i>Period:</i>	<i>Submit report for period, by</i>
1 st January - 30 th April 2017	21 st May 2017
1 st May - `31 st August 2017	21 st September 2017
1 st September – 31 st December 2017	21 st January 2018

2. Are you engaged in lobbying?

2.1. You are lobbying if you meet **all** of the following conditions (Section 5):

- a) You are making a *relevant communication*
- b) That communication is about a *relevant matter*
- c) That communication is not an *excepted communication*
- d) And the person being lobbied is a *Designated Public Official*

What is a relevant communication?

2.2. A relevant communication is a communication that (Section 5(4)):

- May be written or oral; **telephone conversations/meetings/correspondence**
- Is made personally (directly or indirectly)
- Complies with b) to d) above

What is a relevant matter?

2.3. A relevant matter is any matter relating to (Section 5(9)):

- The initiation, development or modification of any public policy or of any public programme (for example, proposals for changes in taxation, proposals to the Minister to change the regulation of solicitors, regulations relating to insurance and recoverable benefits).
- The preparation or amendment of any law including secondary legislation such as statutory instruments and bye-laws (for example, proposals to change the law on adoption, or proposals regarding the use of electronic signatures).
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds (for example, the criteria for the award of housing grants for people with disabilities, the purchase or sale of a property or other assets by the government.) **An application for funding, or for planning permission is not lobbying, however recommending a change to the application process or criteria may be.**

APART FROM the implementation of any such policy, programme, enactment or award or any matter of a technical nature.

2.4. Distinguishing between what is a 'relevant matter' and what is not, will be a learning process, both for the Standards in Public Office (who are implementing and operating the Act) and for the Society. In many cases, the communication will fall under 'excepted communications' (overleaf) and not require registration. For example where it relates to a public consultation or a request from a designated public official, it does not require registration.

2.5. Colleagues are urged to familiarize themselves with the remainder of this note. If unsure whether a communication should be registered, contact the Public Affairs Executive for additional guidance.

Remember: The requirement to register a communication may be an opportunity to show activism on a matter, so it is not a negative.

What is an ‘excepted communication’? - (Section 5(5))

- 2.6. The following are the relevant “excepted communications” that are likely to apply to the work of the Society, and therefore are not regarded as lobbying (they are not relevant communications):
- *Factual information:* Communications requesting factual information or providing factual information in response to a request for the information by a designated public official (for example, factual information provided to a government department by the Society in response to a request from the department).
 - *Published submissions and consultation processes:* Submissions received in response to a public consultation process, which are subsequently published by the public body.
 - *Oireachtas committees:* Communications which are made in proceedings of a committee of either House of the Oireachtas.
 - *Policy working groups:* Communications between members of a relevant body appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it.
 - *Private affairs:* Communications by or on behalf of an individual relating to his or her private affairs unless they relate to the development or zoning of any land (for example, communications in relation to your eligibility for, or entitlement to, a social welfare payment, a local authority house, a medical card are not relevant communications).

What is a Designated Public Official? – (Section 6)

- 2.7. A Designated Public Official (DPO) is defined in the Act and associated S.I, as including the following classes of public officials:
- Ministers of the Government and Ministers of State
 - Other members of Dáil Éireann and Seanad Éireann
 - Members of local authorities and members of the European Parliament
 - Special advisers
 - Secretaries-General and Assistant Secretaries-General of Government departments, Chief Executive Officers and Directors, and at Local Authority level; CEO’s and Directors of Services.
 - It is intended, at some point, to include officials down to ‘Principal Officer’ in the definition of DPO.
 - Where corresponding with Departments or State Agencies, you are reminded to check whether the Act applies or not. See [here](#), or *List of Departments and Agencies with Designated Public Officials*, on lobbying.ie
- 2.8. Public bodies will publish the names of their employees who are designated public officials and a brief description of their roles and responsibilities for the purposes of the lobbying legislation. It is expected that this information will be made available on the websites of the public bodies

3. When corresponding/communicating...

- 3.1. Prior to making contact with an official, confirm whether the official is a 'designated public official' for the purposes of the Act, and whether the Society will be obliged to register the existence of the communication. **Keep a copy and note of the correspondence/contact for registration purposes, as outlined in Section 4.**
- 3.2. Should a correspondence be registrable, it is recommended to proceed on the basis that it is likely to be sought by other parties pursuant to Freedom of Information legislation. Accordingly, particularly in written communications, **references to the public interest/consumer interest should be included**, in accordance with our relevant Strategic Objectives 2014 – 2018:
 1. **We will use our voice, our experience and our relationships to represent the solicitors' profession and to champion their contribution to the Irish economy, the vindication of citizens' rights and the rule of law.**
 2. **We will provide a strong voice in policy debate in order to inform decision-making on matters pertaining to the justice system and law reform.**
- 3.3. **It is important that registrable communications do not become bland and vague merely to avoid future queries or examination.** The actual communication represents the earliest and best opportunity to vindicate positions taken or reforms being advocated. Accordingly, it is important that justifications and sound basis be provided within the correspondence.
- 3.4. As a representative organisation, it is useful to recall the cornerstones of our work as set out within our Strategy Statement:



