The Scottish Lobbying Register: Engaging with Stakeholders

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Prepared for the Scottish Lobbying Register Working Group of the Scottish Parliament

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Executive Summary

This report has been commissioned by the Scottish Parliament Corporate Body on behalf of the Lobbying Registrar, to assist with the operationalisation of the Lobbying (Scotland) Act 2016, which is due to come into force in early 2018.

The Lobbying Act aims to enhance public transparency, accountability and integrity around the lobbying of public officials in Scotland¹, and to ensure than any lobbying activity is done in a professional, fair and transparent manner. The Lobbying Act will provide information to the public on ‘regulated lobbying’ activities in Scotland² through the creation of a Scottish Lobbying Register.

The research that underpins this report has been driven by two main aims: (1) first, to map the lobbying and interest-group community in Scotland in order to compile an initial database of potential lobbying registrants; and (2) second, to examine international best practice in engaging with different stakeholders to raise awareness of lobbying legislation and registration requirements. The report draws on comparative evidence on lobbying engagement strategies – including interviews with lobbying registrars in several advanced liberal democracies – to develop recommendations for Scotland on how to effectively reach out to, and engage with, organisations and groups that have a direct or indirect interest in the new lobbying legislation.

Current Context

The first part of the report offers an overview of ‘where we are now’ with regard to lobbying regulation in Scotland. It begins by charting the evolution of debates in Scotland about lobbying regulations, summarises the key principles of the Lobbying (Scotland) Act, and provides an overview of the Scottish Lobbying Register Team’s early engagement with stakeholders, including the creation of a Working Group.

This section also focuses on the composition of a list of potential lobbying registrants in Scotland, which now stands at 1150 organisations. Here, an overview is given of the methodology and data collection methods used to compile the list; the types of organisations included in the list (differentiated by size, sector and policy interests); methods to ensure that the list covers the population regularly lobbying in Scotland; and it presents three pie-charts that provide a percentage breakdown of the types of organisations that are included on the list, and their areas of policy interest.

Comparative Analysis

The second part of the report draws on comparative evidence to understand how lobbying registers around the world have effectively engaged with stakeholders. It draws on the experience of other advanced liberal democracies that have successfully

¹ Public officials include Members of the Scottish Parliament (MSPs), Scottish Government Ministers, Special Advisers to the Scottish Government, and the Permanent Secretary (Head of the Civil Service) in Scotland.
² The Lobbying (Scotland) Act has a clear definition of what is considered to be regulated lobbying (Part 1: Core Concepts). The Schedule to the Lobbying Act (Section 1) also provides detailed information on which communications are not considered to be part of ‘regulated lobbying’ activities. See: http://www.legislation.gov.uk/asp/2016/16/schedule/enacted
introduced registers of lobbying to gain insights for Scotland. The main aim is to identify the most appropriate means for engaging with potential lobbyists and alerting them to the requirements of the Lobbying Act.

This research employs several methods of data collection, including interviews with policy officials around the world who are involved in the registration of lobbyists; the analysis of online registries and communications (both online and printed) used to engage stakeholders in other countries; the analysis of academic research on lobbying registers and government outreach campaigns; interviews with key stakeholders in Scotland to gauge their views on effective engagement; and interviews with Scottish Government marketing officials on successful campaigns.

The research is organised into several case studies, focussing on (1) the European Transparency Register (coordinated jointly by the European Parliament and European Commission); (2) the Irish Lobbying Register; (3) the UK Register of Consultant Lobbyists; (3) Canadian provincial lobbying registries – including Alberta, British Columbia, Manitoba, Saskatchewan and Ontario; and (4) Australian lobbying registries – at the federal and state level – including New South Wales.

The final part of this section offers a comparative summary of best practice for engaging lobbying stakeholders, including: online and offline strategies; raising awareness among different types of lobbying organisations; the effectiveness of using social media platforms; mobilising networks; and engaging public office holders.

**Best Practice & Lessons for Scotland**

The final section of the report focuses on developing recommendations for Scotland based on the evidence collected on international best practice on stakeholder engagement. In total, the report makes 16 recommendations for conducting an effective lobbying stakeholder engagement strategy. It also makes a further 17 recommendations on how to (directly and indirectly) track and refresh the list of potential stakeholders that was compiled as part of this research.

This section begins by analysing issues around messaging, concepts and the terminology of ‘lobbying’ and how to overcome public misunderstandings and misconceptions of lobbying. It then focuses on three areas of engagement: (1) online (through the website and social media); (2) face-to-face (i.e. presentations and meetings with stakeholders); and (3) traditional media (press releases, printed materials, articles in trade journals, radio and local papers). This section also includes an analysis of how to best mobilise networks to raise awareness of lobbying requirements, and to include key stakeholders and partners and intermediaries in shaping the engagement strategy. Finally, the report makes recommendations on how to engage with public office holders – the ‘targets’ of lobbying – to help embed knowledge of regulations in the policy community. Finally, in the conclusion, the report highlights some specific concerns of lobbying stakeholders (in particular, third sector organisations) about the effects of registration, making suggestions about how to address these concerns based on comparative evidence.
Introduction

1. Lobbying is widely understood to be a necessary and integral part of the democratic process in advanced liberal states. Although the term has acquired negative connotations in the last few decades (due to misleading associations with the unrelated practise of corruption and impropriety), lobbying is acknowledged to be an important part of the policy process. Public officials and policymakers may benefit from the valuable insights, data, expertise, insights and feedback of interest groups, advocacy organisations and trade and industry representatives when developing, implementing and evaluating policies.³

2. Similarly, lobbying provides citizens and groups with – what in the USA is called – a ‘right to petition’ their elected representatives on issues that most affect them, in an organised and transparent manner. Lobbying can therefore help to foster connections, participation and trust between citizens and their elected representatives. Lobbying can thus be undertaken for both private interests and the public good, with the aim of influencing decisions taken at the political level. As such, lobbying is a central and legitimate activity in liberal democracies.

3. However, a growing number of governments around the world have also acknowledged that lobbying – if left unregulated and conducted ‘behind closed doors’ and out of the public eye – can also create opportunities for individual organisations or special interest groups to accrue unfair advantages and disproportionate access to, and influence over, political decision-making. It is for this reason that lobbying legislation has been introduced in several countries, which aims to increase transparency around lobbying activities.

4. The aim of creating lobbying registers (or ‘registries’) around the world has therefore been motivated by a desire to reduce undue influence, unfair competition, regulatory capture and the potential for abuse of privileged access to decision-makers, which is “to the detriment of the public interest and effective public policies”.⁴ The creation of regulated lobbying systems help to safeguard the integrity of decision-making processes.

5. At the same time, however, governments have been keen to emphasise that the registration of lobbying activities should in no way impede the continued efforts of groups and individuals to represent their interests to decision-makers and to make their voices heard. To that end, lobbying registrars must strike a balance between ensuring compliance with registration requirements, whilst continuing to promote the healthy, fair and equitable engagement of citizens and organisations in the policymaking process.

6. The introduction of the Lobbying (Scotland) Act 2016 marks an important turning point in ensuring the transparency and participatory legitimacy of the Scottish Parliament. Scotland has joined the ‘new wave’ of strong lobby

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⁴ OECD Principles for Transparency and Integrity in Lobbying. Available at: https://www.oecd.org/gov/ethics/Lobbying-Brochure.pdf
legislation that has been implemented by legislatures across Europe in the last
decade to foster a culture of integrity and transparency.\(^5\)

7. In some ways, though, Scotland is unusual in that the moves towards creating
a more transparent system of regulated lobbying were not catalysed by a crisis,
scandal or allegations of impropriety surrounding illegal lobbying practices
(which has been the motivating case for some countries\(^6\)). Instead, the Scottish
Government has acknowledged that there are already extensive checks and
balances in place, but that these would be strengthened by a lobbying register
that would “act as a deterrent for any inappropriate activity in the future.”\(^7\)

8. Furthermore, the Scottish Government has argued that the timing is right to
increase transparency around lobbying activities in Scotland. The Government
suggested that the recent devolution of additional powers to the Scottish
Parliament under the Scotland Act (2016) “could lead to increased lobbying”.\(^8\)
It is also possible that more powers will be devolved to the Scottish Parliament
under the EU Withdrawal Bill, which transfers EU legislation into British law.
Additionally, it is likely that lobbying activities in Scotland will increase as
organisations seek to petition public office-holders on the implications of
negotiations around the UK’s exit from the European Union (Brexit).

9. This research report focuses on the operationalisation of the Lobbying
(Scotland) Act 2016, by mapping organisations that may be affected by the new
lobbying legislation, and by making recommendations to ensure effective
engagement with different stakeholders in Scotland. While the Scottish
Parliament has passed legislation on ensuring transparency in
lobbying activities, the key test for the Scottish Lobbying Register is the extent to which
it covers the population regularly lobbying Scottish political institutions.

10. While this may sound like a simple goal, it is made complicated by a number of
issues. The main objective is to ensure that registration schemes capture a
representative picture of lobbying activities. However, if we look at research on
existing lobbying registers from around the world (i.e. USA, Canada, EU,
Ireland, Australia and UK), this objective may be undermined by: a lack of
awareness of the lobbying register and its requirements; misunderstanding or
evasion of eligibility rules and requirements; the incorrect registration of data;
and (in a small number of cases) resistance to registering.\(^9\)

11. This research seeks to address these potential challenges by: firstly, by
mapping the lobbying and interest-group community in Scotland and compiling
a database of potential lobbying registrants through the triangulation of different

\(^6\) Such as Australia, Canada, the USA, and the UK.
data collection sources and methods; and secondly, by making a series of recommendations for engaging with stakeholders about the lobbying register and its requirements, through a comparative international analysis of successful lobbying stakeholder engagement campaigns.

Research Design and Methods

12. As this research project comprises two quite different aims – first, of compiling a lobbying database, and second, of determining comparative best practice in stakeholder engagement strategies – this requires different approaches and methodologies. The following section explains the research design and methods for each part of the project.

Research Part I: Identifying Potential Lobbyists

13. First, the research focuses on identifying organisations in Scotland whose activities fall under the definition of ‘regulated lobbying’ in order to compile a database of potential lobbyists. The main questions driving this inquiry are:

- Which stakeholders are regularly involved in lobbying in Scotland?
- Who are the primary stakeholders (directly affected by the legislation)?
- Who are the secondary stakeholders (indirectly affected by the legislation)?
- Which stakeholders may be represented through larger organisations (such as membership or professional associations)?
- Which stakeholders operate on a multi-level basis (with representation at the Scottish and UK levels)?
- Which stakeholders are likely to have in-house lobbying staff?
- Which organisations are likely to represent the interests of multiple clients?
- Which clients are likely to hire multiple lobbyists/consultants?

14. In order to answer these questions, and obtain a full picture of lobbying activities in Scotland, information about the following groups has been compiled:

a. Stakeholders that have a direct interest in the Lobbying Act, for instance:
   - public affairs companies/commercial lobbyists
   - ‘in-house’ lobbying staff of large companies
   - professional associations
   - membership organisations
   - trades unions
   - charities, social enterprises and third-sector organisations

b. Stakeholders that have an indirect/public interest in the Act, for instance:
   - civil society organisations with an interest in transparency
   - academic institutions working on Scottish democracy
   - policy organisations and think tanks with an interest in transparency

15. The research methodology for this section involved the qualitative analysis of secondary data in order to map the wide range of organisations that may be affected by the registration requirements for the Act. These included:
a. Analysis of Scottish Parliament records on interest-group organisations and representatives who are actively involved in parliamentary activities (such as organisations submitting evidence to parliamentary committees, expert witnesses invited to parliamentary committees, and organisations which have met with the Lobbying Register Team).

b. Analysis of Scottish Ministerial Diaries to identify organisations that are in contact with senior public officials in the Scottish Government.

c. Analysis of publicly available databases of organisations that may fall under the regulated lobbying definition, including membership lists of trade associations, professional associations, umbrella organisations, trades unions and other federations/associations/societies.

d. Analysis of UK Register of Consultants Lobbyists and EU Transparency Register to identify Scottish- and UK-based organisations that are registered as regularly lobbying the UK Parliament and EU institutions.

e. Analysis of online lobbying registers in other jurisdictions (such as Ireland, the Canadian provinces, the EU Transparency Register, the Australian states) to identify the types of organisations normally included in lobbying registers, before identifying their Scottish equivalents.

f. Interviews with representatives of lobbying registry teams in other jurisdictions to identify how they compiled initial lists of lobbyists.

