

Draft Code of Conduct for persons carrying on lobbying activities

Introduction

Under section 16 of the Regulation of Lobbying Act 2015 (the Act) the Standards in Public Office Commission (the Standards Commission) may produce a Code of Conduct for persons carrying on lobbying activities “*with a view to promoting high professional standards and good practice*”.

The purpose of this Code is to govern the behaviour of persons carrying on lobbying activities. The Code will provide principles by which persons carrying on lobbying activities may conduct their lobbying activities, in order to ensure that the lobbying activities are carried out transparently and ethically.

Preamble

Lobbying activities are undertaken by many people and organisations in relation to a broad range of matters. Lobbying activities are a legitimate means of access to parliamentary, government and municipal institutions. Lobbying activities contribute to informed decision-making by elected and appointed public officials.

The legitimacy of lobbying is reinforced when lobbying activities are carried out transparently and in an ethical manner. In support of the Act’s objectives to foster transparency and the proper conduct of lobbying activities, this Code of Conduct sets out several principles by which persons carrying on lobbying activities should govern themselves in the course of carrying out lobbying activities, namely:

- 1) Demonstrating respect for public bodies
- 2) Acting with honesty and integrity
- 3) Ensuring accuracy of information
- 4) Disclosure of identity and purpose of lobbying activities
- 5) Disclosure of interests
- 6) Preserving confidentiality
- 7) Avoiding improper influence
- 8) Observing the provisions of the Regulation of Lobbying Act
- 9) Having regard to the Code of Conduct

While the Act governs communications with Designated Public Officials (that is, Ministers, Ministers of State, and ministerial advisors, elected representatives and certain senior public servants), the principles of the Code should apply to all communications with persons in public office, whether prescribed for the purposes of the Act or not.

The Act, together with this Code of Conduct and associated regulations, guidelines and standards of conduct applicable to Office Holders, elected representatives and public

servants, aims to ensure that lobbying activities are conducted in accordance with public expectations of transparency and integrity, and that decisions are made in the public interest.

Code of Conduct

Persons carrying on lobbying activities shall have regard to the following principles:

1) Demonstrating Respect for Public Bodies

Persons carrying on lobbying activities should act in a manner that demonstrates respect for public bodies, including the duty of public officials to serve the public interest. A person carrying on lobbying activities should not act in a manner that shows disrespect for public bodies and should refrain from directly or indirectly exerting undue pressure on an elected or appointed public official.

Persons carrying on lobbying activities should not expect preferential access or treatment from elected or appointed public officials.

A person carrying on lobbying activities should not use a former or existing working relationship with an elected or appointed public official to secure preferential access or treatment.

2) Acting with Honesty and Integrity

Persons carrying on lobbying activities should conduct all relations with public bodies and elected or appointed public officials with honesty and integrity. Persons carrying on lobbying activities should not seek to obtain information or influence decisions dishonestly or by use of undue pressure or inappropriate behaviour. Persons carrying on lobbying activities should make their case without manipulating or presenting information in ways that could be regarded as dishonest or false.

Persons carrying on lobbying activities should avoid any conduct or practices likely to bring discredit upon themselves, the persons they represent or the public bodies they are contacting.

3) Ensuring Accuracy of Information

Persons carrying on lobbying activities should take all reasonable measures to satisfy themselves that the information they are providing to public bodies or to elected or appointed public officials is accurate and factual.

If a person carrying on lobbying activities considers that there is a material change in factual information provided and the person believes that the public body or elected or appointed public official may still be relying on that information, the person should, insofar as is practicable, provide accurate and updated information to the public body or to the elected or appointed public official.

4) Disclosure of Identity and Purpose of Lobbying Activities

A person carrying on lobbying activities should always identify themselves by name and, where applicable, the body or bodies they work for. Where a person is carrying on lobbying activities on behalf of a client or other person the person carrying on the lobbying activities should disclose the identity of the client or other person and the nature of their relationship with that person.

A person carrying on lobbying activities must not conceal or try to conceal the identity of a client, business or organisation whose interests they are representing.

A person carrying on lobbying activities should always inform the elected or appointed public official of their interests, objectives or aims they promote (or those of the client they represent) and the purpose and intended results of the communication.