- 3.5. Apart from the name of the public official you are corresponding with, and perhaps the Director General/Deputy Director General/Committee Chair/Committee Secretary, **it is important that no other private citizen/Committee member/firm be named, unless written consent has been obtained.**

4. Procedure to comply internally with the Act

Step 1

Prior to communicating: check if obligation to register arises, where **all** of the following are satisfied:

- Will it be a relevant communication?
- Will it fall within the 'excepted communications', not requiring registration?
- Is the recipient/contact a Designated Public Official? See 2.7 above.
- **Have you obtained written consent from any individual noted within the correspondence (letter or email)?**

Not applicable? No action required	Applicable? Continue to Step 2
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**If in doubt, contact the Public Affairs Executive for assistance*

Step 2

Record the communication using the internal recording sheet provided.

- If the communication is written (letter or email), append a copy of the correspondence to the completed recording sheet; for telephone, meetings, emails.
- The recording sheet is available on the intranet.
- Send completed sheets and copies to lobbyingregister@lawsociety.ie

Step 3

A Society-wide report will be compiled in advance of the reporting dates.

- The Director General and Deputy Director General will review and approve final report.
- A bulk upload will be made in the name of the Society.

Step 4

If you receive a query from the media or elsewhere, on foot of a registration, direct all calls and queries to Teri Kelly, cc'ing Ken Murphy and Mary Keane, who will attend to the matter in accordance with standard procedures.

- It is recommended that you make a copy of the communication/record available to Teri, Ken and Mary, together with a background note for context.

5. Internal Recording Sheet (available on Intranet)

INCLUDE A COPY OF CORRESPONDENCE (EMAIL/LETTER) OR NOTE OF MEETING/PHONECALL.

Period Covered by the Return: (√ tick as appropriate)	
1 Jan. 2017 – 30 April 2017	<input type="checkbox"/>
1 May 2017 – 31 Aug. 2017	<input type="checkbox"/>
1 Sept. 2017 – 31 Dec. 2017	<input type="checkbox"/>

Communication related to the following relevant matter:	
Initiation, development or modification of public policy, proposal for reform etc.	<input type="checkbox"/>
Preparation or amendment of any law	<input type="checkbox"/>
Award of a grant, loan, financial support, contract, etc. involving public funds	<input type="checkbox"/>
Important: No requirement to register if it relates to the implementation of enactment, policy or programme. For example, communications relating to criteria, processes or assessments of policy, enactment or programme do not require registration.	

Intended Results: (a brief, top-level description of your objective - for example "To improve access to family courts for juveniles with mental health issues".)

Name of the person primarily responsible for carrying out this lobbying action. In most cases, this will be noted as the President, DG or other Directors, however in some cases it may be the Committee Chair. Important: Have you explained and obtained written consent from any individual noted within correspondence that they may identified by subsequent FOI request?

How did you lobby?		Extent of lobbying in this reporting period?			
Email	<input type="checkbox"/>	1 email	<input type="checkbox"/>	6 – 10 emails	<input type="checkbox"/>
		2 – 5 emails	<input type="checkbox"/>	More emails	<input type="checkbox"/>
Letter	<input type="checkbox"/>	1 letter	<input type="checkbox"/>	6 – 10 letters	<input type="checkbox"/>
		2 – 5 letters	<input type="checkbox"/>	More letters	<input type="checkbox"/>
Meeting	<input type="checkbox"/>	1 meeting	<input type="checkbox"/>	6 – 10 meetings	<input type="checkbox"/>
		2 – 5 meetings	<input type="checkbox"/>	More meetings	<input type="checkbox"/>
Phone Call (incl. conference call)	<input type="checkbox"/>	1 ph.call	<input type="checkbox"/>	6 – 10 ph.calls	<input type="checkbox"/>
		2 – 5 ph.calls	<input type="checkbox"/>	More ph.calls	<input type="checkbox"/>
Society Seminar/Reception (Event)	<input type="checkbox"/>	1 event	<input type="checkbox"/>	6 – 10 events	<input type="checkbox"/>
		2 – 5 events	<input type="checkbox"/>	More events	<input type="checkbox"/>
Other:	<input type="checkbox"/>	Please contact Public Affairs Executive for guidance			

Who were the designated public officials you communicated with?	
Name	Govt. Department/Body

For further information please contact:

Cormac O Culain
Public Affairs Executive
Law Society of Ireland
Blackhall Place
Dublin 7
DX 79

Tel: 353 1 6724800
Email: c.oculain@lawsociety.ie