Research Part II: Best Practice on Engaging Lobbying Stakeholders

16. The second part of this research project focuses on identifying the most appropriate means for engaging with potential lobbyists and alerting them to the lobbying register requirements. The main questions are:

- What are the main objectives of the Lobbying Register online engagement strategy? (i.e. to raise awareness of the legislation, to relay complex information, to incentivise registration?)
- What factors might form the basis of an effective engagement strategy?
- What are the main social media platforms used by different types of stakeholders (i.e. Twitter, Instagram, Facebook, LinkedIn)?
- What kind of information can be best communicated through different platforms? (i.e. more detailed text written in blogs driven through social media, calls to action – i.e. registration – through Twitter)
- How can we evaluate the success of an online engagement strategy?

17. These questions are answered by examining best practice in stakeholder engagement and outreach campaigns. Data collection methods include:

a. the analysis of primary documents relating to successful engagement strategies - such as flyers, posters, factsheets and social media activity related to (1) lobbying register campaigns in other countries; and (2) successful government outreach campaigns in Scotland.

b. the analysis of secondary documents – such as academic research papers and policy reports – on stakeholder outreach and lobbying register engagement in different countries.
c. semi-structured interviews with a number of different groups and stakeholders, including (1) representatives of lobbying register teams in other jurisdictions (including Ireland, the EU, the UK, Canadian provinces and Australian states) on best practice in lobbying stakeholder engagement; (2) interviews with key organisations representing different sectors in Scotland on their engagement preferences: (3) an interview with a Scottish Government marketing official on best practice in communications and outreach strategies; and (4) an interview with an Irish stakeholder organisation on best forms of engagement.

18. The resulting 15 interviews\(^\text{10}\) undertaken for this research on stakeholder engagement were conducted by telephone, were semi-structured in nature (allowing for open-ended and follow-up questions), lasted between 20 minutes and 75 minutes (with an average time of 60 minutes), and notes were handwritten. Each interview yielded frank, clarifying and useful information on each of the questions asked. The full list of interviewees can be found in Annex C, while the questions asked of interviewees can be found in Annex B.

PART I: THE CONTEXT

19. In order to map the stakeholder community that will likely be affected by the lobbying legislation in Scotland, and to determine what the best forms of engagement with this community might be, it is first necessary to understand the background to, and principles of, the Lobbying (Scotland) Act, and the engagement strategy that the Register Team has embarked on so far.

20. This section provides an overview of Scotland’s lobbying legislation, early engagement with stakeholders and the creation of the Lobbying Register Working Group. Following this, the discussion turns to the first task of this research: compiling and organising a list of potential lobbying stakeholders.

Lobbying (Scotland) Act

21. The idea of creating legislation to regulate lobbying activities in Scotland has been debated ever since the creation of the devolved parliament, which caused a recalibration in the articulation of interest group representation and lobbying as organisations began to focus their activities on the new policy-making institutions in Edinburgh (replacing, or supplementing, their focus on London).\(^\text{11}\)

22. In 2000-1 the Standards Committee of the Scottish Parliament conducted an inquiry into the registration of lobbyists, which was broadly debated within the

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\(^{10}\) The number of organisations/individuals originally contacted for interviews was 20, however five organisations either did not reply to emails or declined to be interviewed.

Scottish policy community. The first proposed register focussed on regulating the activities of third-party consultant lobbyists only (in similarity to the Australian, and now the current UK system), rather than also including in-house lobbyists working within larger organisations (which is the focus of the Canadian, US, European and Irish systems, for instance).

23. This focus on commercial consultants only was met with criticism by the public affairs community in Scotland (which viewed the proposed register as a restriction on their interactions with public office holders), and some support from the third sector, which was largely opposed to being included. The resolve to implement this initial registration scheme eventually ‘weakened’.

24. The Labour MSP Neil Findlay revitalised the public debate on lobbying when he proposed a Private Members Bill in July 2012 for a ‘Proposed Lobbying Transparency (Scotland) Bill’. In his consultation document, Findlay notes that one of the key criticisms of the earlier registration system proposal was:

a. “the exclusive focus on commercial lobbyists, ignoring lobbying undertaken by those employed directly by corporations, trade associations, charities and campaign groups, who all seek to directly represent specific interests and influence policy and legislation.”

25. In response, Findlay proposed a much broader registration system, which would include “professional lobbyists (both commercial consultants and in-house) [and] representative bodies (trade and professional bodies who lobby on behalf of their members), charities, trade unions and employer groups, professional services (accounting, legal firms and management consultants who provide public affairs and lobbying advice), as well as not-for-profit organisations, NGOs and grassroots advocacy groups.” The public officials affected by the proposed system were to include: MSPs, Scottish Ministers, civil servants, employees of NDPBs and appointees of NDPBs. Contact or communications included in the register would include: meetings, telephone conversations, electronic communications, the circulation of letters, materials and position papers, organised events or promotional activities.

26. While Findlay’s proposed bill garnered considerable support amongst MSPs, his right to introduce the Bill failed when the Scottish Government made the
decision to introduce a Lobbying (Scotland) Bill that would “give effect to Neil Findlay’s final proposal for a Lobbying Transparency (Scotland) Bill.”

27. The Scottish Government introduced the Lobbying (Scotland) Bill to the Scottish Parliament two years later, on 29 October 2015. This followed a period of extensive consultation, including an inquiry into lobbying by the Scottish Parliament Standards, Procedures and Public Appointments (SPPA) Committee, and a public consultation on the legislative proposals.

28. The Bill was passed by the Scottish Parliament on 10th March 2016 following several amendments, and received Royal Assent on 14 April 2016.

29. The purpose of the Act is “to make provision about lobbying, including provision for establishing and maintaining a lobbying register and the publication of a code of conduct” (Lobbying (Scotland) Act 2016 (asp 16), Part 1). According to the Scottish Parliament, the underlying intention is to:

   a. “increase public transparency about lobbying of certain public figures. The Act makes provisions for a Lobbying Register which will allow the public to access and view information submitted by organisations and individuals who carry out certain types of lobbying. Any person engaged in ‘regulated lobbying’ as defined by the Act will be required to register these activities with the online Lobbying Register.”

30. The resultant Lobbying (Scotland) Act 2016 is broader than the previous proposals for a registration system in 2001, but narrower than Neil Findlay’s proposal for a Lobbying Transparency (Scotland) Bill:

   a. Public office holders who are targets of lobbying include: MSPs and the Scottish Government’s Ministers, Special Advisers and the Permanent Secretary (the head of the Civil Service in Scotland);
   b. Communications are restricted to those ‘made orally’ and face-to-face, either in person or using electronic/video equipment;
   c. Lobbying must be made in relation to government or parliamentary functions, i.e. the development, adoption or modification of policies;
   d. The legislation applies to all types of ‘lobbyist’, and not just those who traditionally carry out lobbying as their primary or client-based business (i.e. commercial lobbyists). This means anyone who potentially ‘lobbies’ the individuals above, needs to be aware of the implications of the Act;
   e. The legal responsibility is on the lobbyist to record details of regulated lobbying on the new online Lobbying Register. The Register will be free-to-use and the content available to the public.

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17 The Minister for Parliamentary Business Joe FitzPatrick gave the following indication under Rule 9.14.13(a) on 13 June 2013 to introduce a Scottish Government Bill.
18 Details of the consultation, and subsequent analysis of responses, can be found here: http://www.gov.scot/Publications/2015/05/9306
19 The Lobbying (Scotland) Act 2016 may be found here: http://www.legislation.gov.uk/asp/2016/16/contents
31. The Scottish Parliament Information Centre (SPICe) has produced a very helpful analysis of the bill, authored by Denis Oag and Francesca McGrath, which examines the background to the bill, and the consultation responses.

Early Engagement with Stakeholders

32. When the Lobbying (Scotland) Act was enacted in April 2016, it was envisaged a Lobbying Register would be in place before April 2018, and that a review of the Act would be undertaken after two full years of operation.

33. To oversee the implementation of the Lobbying (Scotland) Act, the Scottish Parliament has created a small Lobbying Register Team, which is led by the Lobbying Registrar Billy McLaren, who was appointed in October 2016. The main tasks for the Register team include the procurement, development and testing of an IT system for the online register, the creation of guidance on the operation of the Act, the creation of a Code of Conduct for persons lobbying MSPs, and the development of an engagement strategy for stakeholders.

34. In preparation for the launch of the online registration system in early 2018, the Lobbying Register Team has been meeting with stakeholders and interested parties since October 2016 to get their views in relation to the practicalities of operating the register. According to the Registrar Billy McLaren:

   a. “It is vital that the online Lobbying Register we develop is as easy to use as possible. This is why I have been meeting with stakeholders across the country to hear what they want from the new system and how to ensure that it is not complex and allows for complete public transparency.”

35. The Lobbying Register Team has engaged in a targeted outreach campaign, with the aim of speaking to as many organisations as possible who will likely be affected by the lobbying legislation. At the time of writing, the Team has organised over 150 meetings with stakeholders across Scotland.

36. Face-to-face stakeholder meetings have included:
   a. In-house presentations to membership associations;
   b. Individual meetings with key bodies and stakeholders;
   c. Membership group meetings;
   d. Network roundtables.

37. The organisations that have been engaged with include:
   a. Third-sector organisations (including charities, housing associations, religious organisations, think tanks, foundations and trusts);
   b. Business sector organisations (including trade and industry associations, consortiums and individual firms);

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23 http://www.parliament.scot/LobbyingRegister/2017.03.30_Information_Release.pdf
24 http://www.parliament.scot/LobbyingRegister/2017.03.30_Information_Release.pdf
c. Public affairs sector organisations;
d. Legal sector organisations;
e. Regulatory bodies;
f. Transparency promoters.

38. In addition to seeking opportunities to have early-stage face-to-face meetings with stakeholders, the Lobbying Register Team has developed a website, which has an overview of the Lobbying (Scotland) Act, a factsheet on ‘what you need to know’ about the legislation; a brief guide for MSPs; a video explaining how ‘regulated lobbying’ is defined; latest news and timelines; and other papers and materials. The website also encourages interested parties to sign up for updates on the implementation of the lobbying.

39. An important aspect of engaging with stakeholders has involved the creation of a Lobbying Register Working Group. The Working Group was set up in early 2017 to help provide further information and assistance for the implementation and establishment of a lobbying register under the Lobbying (Scotland) Act 2016. The key responsibilities of the Working Group are to:

a. Review draft Parliamentary Guidance for clarity and usefulness;
b. Offer practical feedback and assisting with the testing of the new online Lobbying Register (before the user familiarisation period in late 2017 and the ‘go live’ date in early 2018);
c. Inform and assist with the implementation of the Lobbying Register Communications and Outreach Plan;
d. Contribute to forum discussions on any practical issues that arise about the Lobbying Register or associated guidance.

40. The Working Group is made up of individuals from a range of interests and backgrounds. There are 12 Working Group positions, which include:

- Third Sector – membership body
- Third Sector – small (less than 20 persons)
- Third Sector – medium or large (more than 20 persons)
- Public Affairs – membership body
- Public Affairs – small (less than 50 employees)
- Public Affairs – medium or large (more than 50 employees)
- Business/Enterprise – membership body
- Business/Enterprise – small (less than 50 employees)
- Business/Enterprise – medium or large (more than 50 employees)
- Transparency Promoter (from any relevant organisation)
- Journalism (from any relevant organisation)

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25 Public affairs organisations generally focus on the development of relations between client organisations and politicians, government officials and other decision-makers. Public affairs practitioners seek to influence public policy, and their work comprises government relations, issue management, media communications, corporate and social responsibility, information dissemination and strategic communications advice.

26 The website can be found at: [http://www.parliament.scot/gettinginvolved/101810.aspx](http://www.parliament.scot/gettinginvolved/101810.aspx)

Legal Sector (from any relevant organisation)

41. The Working Group is also supported by a representative from the Standards in Public Office Commission in Ireland to assist the Working Group on key lessons learnt from the introduction of the Irish Lobbying Register, ongoing since 2015. A representative from the Office of the Commissioner for Ethical Standards in Public Life in Scotland may also attend with observer status.  