5) Disclosure of interests

A professional lobbyist or third party carrying on lobbying activities on behalf of other persons should properly inform the client, business or organisation whose interests they are representing about any potential conflicts of interest, or of any competing interests arising from their professional practice or other business, family or social associations. A professional lobbyist or third party should not represent conflicting or competing interests without the informed consent of those whose interests are involved.

Persons carrying on lobbying activities on behalf of a client or other person should not knowingly make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to elected or appointed public officials.

6) Preserving Confidentiality

A person carrying on lobbying activities should use and disclose information received from a public body or an elected or appointed public official only in the manner consistent with the purpose for which it was shared.

A professional lobbyist or third party carrying on lobbying activities on behalf of other persons should not use, for purposes other than those of their mandate, confidential information obtained in the course of their lobbying activities and should not divulge confidential information relating to their clients unless they have obtained the informed consent of their client, or disclosure is required by law.

7) Avoiding Improper Influence

A person carrying on lobbying activities should inform themselves of the policies of the Government and public bodies they are communicating with in relation to restricting the acceptance of gifts or hospitality by elected or appointed public officials and should not, in the course of their lobbying activities, make any offer of gifts or hospitality which might

cause an elected or appointed public official to breach any law, regulation, rule or standard of conduct applicable to them in relation to the acceptance of gifts or hospitality.

A person carrying on lobbying activities should not place elected or appointed public officials in a conflict of interest situation by proposing any offer, inducement or reward (directly or indirectly) which might cause an elected or appointed public official to breach any law, regulation, rule or standard of conduct applicable to them.

8) Observing the provisions of the Regulation of Lobbying Act

A) Registrations and Returns;

A person carrying on lobbying activities should familiarise themselves with the provisions of the Act and with any relevant guidance material published by the Standards Commission. In particular a person carrying on lobbying activities must:

- 1) Comply with the requirement to register on the Register of Lobbying (the Register) in accordance with section 8 of the Act and provide the information required under section 11 of the Act in the manner and form required by the Standards Commission.
- 2) Comply with the requirement to submit regular returns of lobbying activities to the Register as provided for in section 12 of the Act in the manner and form required by the Standards Commission. This includes “nil” returns where relevant.
- 3) Comply with the requirement under section 13 of the Act to provide additional or corrected information if requested to by the Standards Commission.

A person carrying on lobbying activities should follow the Commission’s guidance on submitting returns of lobbying activities to ensure that returns of lobbying activities are accurate and complete and submitted on time.

A person carrying on lobbying activities on behalf of a client or other person shall inform the client, business or organisation whose interests they are representing of their own requirements and the client’s or other person’s requirements under the Act.

The head of an organisation should ensure that employees or other persons who carry out lobbying activities on the organisation’s behalf are aware of the organisation’s requirements under the Act and are made aware of the requirements of this Code of Conduct.

B) “Cooling off” period

Section 22 of the Act provides that “relevant Designated Public Officials (DPOs)” (Ministers and Ministers of State, Special Advisers and Senior Public Servants) are subject to a one-year cooling-off period. During this period relevant DPOs cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances, namely.

The making of communications comprising the carrying on of lobbying activities (as defined in section 5 of the Act) which:

1. Involves any public service body with which the relevant DPO was connected, that is, employed or held an office or other position in the year prior to their leaving, or
2. Is to a person who was also a DPO who was employed or held an office or other position with that public service body in the year prior to the person's leaving.

A person subject to the one-year cooling-off period may apply to the Standards Commission for consent to undertake such activities or be employed by a person who is undertaking such activities. The Standards Commission may decide to give consent unconditionally or to give consent with conditions attached. The Standards Commission may also decide to refuse the application for all or part of the one-year "cooling off" period.

A person should not employ or engage a person who may be subject to the provisions of section 22 of the Act to carry on lobbying activities without first establishing whether the person must comply with section 22 of the Act and, if required to comply with section 22, has sought and received the consent of the Standards Commission to carry on such lobbying activities.

9) [Having regard for the Code of Conduct](#)

Section 16(5) of the Act provides that a person carrying on lobbying activities shall have regard to this Code of Conduct. When engaging in lobbying activities, therefore, a person should, in addition to meeting their statutory obligations under the Act, seek to meet the standards set out in the principles and rules of this Code and should conform fully to the letter and spirit of this Code of Conduct.