42. The Working Group has met twice so far (at the date of writing) – in June 2017 and in August 2017. Papers and minutes may be found here.

43. Finally, in addition to reaching out to lobbyist stakeholders, the Scottish Lobbying Register Team is also keen to educate public office holders about the implications of the lobbying legislation.

44. The Team has produced a short MSP Guide, which is available on the website. The Guide provides an update on progress, sets out what the changes will mean for MSPs and their staff, and outlines next steps as the Act moves towards commencement. The Team also plan to attend individual party group meetings to answer any questions MSPs have; and will follow this up with any other engagement activity which MSPs would find helpful.

Composition of Potential Registrants List

45. The first stage of this research involved the compilation of a list of potential stakeholders who may be affected by the lobbying legislation in Scotland. This involved building upon the initial list of organisations that the Lobbying Register Team had developed over the course of their engagement activities.

46. The Scottish Parliament’s initial list of potential stakeholders recorded 219 organisations (including 286 individual contacts/emails). After completing the mapping project to identify a wide range of potential stakeholders, the list now stands at 1150 organisations (including 1227 individual contacts/emails).

47. A variety of methods were used to identify potential stakeholders, which are explained in the Research Design section. To summarise, these included:

- examining Ministerial diaries to identify who has met with ministers;
- examining hundreds of pieces of evidence submitted to the various committees of the Scottish Parliament over the last year;
- analysing publicly available databases and membership lists of trade associations, professional associations, trade unions, umbrella groups, law firms, chartered institutes and so on;

• analysing the UK Register of Consultant Lobbyists and the EU transparency register to identify Scottish and UK-based organisations that are engaged in regular lobbying activities;
• analysing online lobbying registers in other jurisdictions to identify the kinds of organisations that were being registered;
• interviewing other register lobbying teams to see how they compiled lists.

48. The resulting list has a broad cross-section of the following organisation types:

• membership organisations, including trade/industry/professional bodies;
• legal associations and law firms;
• banking and financial services firms;
• public affairs and communications companies;
• the top companies in Scotland and the UK;
• religious groups, trade unions, trusts and foundations;
• chambers of commerce;
• other charities, social enterprises and third sector organisations;
• indirect stakeholders (i.e. transparency promoters, nonprofits).

49. In compiling the list, an overriding aim was to be sensitive to the multi-level nature of politics and lobbying in the UK, including Scottish branches and UK organisations where relevant.

50. Another key aim was to try and strike a balance between urban-based and rural organisations (to avoid central-belt dominance), with a particular focus on representing agriculture, forestry and fishing organisations.

51. The list is organised by organisational type (corresponding to the categories used in the composition of the Scottish Parliament’s Lobbying Register Working Group, i.e. third sector small, public affairs membership body, business/enterprise medium or large). This makes it helpful to identify the breakdown of different categories represented on the stakeholder list.

52. The list is furthermore organised by policy area, which is a common way of organising registration systems (for instance, the Irish Lobbying Register, EU Transparency Register and many Canadian province registers can be searched by policy area). The Scottish Government’s ‘topics categories’ that are used to organise information by policy sector, were used a base template to organise the registrants list. The final policy areas are shown in the table below. These may be helpful to identify the breakdown of different areas of lobbying.
Table 1: Policy Areas Used for List

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>Policy Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts, Culture &amp; Sport</td>
<td>Health &amp; Social Care</td>
</tr>
<tr>
<td>Banking and Financial Services</td>
<td>Housing</td>
</tr>
<tr>
<td>Building, Planning and Design</td>
<td>International</td>
</tr>
<tr>
<td>Business &amp; Industry</td>
<td>Law &amp; Order</td>
</tr>
<tr>
<td>Children &amp; Families</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Constitution &amp; Democracy</td>
<td>Media &amp; Publishing</td>
</tr>
<tr>
<td>Construction</td>
<td>Marine &amp; Fisheries</td>
</tr>
<tr>
<td>Education</td>
<td>Public Affairs &amp; Communications</td>
</tr>
<tr>
<td>Energy &amp; Natural Resources</td>
<td>Public Safety &amp; Emergencies</td>
</tr>
<tr>
<td>Environment &amp; Climate Change</td>
<td>Research &amp; Science</td>
</tr>
<tr>
<td>Equality &amp; Human Rights</td>
<td>Tourism</td>
</tr>
<tr>
<td>Food &amp; Retail</td>
<td>Transport</td>
</tr>
<tr>
<td>Farming &amp; Rural</td>
<td>Work &amp; Skills</td>
</tr>
</tbody>
</table>

53. In the pie-chart below, a breakdown of percentages of the different organisational types in the potential registrants list is shown.

![Pie Chart](image)

54. As we can see from the pie-chart, the business/enterprise sector represents the largest grouping in the registrants list, comprising 49% of organisations (which includes, small, medium, large firms and membership bodies).

55. The third sector is the next largest grouping, comprising 37% of organisations listed (including small, medium, large organisations and membership bodies). The Public Affairs sector represents 8% of the registrants list; the Legal Sector represents 4% of the list; and Journalism organisations and Transparency Promoters each constitute 1%, respectively.
56. We can also present a breakdown of policy areas that the organisations are working in. As including the 28 policy categories would be too unwieldy to include in a simple pie-chart, instead, the *nine* top policy areas were chosen, with their percentage breakdown shown in the pie-chart below.

![Major Policy Areas Represented](chart)

57. As we can see from this pie-chart, the nine biggest policy areas represented by organisations on the list can be broken down into the following percentages:

a. Health & Social Care - 22%

b. Business & Industry - 21%

c. Public Affairs - 13%

d. Energy & Natural Resources - 9%

e. Transport - 9%

f. Food & Retail - 8%

g. Banking - 6%

h. Research & Science - 6%

58. Finally, it is interesting to note the breakdown in representation of individual organisations versus membership bodies. This is represented below.
59. Here we can see that membership organisations comprise a third of all organisations listed (33%) while individual organisations make up 67%.

60. Finally, with regard to the methods used to collect this data, it was heartening to hear in one interview that the Saskatchewan Lobbyist Registry Team had followed similar methods. After the development of the new Act in 2015, the Team wanted to develop a list of organisations. In order to amass information on potential lobbyists, they identified all businesses registered with the chamber of commerce, unions and natural resource companies (which were an important part of the provincial economy). They also cross-checked the registries of other provinces and asked ministers and deputies who they were communicating with. Based on these methods, the Saskatchewan Team were able to develop a list of 500 organisations, 400 of which are now registered).

PART II: COMPARATIVE ANALYSIS

61. Although lobbying is an integral part of the democratic process, there has – until recently – been few political systems around the world that have sought to regulate lobbying activities. The earliest lobbying legislation was introduced in the United States of America in the 1930s, in response to concerns of money buying influence over public utilities companies, which was followed by the *Lobbying Act 1946 (Federal)*. But few others followed suit in the subsequent decades – with only Germany (1951), Australia (1983-96), Canada (1989) and the European Parliament (1996) introducing regulations concerning lobbyists’ dealings with public office holders before the end of the 20th century.31

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62. However, since 2000, there has been a large increase in the number of countries introducing lobbying regulations. Legislation has been passed to establish schemes to regulate lobbying in Lithuania (2001), Poland (2005), Hungary (2006-2011), Israel (2008), Australia (2008), France (2009), Mexico (2010), Slovenia (2010), Austria (2012), Netherlands (2012), Chile (2014), the UK (2014) and Ireland (2015). The European Parliament & European Commission also developed an inter-institutional agreement on establishing a voluntary Transparency Register in 2011, which built on earlier initiatives by the Parliament and Commission. Furthermore, the Spanish Parliament made a commitment to introducing lobbying legislation in 2014, and discussions are ongoing in several other EU states.

63. In addition to federal or statewide regulations on lobbying, the substate jurisdictions of several large federal and multi-level states have also introduced their own lobbying regulations, including the provinces of Canada, the states of the USA, and the states of Australia, the region of Tuscany in Italy, and the autonomous community of Catalonia in Spain.

64. However, while there has been a recent spate of regulations dealing with lobbying activities across advanced industrial democracies, these regulations are by no means similar. So, for instance, some jurisdictions have introduced mandatory systems of registration for lobbyists, while others have introduced voluntary systems. Some jurisdictions have a narrow definition of regulated lobbying (applying to only consultant lobbyists), whilst others are much broader. The criteria for ‘regulated lobbying’ varies significantly across countries (ranging from face-to-face communications only, to encompassing all forms of communication), as does the registration details that are required (such as information on the topic of lobbying and the amount of money spent). Finally, the enforcement mechanisms of lobbying differ across nation-states (and in Canada, even within the nation-state), ranging from severe criminal sanctions for non-compliance (in the USA) to denied access (in the EU).

65. As a result, according to one academic, “the regulation of lobbying has been rather random and haphazard.” While there is significant variation in the systems of regulation produced by the different countries mentioned above, in most other countries there is no lobbying regulation at all. Although this picture seems to be changing, with debates on regulation taking place in a number of countries (especially in the EU), it can also be said that:

a. “there is no perfect model for regulating lobbying. Different types of democratic systems, rules, habits and norms produce different types of lobbying. In that context regulation cannot be conceived as something simply to be applied in the same terms across the globe.”

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34 Murphy (2017), op cit, p128.
36 Murphy (2017), op cit, p129.
The following section employs a qualitative, case-study approach to examining how different jurisdictions have sought to engage with lobbying stakeholders when creating and maintaining lobbying registration systems. The cases include a mix of supranational, nation-state, and substate level schemes. In all of the cases, a ‘multi-level’ system is in operation, which is useful for drawing lessons for Scotland – a devolved jurisdiction in a multilevel state.

In each of the cases – including the EU Transparency Register, the UK Register of Consultant Lobbyists, the Irish Lobbying Register, the lobbyist registry systems of several Canadian provinces including Alberta, British Columbia, Ontario, Manitoba and Saskatchewan, and New South Wales in Australia – the following questions are asked: How did registers engage with stakeholders, including potential lobbyists? How did they raise awareness of the new regulations? How did they maintain contact and refresh links?

The individual case studies are followed by a comparative analysis that identifies trends and patterns in lobbying stakeholder engagement. This information then forms the basis for the subsequent section on best practice in lobbying engagement strategies and lessons for Scotland.

European Union (EU) Transparency Register

The EU Transparency Register was created in 2011 as a joint scheme of the European Parliament and European Commission. Before 2011, the two institutions operated separate registers. The Transparency Register is a voluntary and non-binding system of registration for entities seeking to influence EU policy-making. As the current register was established via an inter-institutional decision, this makes it binding on the institutions rather than a regulation which would be binding on registrants.

The European Parliament had operated a register of lobbyists accessing Parliament since 1995, which comprised a list of interest group representatives that had been given access to the premises. By 2011, there were 4,000 individuals on the register. The European Commission had introduced a voluntary register of lobbyists in 2008, and adopted a code of conduct for interest representatives. By 2011, there were 3,900 organisations registered.

An Inter-Institutional Agreement on a Transparency Register was signed by the European Parliament and European Commission in June 2011 (the Council was invited to participate but declined). Registration is currently voluntary, although the Commission has recently presented a Proposal to the European

Parliament and the Council of the EU to make the Register mandatory. Registration is online, and registrants must update their data annually.

72. The Transparency Register aims to capture all entities seeking to directly or indirectly influence the EU decision-making process. The aim was to ‘cast the net as wide as possible’ in capturing organisations both big and small, well-resourced and less well-resourced, which were carrying out activities with the intention to influence (either directly or indirectly) the development and implementation of policy. They include:

- Professional consultancies;
- Companies and groups;
- Non-governmental organisations;
- EU-wide business or trade associations;
- Think-tanks, academic and research institutions;
- Public authorities (local, municipal, regional);
- Self-employed consultants;
- Trade unions and professional associations;
- Law firms;
- Religious organisations.38

73. There are currently over 11,000 registrants in the EU Transparency Register, covering the 28 member-states of the European Union and beyond.

74. The term ‘transparency register’ was preferred over ‘lobbying register’ as the European institutions wanted to use a neutral and descriptive word that focussed on what the register intended to achieve: transparency.

75. Although the register is voluntary, the European institutions have sought to introduce incentives and conditions for registration to give access to organisations (such as participation in forums, sitting on expert groups, and access to meetings with key decision-makers). The main condition is that organisations should not be able to get a meeting – and indeed, enter the Parliament buildings – if they are not registered. Registration is viewed as a license to operate in public affairs in Brussels.

76. However, as the system of registration remains voluntary and non-legally binding, with no recourse to sanctions, there is evidence that some lobbyists continue to operate in Brussels without disclosing their activities on the Transparency Register.39 The EU system relies on MEPs and Commission officials imposing the administrative guidance on regulated lobbying – and there is evidence that this does not always happen, with variable compliance across

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38 For more details, please see the EU Transparency Register sections and registration forms: [http://ec.europa.eu/transparencyregister/public/homePage.do](http://ec.europa.eu/transparencyregister/public/homePage.do)
different Directorates-General. Furthermore, unregistered lobbyists can still access the Parliament buildings as a guest of MEPs.

77. This system differs from the USA, for instance, where it is illegal to lobby if one is not registered. Instead, as the European Commission does not have the powers to incarcerate, there are no (criminal) sanctions against lobbyists.

78. The EU does not need to conduct major outreach campaigns to alert and inform potential stakeholders of lobbying requirements as there is a very high level of awareness of the need to register (whereas no registration = no access). Instead, the onus is on the organisations to find out about requirements.

79. However, the institutions involved conduct communications campaigns to raise awareness of the register – including press release, events and emails to lists of people, including those on the ‘PA Directory’ (a telephone book of all organisations and institutions in Brussels). For instance, several stakeholder events have been held in the European Parliament on this subject.

80. The biggest engagement campaigns have emerged as part of the public consultation exercises on revising the EU Transparency Register in 2012 and 2016. In particular, the 2016 consultation is illustrative of a stakeholder outreach campaign that uses a variety of channels of communication, including:

- Promoting the public consultation on the website, through social media (especially Twitter and the European Commission Facebook account), emails to organisations listed in their extensive directories and databases, and press releases to the press corps;

- The European Commission also worked through representatives of members states to disseminate information on the consultation, and used networks to spread the message.

81. The consultation on was very successful, with over 1700 replies from stakeholders and individual citizens. There was broad agreement that the Transparency Register should move to a mandatory basis, that local/regional authorities should not be covered, and the Council should be involved. In response to the consultation, the European Commission has called for an Inter-Institutional Agreement establishing a mandatory transparency register, which deepens and tightens the scope of the current register.

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41 For instance, most recently: https://epthinktank.eu/2017/05/30/lobbying-parliament-public-trust-eu-transparency-register-workshop-of-10-may-2017/

42 To review the results of the consultation, please see: https://ec.europa.eu/info/consultations/proposal-mandatory-transparency-register_en#how_to_submit

43 For a press release on the proposal, see http://www.europarl.europa.eu/news/en/headlines/euraffairs/20170322STO68164/inter-institutional-negotiations-on-the-transparency-register; and for the text of the proposal, see
82. The Joint Transparency Register Secretariat monitors the Transparency Register by analysing statistics on the website (where they attract, on average, 60-70 new registrants per week), by monitoring registration (and removing non-eligible organisations that should not be registered, i.e. those based outside the EU that wish to register to improve their reputations), and by evaluating public consultations. The system generally takes care of itself now, as organisations are required to automatically update records.

83. The European Parliament organises additional engagement events and strategies for raising awareness of the registration requirements amongst those who are being lobbied, and who are lobbying, in the Parliament. For instance:

   o The Transparency Unit organises regular events, where they invited lobbying stakeholders and Commission officials. Some of these events have been live-streamed on the Parliament website.44

   o The Transparency Unit has also published a wealth of research45 and publications on its website to raise awareness of the requirements of the Transparency Register, aimed at both ‘insiders’ and ‘outsiders’.46

84. In addition, the European Parliament has invested considerable time in raising awareness amongst MEPs of the registration requirements.

   o The Transparency Unit provide in-house training for MEPs and staff of MEPs. This includes half-hour training sessions at regular intervals (for busy times of the year), and whole-day sessions on how to deal with lobbyists. The Register Team has also organised a Helpline for MEPs and their staff on lobbying issues. This helpline is run by the Joint Transparency Register secretariat, so there is a helpline for both the Commission and Parliament sides.

   o The Parliament has also produced a recommendation in its rules of procedure on Members engaging with registered lobbyists.47 A number of MEPs even refuse to meet with organisations who are not registered (in particular, MEPs from the Nordic countries, and from the Socialist and Green caucuses).


44 To see an example of one such event, please see the following workshop, where Stewart Stevenson, Member of the Scottish Parliament, was in attendance: https://epthinktank.eu/2017/05/30/lobbying-parliament-public-trust-eu-transparency-register-workshop-of-10-may-2017/

45 For instance, the Transparency Unit published a helpful piece of research on the various systems of lobbying regulation in member states. See: http://www.europarl.europa.eu/EPRS/Transparency_of_lobbying_in_Member_States.pdf

46 For instance, to see a short animated film about the EU Transparency Register that was produced by the Transparency Unit, please see: https://www.europarl.tv.europa.eu/en/programme/eu-affairs/european-transparency-register

85. The European Parliament is strongly in favour of the proposal to make the register mandatory, although it wishes to have more say over how this would be implemented in the Parliament. Lobbying of parliamentarians tends to be quite different to lobbying of Commission officials. For instance, lobbyists will engage with each institution at different stages of the policy-making process. Also, parliamentarians have a different role to play compared to appointed officials, in that they have a freedom of mandate and are more independent.

86. The way in which MEPs and commission officials are lobbied is also different. For instance, social media has become a significant element of indirect lobbying of parliamentarians, and some organisations have staged large-scale social media campaigns that are difficult to capture in the current definition of lobbying activities; meanwhile, the Commission is much less influenced by social media (as there is more work done on the technicalities of policies).

87. Access to the European Parliament buildings is another concern. The Parliament is much more ‘open’ than the Commission, so there are different security issues and MEP staff often invite ‘guests’ in who are not registered. For these reasons, there may be a need in the future to examine differences in lobbying between the different institutions, and to account for these.

88. Finally, the Joint Transparency Register Secretariat publish an annual report on the Register, the evolution of registrations and any changes to the way in which the Register is developing. The report is publicly available on their website.  

Irish Register of Lobbying

89. The Irish Oireachtas passed the Regulation of Lobbying Act in 2015. The aim of the legislation was to establish an online register to increase transparency around ‘who is contacting whom about what’. According to Murphy,

   a. “the bill was part of a package of reform measures which the government, on its formation, hoped would not only ensure clean politics in Ireland but also restore public trust in politics and the political class after the trauma of the financial crash and the troika bailout.”

90. The Irish lobbying legislation captures a wide range of organisation, including third-party consultant lobbyists, in-house lobbyists in for-profit firms and in-house lobbyists for non-profit organisations.

91. The Department for Public Expenditure and Reform and Standards Commissioner began by identifying key stakeholders to form an Advisory Group for the Lobbying Register, with members from the Irish Farmers Association,
ICEB (Chamber of Commerce), Public Affairs Ireland, and Law Society, Accountants and Managers Associations. There were approximately a dozen members – including stakeholders and public servants. The Advisory Group were helpful in providing their own views on lobbying regulations in the run up to implementation, drafting guidelines, offering to test out the new online register before it went live, and in helping the Lobbying Team reach out to members to raise awareness of the new legislation.

92. When she was appointed, the Head of Ethics and Lobbying Regulation created further mechanisms to engage with stakeholders. These included:

- A series of presentations delivered to target lobbyist groups, representative bodies, organisations who were being lobbied (such as local councils and NDPBs) and other groups with an interest in lobbying. The aim was to provide information, answer questions, make direct contact and raise awareness of the new requirements;
  - Over 75 presentations were made in the first year to organisations across the length and breadth of Ireland;
  - The Q&A at in-house presentation sessions helped the Irish Lobbying Register team develop useful materials for the website and FAQs;

- Interviews by the Head of Ethics and Lobbying Regulation and articles in trade association journals;

- A concerted advertising campaign (both when the register went live, and in advance of the first registration deadline) using radio (in particular, local radio stations), newspaper ads, and online/digital advertising;

- The use of the website as a dynamic and interactive tool, which includes videos (self-help and training about whether and how organisations should register); a film of the launch of the register; Frequently Asked Questions (FAQs); a sample return form; and other factsheets, guides and reports;

- A social media campaign, using Twitter and a LinkedIn presence;
  - Twitter has been useful in disseminating information about the register, promoting registration and is used for outward-facing communications (rather than discussions/responses). Any complementary information and/or events that the Lobbying Register Team are participating in will be re-tweeted;
  - There is a LinkedIn page to promote the Register, however, this is not used for posting comments;

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50 [https://www.lobbying.ie/](https://www.lobbying.ie/)
51 [https://www.lobbying.ie/help-resources/information-for-lobbyists/am-i-lobbying/](https://www.lobbying.ie/help-resources/information-for-lobbyists/am-i-lobbying/)
52 [https://www.lobbying.ie/help-resources/information-videos/](https://www.lobbying.ie/help-resources/information-videos/)
54 [https://twitter.com/search?q=%40LobbyingIE&src=typd](https://twitter.com/search?q=%40LobbyingIE&src=typd)
The Lobbying Register team has chosen not to use Facebook or Instagram, which are not viewed as reaching the target audience or as providing the best form of communication about the register;

- Information briefings to the media;
  - Pro-actively keeping the media informed, to avoid any miscommunication and ensure clarity around the regulations;
  - Press briefings around every major milestone achieved with the launch of the register, and deadlines for registration;
  - Annual media briefings;

- A letter was sent directly to the top 1000 companies in Ireland about registration requirements;

- The Lobbying Team partnered with several organisations who were members of their advisory group, to give presentations as part of a ‘road show’, which involved travelling to different locations in Ireland to hold sessions on lobbying requirements and to field questions. Partner organisations included IBEC, Chambers of Commerce, The Wheel (an umbrella organisation for the third sector in Ireland) and the Public Relations Institute. The Lobbying Team also worked with the Local Government Management Agency (LGMA) and the Association for Irish Local Government (AILG) to do outreach with local authority members, and to reach out to other DPOs through party conferences, parliamentary party meetings, and senior management committees;

- The Wheel also maintains a blog, which has dedicated a section to lobbying legislation, which the Lobbying Team can use to promote/raise awareness of issues;

- The Lobbying Team partnered with several organisations who were members of our advisory group to do presentations as part of a "road show". This included IBEC, Chambers, The Wheel, the Public Relations Institute. We.

- The Lobbying Team also partnered with the Public Relations Institute to offer a training programme on lobbying for members. The Team were involved in a half-day session, providing a briefing of the lobbying regulations and fielding questions from members.

93. The Irish Lobbying Team invested significant resources in engaging with stakeholders during the initial launch, which has reaped many benefits. The team now has excellent contacts with a wide range of organisations, and there is a high level of awareness of the registration requirements.

55 http://www.wheel.ie/content/registration-lobbying-ireland
56 https://www.prii.ie/courses/
94. The Irish Lobbying Register team were keen to make sure the media were well-informed of their activities and clear on the regulations and requirements. In the early days, there were a couple of news articles published that contained incorrect information, which were quickly rectified.

95. The Register team were also keen to maintain a continuous presence in the media in order to keep journalists interested in register, which would help to ensure coverage of the legislation. This was part of a plan to embed the lobbying requirements in the culture of the policy community, so that in the near future, registering became second-nature to lobbyist organisations.

96. Over 1,100 organisations registered for the first deadline after the register was launched (including 2,500 returns), while the number of registrants has since grown to approximately 1,400 (including a total of 14,000 returns). The Lobbying Register Team are pleased with the level of registration, but seek to improve registration in some areas that are still under-represented.

97. One area that the Team wishes to focus more attention is to increase rates of registration in rural areas outside of the main cities and towns. The vast majority of registrants are based in Dublin (approx. 61%), while some counties in Ireland have only a handful, or even no, registrants. The Lobbying Team has sought to capture lobbying in non-urban areas by focussing on using local newspapers and local radio stations to conduct outreach campaigns.

98. While there were some initial concerns among the third sector about the introduction of the lobbying register – in particular, that registration would have an inhibiting effect on organisations’ willingness to engage in lobbying – these fears have not materialised and there has been no suppressive effect. And while there has been an increased administrative burden for organisations, there have also been benefits to registering – such as raising awareness of all of the work that they’re doing to influence policy for the public good.

UK Consultant Lobbying Register

99. Following a series of high-level scandals around the abuse of influence and power in UK politics, a bill on the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration was introduced in the House of Commons in July 2013. The bill was widely criticised as it passed through parliament, on the basis that it lacked clarity and was too narrow in scope. In particular, it was criticised for only including third-party commercial lobbyists, and not the broader community of in-house lobbyists working within other organisations. Furthermore, the group of possible lobbying targets was deemed

58 For example, the Irish Farmer’s Association’s ranking as the ‘second most active lobbying organisation on the register’ was positively reported in the Irish Farmer’s Journal. See: http://www.farmersjournal.ie/ifa-second-most-active-lobbying-organisation-on-official-register-209713
too narrow – including only government ministers, permanent secretaries and special advisers, and not Members of Parliament. Despite these criticisms, the bill passed all parliamentary stages and was enacted in 2014.

100. The resultant Act had the aim of increasing transparency around lobbying and ‘cleaning up politics’, and provided for the establishment and maintenance of a “register of persons carrying on the business of consultant lobbying, and to require those persons to be entered in the register.”

101. The UK legislation came onto the statute books in April 2014, and at the time there was a great deal of media attention given to the Act due to the recent lobbying scandals. The Cabinet appointed a Registrar in September 2014, who was tasked with launching an online register six months after her appointment.

102. After her appointment, the Registrar was charged with two tasks:

- To interpret the legislation so that it was easily understood; and
- To create a website that potential registrants could engage with.

103. The Registrar wrote the guidance on the new Consultant Lobbyists Register herself; prepared a list of potential consultant lobbyist organisations; and designed and conducted the engagement strategy herself.

104. As the legislation is restricted to consultant lobbyists, this narrows down the types of organisations that are affected (in comparison to the Scottish legislation). But while the UK legislation largely captures public affairs organisations, it also impacts some accountants, lawyers and think tanks.

105. The following engagement strategies were employed by the Registrar:

- Inviting expressions of interest in the register, to begin compiling a list of all organisations that may be affected by the legislation;
- Holding speaking engagements with several membership associations and individual organisations;
- Seeking, and gaining, support from representative bodies such as the Institute of Chartered Accountants and Royal Institute of Chartered Surveyors, to reach out to members so they are aware of the legislation;
- Writing directly to the top public affairs firms, accounting firms, legal firms, and so on, to introduce herself and make organisations aware that she is available to answer any questions about the legislation;
- Producing a quarterly newsletter with updated information and news about the register.

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61 It is possible that the Act may be reviewed in the future. Indeed, the United Nations recently criticised the UK Act in a report published in June 2017 for having a ‘chilling effect’ on charity campaigning and civil society engagement, for its unequal treatment of charities and unions compared to businesses, and for failing to capture the many in-house lobbyists working in Westminster. See: http://www.ekklesia.co.uk/node/24080.
63 http://registrarofconsultantlobbyists.org.uk/orcl-quarterly-newsletter-5/
• Publishing information, news and resources on the website\textsuperscript{64}, including a list of Frequently Asked Questions\textsuperscript{65};
• Seeking out opportunities to do interviews in trade magazines, such as the Law Gazette and ICAW;
• Hosting an annual stakeholder conference to maintain personal links with stakeholders (where there are 60-70 attendees).\textsuperscript{66}

106. In the early days before the launch, the Registrar made an effort to contact all of the organisations that might be affected by the legislation directly. She made herself "personally available" to speak to stakeholders by phone or in person, and focussed on personal, direct and face-to-face engagement.

107. There is now such a high level of awareness amongst organisations affected by the legislation that they now get in touch with the Registrar (rather than the other way around).

108. The launch of the register was successful, with over 80 registrations on the first day. The register has since stabilised at between 110-130 registrants (as new organisations register and others merge/become consolidated).

109. The Registrar has used social media (Twitter) sparingly so far (on average, once a week), but plans to increase the Register’s Twitter presence to generate more followers and to maintain a level of interest in the Register. Twitter is viewed as the best social media platform to communicate information to stakeholders on the lobbying register. The Registrar has decided not to use Facebook; but is exploring the possibility of creating a LinkedIn page.

110. In terms of evaluating the engagement strategy, the Registrar is keen to use Google Analytics to explore who has been visiting the website. She also invites regular feedback from stakeholder organisations:

   a. The Registrar meets non-public affairs organisations every 12-18 months to touch base and obtain feedback;
   b. The Registrar meets public affairs organisations 2-3 times per year;
   c. These meetings are useful to meet with stakeholders, address any issues that may have emerged, and keep the list refreshed.
   d. In addition, the Registrar holds an annual conference for all stakeholders, publishing her speech/presentation on the 'news page' of the Consultant Lobbyists website.

\textsuperscript{64} http://registrarofconsultantlobbyists.org.uk/
\textsuperscript{65} http://registrarofconsultantlobbyists.org.uk/guidance/faqs/
\textsuperscript{66} http://registrarofconsultantlobbyists.org.uk/second-annual-stakeholder-event/
Canadian Lobbying Registries

111. The Federal Government of Canada introduced the first piece of lobbying legislation in 1989 in the form of the Lobbyist Registration Act (Canada). The introduction of lobbying regulation was spurred by concerns about lobbying abuse in Canada and the need to promote transparency and accountability around the activities of influence-seeking political actors. The 1989 Act has since been amended in 1995 with the Amendment to the Lobbyist Registration Act (which sought to strengthen registration requirements), in 2003 with Bill C-15 (which sought to close loopholes in the system with regard to the definition of lobbying), and in 2006 with the Federal Accountability Act, which changed the name of the Act to the Lobbying Act, and which sought to increase publicly available information on who is lobbying whom.

112. Following the lead of the federal government, several provinces in Canada have since introduced their own legislation on lobbying. The first province was Ontario, which adopted lobbying legislation in 1999, then British Columbia in 2001, Quebec and Nova Scotia in 2002, Newfoundland and Labrador in 2004, Alberta in 2007, and Saskatchewan in 2008. New Brunswick and Prince Edward Island are the only remaining provinces that do not have lobbying legislation. At the municipal level, the city of Toronto has a registry of lobbyists and in Quebec, municipalities are covered by the provincial legislation.

113. The lobbying legislation of Canada’s provinces vary widely with regard to: the categories of lobbyists affected by the Acts; the exemptions of lobbying; the registration requirements; and powers of enforcement. For instance, non-profit organisations are exempt from having to register in two provinces (Quebec and Alberta); some provinces have no powers of enforcement (Manitoba) whilst others use a system of fines and criminal sanctions (i.e. BC); and the extent of lobbying activity undertaken before an organisation has to register varies widely (from between 50-100 hours of lobbying activity per year).

114. The strategies that provincial lobbying registrar offices have employed to engage with potential stakeholders has also varied significantly, especially due to the different time periods when registries were introduced (for instance, social media engagement is generally only a recent phenomenon that was not employed when launching the earliest registries). However, there is also evidence of a degree of policy learning across provincial jurisdictions with regards to lobbying definitions and engagement with organisations.

115. The following section examines the stakeholder engagement strategies of five provinces in Canada, which vary across a range of measures (i.e. the scope of the lobbying legislation, lobbying organisations affected by the acts,


enforcement powers, and resources of provincial offices), which have all contributed to differences in their engagement strategies. The provinces are: Alberta, British Columbia (BC), Manitoba, Ontario and Saskatchewan.

116. Provincial registries were chosen as cases (rather than federal or city-based systems) as they were deemed ‘most similar’ to the Scottish case which is also a substate jurisdiction within a larger multilevel state. Some interviewees approved of examining the provincial lobbying registries, i.e. “using our province is a good comparator to Scotland. There are similar issues that people are lobbying on [i.e. substate policies] and the lobbying market is fairly similar.”

Alberta

117. The Lobbyists Act (Alberta) 2007 came into force in September 2009 when a Lobbyists Registry was established by the Office of the Ethics Commissioner. When the online registry was first launched, the Office undertook a communications plan that involved:

a. media releases to inform the public – and potential stakeholders – of the upcoming registry and its requirements;

b. the development of a “Frequently Asked Questions” section on the website to answer questions concerning registration procedures;

c. direct contacts with larger organisations who were likely to be affected by the legislation, offering to give in-house presentations.

118. The registration system was recently updated and replaced in 2016, as the old system was considered not to produce accurate search results, and was incompatible with certain internet browsers and smartphones. The new system is deemed to be more open and transparent. Lobbyists were required to create new accounts and re-register when the new system opened.

119. The Office has sought to maintain high levels of awareness of the registration requirements. The Office engages with lobbyists by:

   d. Using the website as the primary channel to communicate important information. There is a “Recent News and Events” section on the homepage that is regularly updated, and links to the Act and regulation;

   e. Additionally, there are tabs available on the website to access resources (guidance documents/annual reports), as well as an FAQ section;

   f. They have also created a flowchart and an interactive test on the homepage that someone who is not sure if they are a lobbyist can take to help them determine if they are a lobbyist;

   g. The Office has posted technical user guides on the website to assist lobbyists with the registration process. They are also planning to post 1-2 minute video clips on the website to demonstrate how to complete certain functions in the registry;

69https://www.albertalobbyistregistry.ca
h. If the Office has specific messaging they need to provide to their registered lobbyists, they will send out a group email;

i. The Registrar is also available to make presentations upon request.

120. When the Lobbyists Act was first proposed in Alberta in 2007, the non-profit sector raised concerns about how it would be affected. Nonprofit organisations argued that they should be exempt from the lobbying regulations, as they lobbed not on their own behalf, but on behalf of “the public good”. They launched a unified ‘Lobbyists Act Campaign’ to exclude the non-profit sector.

121. Government support for this position led to the creation of a ‘Public Good Amendment’, which exempted all non-profit organisations contributing to the ‘public good’ of Albertans from needing to register. The only exceptions were non-profit organisations ‘constituted to serve management, union or professional interests’, ‘having a majority of members are profit-seeking enterprises or representatives of profit-seeking enterprises’71 Supporters of the Public Good Amendment pointed to the “unique nature of non-profit organisations that lobby primarily to provide benefit to the community, rather than to gain financial benefit for themselves”.72 Public good proponents also expressed a desire to “lift any administrative burdens that are detrimental to the work being done by nonprofit organizations.”73 This amendment was modelled on a similar exemption in lobbying legislation introduced in Quebec.

122. By introducing a ‘Public Good Amendment’ to the lobbying legislation, the Government of Alberta was seen to acknowledge that ‘there is a fundamental difference between lobbying government for a policy change that is aimed at reducing teen suicide rates (public benefit), and lobbying around a commercial interest (private benefit).’74

123. However, in the review of the registration system in 2016, the Office of the Ethics Commissioner, recommended that the current exemption be replaced with an exemption for non-profit organisations (1) that are community service organisations (to be defined in the Lobbyists Act) and (2) that have 4 or less full-time staff (or equivalent to this, based on a 35-hour work week for one full time staff member). The Office of the Ethics Commissioner also recommended a definition of “community service organization” 75:

- which includes the requirements (a) that the organization serve one or more enumerated community service interests (education, animals, arts, children, non-professional community sports or recreation, culture, disability, health, relief of poverty, seniors, and social or financial assistance) and (b) that the organization uses the vast majority of its

71 See FAQs Section, https://www.albertalobbyistregistry.ca/
73 Ibid.
74 https://www.calgarycvo.org/lobbyists-act-call-to-action/
75 https://www.calgarycvo.org/lobbyists-act-call-to-action/
resources (85 percent) to provide a tangible service or program to the community in serving those interests;

- which specifies certain interests which do not qualify as a community service interest (political, professional, labour, union, industry, business, private interests, religion, and advocacy (unless the organization otherwise falls within the definition of community service organization and uses less than 10 percent of its resources on advocacy)); and

- which provides the Ethics Commissioner with the authority to approve a community service interest that is not enumerated upon written application to the Ethics Commissioner.

124. In response, Alberta’s nonprofit sector sought to preserve the lobbying exemption for non-profits. They have been successful so far, as the Standing Committee in charge of the Lobbyists Act review chose to maintain the exemption for public-benefit nonprofit organizations in July 2017. The recommendations from the standing committee will now go to the Legislative Assembly for their approval in the autumn of 2017.⁷⁶

125. It should be noted that, even if a non-profit organization is not required to register, there is no restriction on registering under the Act voluntarily, and some non-profit organizations that wish to be very transparent with regard to their lobbying activities choose to register voluntarily.⁷⁷

**British Columbia**

126. The Lobbyists Registration Act was introduced in 2001 to regulate the activities of lobbyists in British Columbia (BC).⁷⁸ The Office of the Registrar of Lobbyists for BC, which is an independent office of the legislature, is mandated to oversee, monitor and enforce the Lobbyists Registration Act. The structure of the regulator in BC is unique in Canada, as the Registrar of Lobbyists is also the Commissioner of Information and Privacy. This integration of the two offices helps with the investigative and enforcement side of the lobbying regulations and helps the Office to work efficiently, as they do not need to rely on stand-alone investigators (as their staff are already trained).

127. The Office initially sought to identify umbrella groups and professional associations to help disseminate information to their membership. They began by meeting with representatives of key associations to raise awareness of the upcoming legislation, though staff in the Office also acknowledge that ‘in this business, it’s tricky to identify them all’.

128. The Office of the Registrar of Lobbyists held a series of conferences in Vancouver (three over a six-year period) to bring together lobbyists and to provide information about the requirements and mechanics of registration.⁷⁹ In

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⁷⁷ See FAQs Section, [https://www.albertalobbyistregistry.ca/](https://www.albertalobbyistregistry.ca/)
⁷⁹ For an example of a recent conference, see [http://www.publicaffairs.ca/events/the-future-of-lobbying/](http://www.publicaffairs.ca/events/the-future-of-lobbying/)
particular, registrants didn’t always understand inputting information, which was clarified at these events. During the conference, office holders might also give stakeholder organisations advice about lobbying itself – such as how to get a message across more effectively to gain the interest of public office holders.80

129. The Office also developed an online journal/newsletter titled ‘Influencing BC’.81 Archives of the newsletter are available on the website82, and each new issue is emailed out to registrants. The newsletter contains updates on requirements, interesting articles about lobbying, summaries of any investigations carried out, and reminds organisations of the implications of non-compliance.

130. The Office is also in the process of using social media platforms – such as Twitter – as part of their engagement strategy. The Information and Privacy Office has successfully been using twitter for two years, and the Registrar of Lobbyists is planning to develop a Twitter engagement campaign, in order to disseminate information about news, reports and quick tips for registration.

131. The Office has decided not to use Facebook as part of their social media outreach plans, as this requires extensive monitoring as people may communicate messages back to the Office, and messages may not be relevant.

132. The Office has been keen to communicate with public office holders to make them aware of the legislation requirements, and any exemptions.

133. The Office has dedicated considerable time and energy to a ‘public education’ strategy, to get across the key message that lobbying is an essential part of a functioning democracy. To counteract the negative connotations that the term ‘lobbying’ often conveys, the Office has emphasised that people have a right to communicate their ideas to public officials, and that public officials also deserve to hear a full range of ideas. The key condition is: it needs to be transparent.

134. Nonprofit organisations in British Columbia have welcomed the approach of emphasising how lobbying can be conducted for good purposes in the public interest, and have been in favour of promoting transparency in ethical lobbying.

135. The Office of the Registrar of Lobbying has been keen to involve non-profit organisations, and other stakeholder organisations, as ‘partners’ in the process of ensuring accountability and transparency around lobbying. The Office regularly seeks feedback from key stakeholders, and is happy to jointly host events and conferences with organisations.

80 For instance, the conference organised in 2016 had a session on ‘Tips for Effective Lobbying of Public Office Holders’, with the description: "Government decision-makers are inundated with messages. Learn from public office holders about how to make your message memorable." http://www.publicaffairs.ca/events/the-future-of-lobbying/
81 https://www.lobbyistsregistrar.bc.ca/publications/influencing-bc/
82 https://www.lobbyistsregistrar.bc.ca/
136. The BC Lobbyists Registrar has extensive investigative and enforcement powers, which they began to use two years after the launch of the registry (they wanted to stagger this, to give organisations ample time to familiarise themselves with the regulations and requirements). The Office also began by introducing lower fines, and over time, gradually increased the amount of fines (which are seen as a last resort; the Office gives warnings and tries to resolve issues informally before an organisation is fined).

137. The Office found that, when they were conducting an investigation, there was often a spike in registration. Similarly, when they increased fines, there was another spike in registration. On the whole, however, the vast majority of organisations are very keen to comply with the requirements and there have only been about 12 investigations per year, which is a relatively low number. Furthermore, there is evidence that non-compliance has decreased over time.

**Manitoba**

138. The Manitoba *Lobbyists Registration Act* came into force in April 2012. The Office of the Lobbyist Registrar did a great deal of preparatory work to begin raising awareness of the new regulations from an early stage. After the Registrar was appointed, which was conveyed to the public in a press release, media outlets and lobbyist organisations began to call the Office for more information. Staff recorded the contact details for everyone who got in touch, which began to form the basis of an initial list of potential stakeholders.

139. The Office also created a website\(^{83}\), before the Act came into force, which provided a link to the Bill and FAQs\(^{84}\) (even before the final definitions had been finalised). This was in order to give stakeholders as much information as possible, to be open and transparent, and to keep everyone in the loop.

140. As the Lobbyists Office in Manitoba is very small (with one full-time and one part-time position) with few resources, there was insufficient capacity to create a brand-new online registration system from scratch, or indeed, to conduct a large-scale outreach campaign – unlike some of the larger provinces like BC and Ontario.

141. The Manitoba Office explored various options for building or acquiring a registry system. Outreach to other provincial lobbyist registries across Canada resulted in the identification of two viable possible options for sharing of existing registry applications. Manitoba entered into a one-time paid licensing agreement to use British Columbia’s Oracle based application. The agreement allowed for Manitoba to adjust the system to fit their requirements including provision for bilingual filing. The creation of the registry system was therefore done more affordably, utilizing the development work that BC had done.

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\(^{83}\) http://www.lobbyistregistrar.mb.ca/index.php?lang=en

\(^{84}\) http://www.lobbyistregistrar.mb.ca/index.php?option=com_content&view=article&id=176&Itemid=165&lang=en
142. The Manitoba Office was keen to reach out, not only to potential lobbyists, but also public office holders. This was achieved through the following means:

- The Office met with the Minister of the department responsible for the Act to discuss various elements including the drafting of regulations under the Act and the development/readyiness of the registry system. It was important that the system be fully functional before the Act would come into force;

- In addition to working with Legislative Counsel on the wording of the Regulations, the Office prepared the necessary accompanying cabinet submission papers;

- Prior to the coming into force of the Act, interested parties began contacting the office seeking further information about the upcoming lobbyist registry information. We offered to add their contact information to our list of persons who would like to be informed when the coming into force date of the legislation became known. We also pointed (Information on our website initially consisted of an introductory page indicating that proclamation of the Bill was coming, little more than a link to the Bill and. Other resources were added as they were developed. At the same time, the office began compiling a list of potential stakeholders including chambers of commerce. When the coming into force date was set, those parties all received notification by email, confirming that date;

- The Manitoba Government issued a news release announcing proclamation of the Act and the date the Act would come into force;

- Following the news release, the Lobbyist Office sent letters to the Speaker of the Legislative Assembly, the two Caucuses and to the leader of the third political party. The letters indicated that the Act had been proclaimed, the date the Act would be coming into force, and included an offer to meet with members to provide an overview of the program. Copies of a brochure entitled “Are you a Lobbyist?” were enclosed. They met with the Speaker of the House, and ministers and deputy ministers;

- Also following the news release, the Office used the potential stakeholder and interested parties lists to send emails advising that lobbying legislation had been proclaimed and when it would be coming into force. The message indicated the legislation might apply to their organisation; that more information was available on the website; and that presentations to interested parties were available upon request;

- The Lobbyist Office made themselves available to respond to requests from media. The Office also organised meetings with several key stakeholder organisations, including the Manitoba Federation of Labour, Canadian Federal Association of Executives and the Mining Association.
They also reached out directly to parties who were reported to be lobbying in the press, but who had not yet signed up to register;

- The Office partnered with the Law Society to produce a webinar for their members. In the webinar, the Office gave an overview of the Act and its requirements, and members were able to ask questions. Participation in the webinar also qualified as points for training in the Law Society.

143. The Lobbying Act was generally accepted without any problems in Manitoba’s lobbying community. While there was some ‘murmuring from a couple of organisations’, lobbyists are generally happy to comply with the requirements as lobbying is viewed as part of the democratic process.

144. The Lobbyist Office’s outreach campaign with public office holders was also effective. Even though there is no requirement for public office holders around the Act, anecdotally the Office had heard that Members of the Legislative Assembly who are meeting with lobbyists now often ask them ‘Are you aware there’s an Act?’ and suggest that they contact the Lobbyist Office about whether they need to complete a return.

**Ontario**

145. Ontario was the first province in Canada to pass legislation on lobbying in 1998. The Ontario Lobbyists Registry went live in 1999, after an extensive outreach campaign conducted by the Management Board Secretariat (within the Ontario Provincial Government) and the Office of the Integrity Commissioner. The outreach campaign comprised the following methods:

- several press releases leading up to the launch of the registry, alerting organisations of registration requirements;

- presentations and face-to-face meetings with lobbying organisations by the Integrity Commissioner;

- outreach and meetings with key stakeholder membership organisations, such as the Government Relations Institute of Canada (GRIC) and the Public Affairs Association of Canada (PAC);

- a packet was posted to relevant organisations, which contained:
  - a guide to the legislation (which was written in simple, clear language, i.e. a ‘layperson’s guide’); and
  - a factsheet (general summary) of the legislation requirements

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85 [http://www.oico.on.ca/home/lobbyists-registration/overview](http://www.oico.on.ca/home/lobbyists-registration/overview)
146. The Ontario Lobbyists Act was recently amended in July 2016, which required changes to the registration form, lowered registration thresholds for non-for-profit and for-profit entities, and introduced investigative and enforcement powers.\(^87\) The Office of the Integrity Commissioner launched an outreach campaign in 2016 to raise awareness of the changes to the legislation. The campaign utilised several channels to communicate with stakeholders, including email lists, social media (Twitter), website resources (including training videos on how/what to register, guides and tip-sheets) and press releases with national and local newspapers.

147. At first, there was some uncertainty around the creation of the lobbying register in 1998, in particular from non-profit organisations (which are one of the three constituent groups affected by the Ontario legislation; the other two are consultant lobbyists and for-profit organisations with ‘in-house’ lobbying staff). Third sector organisations were particularly concerned about the requirements being too onerous for them, given that they often did not have the same capacity and resources as for-profit companies. However, Office staff reported that once third-sector organisations became aware of the regulations (and in particular, were familiar with the detailed guidance on what does and does not constitute lobbying), these concerns diminished and requirements were viewed as less onerous.

148. It is necessary to engage in continuous education and engagement with organisations on the requirements of the lobbying legislation. In particular, the Lobbying Registry Team has sought to provide as many resources to potential lobbyists as possible – including guides, tips, FAQs, factsheets, and step-by-step training videos\(^88\), flowcharts and checklists.\(^89\)

149. The nature of stakeholder engagement has also changed over time. While more face-to-face interactions and presentations were necessary when the register was first launched in the late 1990s, these days, given that there is a higher level of awareness of the regulations, the Registry Team relies more on website resources. A representative from the Team indicated that lobbyists tend to prefer one-to-one direct forms of engagement, usually by telephone when beginning the registration process, and are comfortable relying on online communications thereafter.

150. With regard to handling questions from lobbyists, the Ontario legislation enables the Commissioner to respond to organisations in two ways:

- ‘interpretation bulletins’, which are available to the public.\(^90\) When the Lobbying Registry Team receives a number of similar questions on a particular issue, the Commissioner publishes a public response giving more detailed information and guidance on that issue;
• ‘advisory opinion’, which is not made public. If an organisation gets in touch with the Registry Team and indicates that they are unsure if they must register, or what activities to register, the Commissioner will provide an opinion and send this to the organisation.

151. In Ontario, senior officers are required to register, however they often delegate the administrative aspects of the job to another member of staff. It is therefore important to include these staff members in the registration process and in engagement campaigns (i.e. by collecting their email addresses/contact details).

152. It is generally found in Ontario that organisations are keen to ‘do the right thing’, so encouraging/coercing organisations to register is not the main issue. Instead, the main challenge is that organisations are not always aware of the details of the legislation requirements and any changes to them.

Saskatchewan

153. The Saskatchewan Lobbyists Act was passed in May 2014, and received assent in August 2016. The main aspect of the implementation plan was designing and implementing a website and lobbyist registration system.

154. The first task for the Saskatchewan Lobbyists Office was to develop a list of potential lobbyists. This was done by searching existing registries, identifying influential companies in the provincial economy (in particular, resource companies), identifying companies registered with local chambers of commerce, identifying which companies were actively lobbying in other provinces and that had a nationwide reach, and inviting ministers to provide information on who they were communicating with. This initial list, which contained over 500 potential lobbyists, was then used for outreach.

155. The Saskatchewan Lobbyists Office then hired a communications firm to develop a communications plan that included an extended outreach and advertising campaign. In developing this plan, the Office concluded that there were two main targets of communication: lobbyists and public office holders.

156. Although the Saskatchewan Lobbyists Act does not place any responsibility on public office holders (including elected members and ministers) with regard to lobbying registration and compliance, the Office believed that public office holders were an important audience to educate about the Act. In particular, as public office holders were the target of communication by lobbyists, the Office felt it was important to inform them of the regulations so they could help spread awareness of the new legislation by helping to ensure that lobbyists understood their obligations and requirements under the Act. For instance, if they were meeting a new lobbyist for the first time, they could

mention the requirements of the new legislation and encourage them to contact the Lobbyists Office for more information.

157. The main forms of communication and outreach for the launch were:

- The launch of the website\(^92\) in 2016, which contained extensive information about the regulations, tips and fact-sheets. The website also divides information into three sections for different target groups: citizens, lobbyists and public office holders;

- Immediately prior to the launch, the Lobbyists Office flooded professional publications, newspapers and other media forums in Saskatchewan with an advertisement advising that the website was going live;

- Advertising the launch of the online register in neighbouring provinces, including Manitoba, Alberta and Ontario (where large nationwide companies with in-house lobbying staff that are registered elsewhere may also be required to register in Saskatchewan);

- Sending brochures about the Act and a letter of introduction to over 500 lobbying organisations;

- Giving interviews with local media to generate interest and awareness of the upcoming Act. The Office sought to be as proactive as possible in approaching media outlets to conduct interviews, to ensure that the information being disseminated was factually correct;

- Giving in-person presentations to as many stakeholder organisations that have a lobbying function, and public office holders, as possible (including both sides of the House, Caucus, Executive Council, government departments, Deputy Ministers and Crown corporations);

- In order to engage with hard-to-reach groups, the Office contacted local Chambers of Commerce across the province. Although this did not have the effect of gathering many lobbyists, it was important to spread awareness of the new legislation in case of future lobbying.

- On the day of the launch, the Office held a press conference and sent out news releases to all the media outlets in Saskatchewan and nationally. This was followed up by interviews in a number of forums.

- The Saskatchewan Lobbyists Office decided not to embark on a social media campaign, and instead relied on traditional forms of engagement. However, they are exploring the advantages and disadvantages of using social media for stakeholder engagement in the future.

\(^92\) https://www.sasklobbyistregistry.ca/
158. Making presentations to various public office holders has proven to be extremely beneficial. This was enabled by the fact that there was a three-month period between the provincial elections in April and the online registration system going live in August 2016. This allowed the Office to speak with all the MLAs before the Act came into force, often during induction sessions for new parliamentarians, and to educate them about the requirements. The Office also contacts every new deputy minister when they are appointed, offering them a quick meeting to explain the requirements of the Act.

159. The communications plan with public office holders has been successful. Now public officials who are the targets of lobbying will often check the registry prior to communicating with a lobbyist to ensure that the lobbyist has registered, and if they are not, the public office holder suggests they do so immediately.

160. Since the launch of the Registry, the Saskatchewan Lobbyists Office plan to maintain levels of awareness in the lobbying regulations by conducting an ‘annual outreach blitz’ in the form of another advertisement in professional publications (such as Chamber of Commerce magazines, the Bar Association magazine, Realtors weekly, etc) and personal letter to inform stakeholders of updates and any new information. This letter will outline lobbying requirements, important timeframes they need to be cognizant of, the Office’s website address, and the offer of personal presentations. The Lobbyists Office is also planning to make instructional videos (for the website) on how to register.

**Lobbying in Australia**

161. Australia first created a lobbying regulation system in 1983 under a Labour government intent on addressing undue influence in political affairs. However, that scheme was rescinded in 1996 under a Coalition government as the scheme was largely seen as ineffective at preventing unethical lobbying.93

162. In the early 2000s, a further attempt was made to regulate lobbying but this time at the state (substate) level. The government of Western Australia – after a series of high-profile corruption scandals – established the Contact with Lobbyists Code in 200694, which created a register of lobbyists.95 Compared to Canada and the EU registers, the Western Australian definition of ‘lobbyist’ was very narrow and only applied to consultant lobbyists (like the UK scheme).

163. Following the success of the Western Australia model, the federal government enacted its own *Lobbying Code of Conduct* in 2008.96 Like the West Australia model, the federal registration scheme focuses on third-party commercial lobbyists rather than in-house staff of companies and third sector organisations (though there have been proposals to expand the definition to

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include these groups\textsuperscript{97}). The register is online and publicly available\textsuperscript{98}, and if commercial lobbyists fail to register, they are denied access to public office holders.

164. Since the creation of the West Australia and federal registers, several other states across Australia have introduced their own lobbying regulations. New South Wales (NSW) introduced its lobbying code and register in 2008; Queensland introduced its \textit{Integrity Act} in 2009; and Victoria, Tasmania and South Australia introduced their own codes and registers in 2009.\textsuperscript{99}

165. It is worth noting that there is variation across the states with the regard to the code of conduct and the information that is required for registration. For instance, according to Halpin & Warhurst,

a. “the NSW Department of Planning and Infrastructure maintains a lobby register that provides details of meetings between lobbyists registered in the NSW state lobby register and departmental officials, including details of date, specific issue discussed, and form of the contact. This is not a practice across government.”\textsuperscript{100}

\textbf{New South Wales}

166. The Register was first proposed by the NSW government in response to public outcry over allegations of inappropriate conduct by Ministers of former governments.\textsuperscript{101} Since 2009, lobbying NSW had been regulated by \textit{Lobbyist Code of Conduct}, which was an administrative code with no legislative basis. In 2014, an amendment was made to the \textit{Lobbying of Government Officials Act 2011} to provide for the creation of a register for third-party lobbyists.\textsuperscript{102} A number of people have contributed to the development of the register. It was first established by the New South Wales (NSW) Department of Premier and Cabinet, and then it was later passed to the NSW Electoral Commission - a quasi-independent body that is at arms-length from government.

167. Since accepting responsibility for the Register, the NSW Electoral Commission initially handed the management of the Register to its legal team, then it was passed to the Client Services team within the Election Funding and

\textsuperscript{97} See Halpin & Warhurst (2015), op cit.
\textsuperscript{98} http://lobbyists.pmc.gov.au/who_register.cfm
\textsuperscript{100} See Halpin & Warhurst (2015), op cit. p.103.
Disclosures Branch, which also deals with oversight of donations to political parties.

168. The register relies to a large extent on self-identification and self-reporting by third-party lobbyists. Third-party lobbyists initiate the registration process by lodging an application through the lobbying register website. They are motivated to register by the fact that the staff of Government ministers insist on third-party lobbyists being registered before they will grant access to the Minister.

169. The number of lobbyists registered in NSW is modest (currently about 130), due to the very narrow definition of “third-party lobbyist” in the legislation which regulates lobbying in NSW (the Lobbying of Government Officials Act 2011). Lobbyists are only required to be registered if they provide services in exchange for a fee. This excludes a range of people engaged in lobbying activities (for example, if a lobbyist is employed by a mining company and engages in lobbying on behalf of the employer in relation to mining issues, that employee is not technically required to be registered; nor are industry groups who lobby on behalf of their members).

170. In addition to the information that is provided on the Electoral Commission’s public website, the level of engagement with registered lobbyists tends to be by way of direct email and telephone. The content of the exchanges tends to be in the nature of responding to queries about practical issues concerning how to comply with our reporting requirements. The Electoral Commission provides regular mass emails which remind lobbyists that they are required to update and confirm their details. Staff also send warning letters to lobbyists who have failed to provide the periodic confirmation of details.

171. The level of engagement with lobbyists is constrained to some extent by limited resources. However, the Electoral Commission has suggested that it would be beneficial to organise an annual conference which would bring together stakeholders with regulators. This would present an opportunity to educate lobbyists in their legal and ethical obligations, and to explain what is required in practical terms in order to be compliant with NSW’s regulatory requirements. In order to make participation attractive, such a conference would also provide opportunities for networking between stakeholders, and the opportunity to conduct seminars which would be of interest to stakeholders.

**Comparative Summary**

172. The international case studies reveal that there are a variety of ways in which lobbying register teams around the world have sought to increase public awareness around the introduction of lobbying regulations and to engage with stakeholders.

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173. These responses have been very much shaped by the **political culture** of the region/nation, with respect to pre-existing understandings and assumptions about lobbying amongst the public and the policy community at large (be they narrow or wide definitions of lobbying).

174. They have also been shaped by the **period** in which lobbying regulations were introduced (with older registers relying more on traditional methods of engagement such as letters and press releases, and newer registers taking advantage of social media platforms to spread their message).

175. Perhaps most importantly, though, responses have also been shaped by the **context** in which the regulations were introduced – be they in direct response to high-profile lobbying scandals, or as part of longer-term efforts to increase transparency and accountability around decision-making.

176. In cases where regulations have been introduced to address the misuse of influence (i.e. having a crisis as catalyst), engagement campaigns have been driven by the need to restore public trust and to present the registers as a means of ensuring greater public scrutiny of lobbying.

177. Where lobbying regulations have been introduced as part of a general drive for greater equity and integrity around democratic processes of decision-making, there may be less of a need to counter widespread public antipathy towards lobbying (i.e. in crisis mode), but more of a need to ‘win over’ stakeholders about the importance and necessity of introducing regulations in any case.

178. However, despite the variations in approaches to lobbying regulations, and the differing aims that have underpinned communication strategies as a result, there are also clear trends and similarities with respect to engagement.

179. In all of the cases examined, lobbying register teams have engaged in face-to-face meetings with key stakeholders to develop trust and ‘buy-in’ with regard to developing and implementing regulations. It is important for register teams to have the support of stakeholders (or to make genuine attempts to do so), and to address any concerns that they may have over the impact of the regulations on their activities. Support from stakeholders (even if it’s critical support) helps to underpin the resilience and longevity of the regulations.

180. In all of the cases, lobbying register teams have also utilised a wide range of communications tools – including press releases, advertising campaigns, social media campaigns and a well-resourced and easy-to-use website to reach out to, and inform, target groups. In particular, while initial engagement strategies may rely on intensive face-to-face communications (i.e. meetings, presentations, seminars), as the system beds in, the emphasis can move to digital channels, such as an interactive and social media.

181. Finally, in all of the cases examined, after a period of time to embed the registration system, adhering to lobbying regulations and requirements became a normalised part of everyday life for policy actors. This also occurred in cases.
where there had been stakeholder antipathy and ‘pushback’ against the regulations where they were first introduced. Based on the comments given during the interviews, this ‘embeddedness’ of the regulations over time was due to: (a) stakeholders realising that registration was not as onerous as they first anticipated; (b) stakeholders ‘getting used to’ the system, so that registration becomes automatic and easy; (c) stakeholders feeling ‘heard’ in initial discussions and – despite any misgivings – seeking to comply with the law; (d) the positive effects of a public education campaign, which raised the profile of what lobbying is (and what it is not); (e) stakeholders realising the positive benefits of being registered, such as the register acting as a further tool to advertise to members/clients/stakeholders the hard work they were doing in seeking to influence policies (and smaller benefits, such as the fact that being listed on the register increased their position in online search rankings).

182. However, stakeholder interviewees also stressed that, even after registration systems become embedded in the political community, it is still important to maintain a sustained engagement effort over time – to remind organisations (who lobby irregularly) of their responsibilities, and to alert newly formed organisations which are involved in lobbying of the requirements.

PART III: BEST PRACTICE & LESSONS FOR SCOTLAND

183. Now that we have examined how lobbying registration teams in different jurisdictions around the world have sought to engage with potential stakeholders, we can now consider to what extent these strategies may be useful to apply to the Scottish context. This part focuses on ‘best practice’ from other systems and the practicalities of pursuing these strategies in Scotland.

184. The section begins by discussing the issue of messaging and terminology related to lobbying; goes on to examine best practice and the advantages (and possible disadvantages) of face-to-face, online and traditional forms of communications; explores how to effectively mobilise networks to raise awareness of lobbying requirements; and considers how communications strategies and support should be aimed at three target groups – lobbyists, the lobbied (i.e. public office holders), and the public at large.

185. This section concludes with general recommendations (solicited from other registrars outwith Scotland and stakeholders within Scotland) on how to garner support for launching a lobbyist registration system; and specific recommendations on how to track and update information on stakeholders.

Messaging & Terminology

186. In every case that was analysed above, lobbyist registration teams have encountered difficulties with the language around ‘lobbying’. The term ‘lobbying’ has been largely associated with negative connotations, and linked to issues of
political corruption, undue influence of large corporations, the abuse of power and influence, and scandals involving (former) public office holders.

187. In public opinion polls, ‘lobbyists’ are viewed as ‘unethical’ and dishonest, in that they are seen to ‘buy off’ politicians in pursuit of their narrow interests and desire for power, in meetings that take place behind closed doors.\(^{104}\)

188. However, this perception of lobbying misconstrues the meaning of the term, which means ‘seeking to influence (a legislator) on an issue’.\(^{105}\) According to the Editor-at-Large for the Oxford English Dictionary, the word ‘lobby’ originally referred to one of the lobbies in the House of Commons, where the public could go to speak to their members of the House of Commons. ‘Lobbying’ therefore implied public access to, and communications with, public officials.

189. According the Chari & Murphy, lobbying implies “the act of individuals or groups, each with varying and specific interests, attempting to influence decisions taken at the political level.”\(^{106}\) They go on to say that lobbying can be conducted by groups that have “economic interests (such as corporations), professional interests (such as trade unions or representatives of a professional society) and civil society interests (such as environmental groups).”

190. Importantly, lobbying is a central and legitimate part of the policymaking process in democratic states. As Neil Findlay MSP stated in his Consultation paper for a Proposed Lobbying Transparency (Scotland) Bill:

- “It is widely accepted that the right to bring an issue or grievance to the attention of legislators and policy makers is a fundamental principle of any liberal democracy. Political parties and government must be responsive to the society they serve, and lobbying is one means whereby politicians engage with a wide array of interests and opinions. Furthermore, through lobbying, politicians and officials can learn and gain an understanding of issues, and refine, where they see fit, their policy and legislative proposals.”\(^{107}\)

191. Despite the democratic and legitimate nature of lobbying, however, some organisations not comfortable being termed a ‘lobbyist’. This often includes third sector organisations, think-tanks, academic institutions and religious institutions. For some non-profit organisations in Canada, the preferred terms for their influence-seeking activities are ‘advocacy’ and ‘interest group representation’.\(^{108}\) Moreover, non-profit organisations often perceive their influence-seeking activities as being of a different nature to those of for-profit organisations, because they are seen to be motivated by considerations of the public good, rather than considerations of private profit.


\(^{105}\) Oxford English Dictionary definition.

\(^{106}\) Op cit, 2007 p11.


\(^{108}\) Shackleford, op cit.
a. “Nonprofit organizations are often viewed as more trustworthy lobbyists because they are not motivated by an interest in increasing revenues. Nonprofit organizations generally lobby (or advocate) not for their own benefit, but on behalf of a particular social, political, or cultural cause.”

192. Lobbying registration teams have responded differently to the challenge of overcoming public misperceptions of the word ‘lobbying’; and of proposed differences in the nature of ‘for-profit’ and ‘non-profit’ lobbying.

193. With regard to overcoming misperceptions, the European Commission and European Parliament chose not to use the word ‘lobbying’ for their registration system. Instead, the EU employed the terminology of ‘transparency’, which was viewed as more neutral and less value-laded. According to one official, “we wanted to use a descriptive word of what it was we intended to achieve – to shed light on what was happening.” At the same time, the term ‘lobbying’ is sometimes used in legal documents and in general reference to the register.

194. With regard to perceived differences in the lobbying activities of non-profit and for-profit organisations, the European Union chose not to make a distinction between different organisations, and instead opted for “casting the net as widely as possible.” The motivation was to focus not on the profile of organisations, or ‘what organisations are’, but instead focus on the nature of activities and ‘what they do’. Thus, any organisation – be they public, private or voluntary – which sought to influence decision-making in the EU should be registered.

195. In order to be as inclusive as possible, the EU introduced a system that offered registrants a choice of registering with specific sections – be it ‘NGO’, ‘in-house lobbyists’ ‘religious organisations’ – which took them to different registration forms. By acknowledging different types of organisations, the EU system enabled registrants to feel that they were ‘in the right place’. The goal was to convey that lobbying was a normal activity, that lots of organisations are engaged in lobbying, and there needs to be transparency around this.

196. A different approach was adopted by the BC Lobbyists Registrar. Although the term ‘lobbying’ was used (rather than a more neutral term like transparency), the BC Registrar mounted an extensive public education campaign around what lobbying means. This was in response to concerns that “when the public hears the term lobbyist, they have a negative reflex. And people don’t consider themselves lobbyists – there is a stain on the word.”

197. The BC Registrar’s public education strategy revolved around the message that “lobbying is an essential part of a functioning democracy.” The Team focussed on how lobbying can be used in a positive way, for instance to

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109 Shackleford, op cit, p2.
110 Interview with policy official at the European Commission.
111 Ibid
112 Interview with civil servant, British Columbia Office of the Lobbyist Registrar.
influence policy to invest more money into funding diabetes research and treatment. The team emphasised the right of citizens and organisations to communicate ideas to public officials, and how those public officials deserve to hear a full range of ideas. In this sense, the BC Registrar does not differentiate between the lobbying undertaken by non-profit and for-profit organisations. Instead, it focuses on the legitimate act of lobbying, and how it must be transparent. This approach was met positively by charities and NGOs in British Columbia.

198. The Irish Lobbying Register Team pursued a similar approach of raising awareness of the positive aspects of lobbying. In similarity to other countries, “lobbying has been given a bad reputation because of a handful of people who were involved in corruption and fraud – but this isn’t lobbying.” The Irish team took they view that even though the term lobbying had been ‘dirtied’, it could also be reclaimed and rehabilitated. This involved a campaign that focussed on promoting the positive aspects of lobbying, such as openly discussing how universities, nonprofits and trade unions seek to influence policies for the public good; and how registration had advantages for organisations representing public interests as well as those pursuing private interests. In this sense, the Irish Registrar did not differentiate between the lobbying activities of nonprofits and for-profit organisations. Registering lobbying activities were seen to have the same benefits for corporations as non-profits: by acting as a marketing mechanism to raise awareness of the activities of organisations.

199. This strategy proved effective, with many Irish third-sector organisations viewing their registration on the lobbying register “as a mode of raising awareness of their work and highlighting the extent of the work being done… [nonprofits] use it as a shop window. They’re not showing off as they need to do this by law, but people will know that they’re busy.”

200. Lessons for the Scottish Parliament around messaging are therefore:

- To focus on public education and raising awareness around what is ‘lobbying’ and highlighting the positive aspects, i.e. that seeking to influence policies is a legitimate part of the democratic process, that lobbying is done by a range of organisations, that it can be done as much for the public good as for private interest, but it must be transparent.
- To focus on the benefits to lobbyist organisations themselves when registering. These include: (1) that a register legitimises lobby groups as actors in the political process; (2) as citizens become more aware of the work that lobbyists are doing, this will counteract cynicism and negativity about the term ‘lobbyists’; (3) a register prevents undue influence from other competing lobbyists and everyone benefits from the transparency of the process; (4) that a register allows members of organisations to see what they are doing and to recognise the extent of their activities.
- The tailoring of the registration system to enable different types of organisations to identify with a ‘section’ (i.e. NGOs, think tanks, trade

113 Interview with Irish stakeholder organisation.

114 Chari and murphy, op cit, pp77-78.
unions) may remove some doubts that these organisations are lobbying, and will let them know that they are being acknowledged as lobbyists.

Engagement: Face-to-Face

201. The most important form of communications, in all of the case studies examined above, was direct face-to-face engagement with lobbying stakeholders. This was seen as more important than online engagement and other indirect forms of engagement, and was seen to be especially crucial at the early phases of any lobbying register engagement campaign. Face-to-face engagement (via meetings, events or conferences; and also by phone call or Skype) had the benefit of enabling stakeholders to meet the team personally, to ask any questions that they had, and to establish a rapport. As one registrar stated, “lobbyists like to have the one-to-one connection with us. You need to make sure they feel heard, and face-to-face interaction helps with that.”

202. For example, the UK Registrar of Consultant Lobbyists made it a priority to speak or meet directly with stakeholder organisations and to make herself permanently available to talk with those organisations. The UK Registrar’s strategy was based on face-to-face, personal communications, which earned her the trust and support of stakeholder organisations. Although the UK Registrar also employed traditional and online channels of communication, face-to-face engagement was especially important during the first year of launching the register, when she held multiple speaking engagement, presentations and meetings with different stakeholders. In order to maintain awareness of the registration requirements, the UK Registrar also hosts an annual conference with all stakeholders, and other regular events.

203. Face-to-face engagement was also an important priority for the Saskatchewan Lobbyist Registry team, not only for communicating with lobbyists, but also public office holders. The Saskatchewan team gave in-persons presentations to as many stakeholder organisations as possible. They also prioritised face-to-face meetings with public office holders, setting up meetings and giving presentations to political party caucuses, government departments, ministers and other groups who were likely to be a target of lobbying.

204. Similarly, the Irish Lobbying Registrar dedicated significant time to meeting with potential stakeholders across the country. In the first year of the launch, she gave 75 presentations to stakeholder organisations, which proved to be an important forum for asking questions and raising concerns. The presentations were also useful in that the Registrar noted the main topics of questions, and was able to address any common themes or issues arising from discussions in the ‘FAQ’ section of the website and in other online and printed materials.

205. Lessons for the Scottish Parliament on face-to-face engagement are thus:
• To expend as much energy as possible in the first year of the register on meeting face-to-face with different stakeholders (through meetings, conferences, workshops and presentations), to build a sense of trust and rapport with organisations, and to be available to personally answer any questions, or address any concerns, that they have.
• To maintain a degree of face-to-face engagement in the longer term, for instance by holding an annual stakeholder conference or other regular events. This will give new registrants an opportunity to meet the Team and ask questions, and it will enable the team to personally convey any important news, updates and information to existing registrants.

Engagement: Traditional Methods

206. Traditional forms of communication – such as press releases, broadcasting, advertisements and published articles – were generally the second most-used form of stakeholder engagement in the case studies. This was especially true for the Canadian provincial registries and the EU.

207. The cases analysed used a variety of traditional methods, which included:

- Information guides and booklets sent out to stakeholder lists
- Regular press releases around every milestone/important update
- Regular information briefings for the media
- Articles/interviews in newspapers
- Articles/interviews in trade association journals
- Newspaper advertisements
- Advertisements on TV and radio

208. The Irish Registrar also developed some creative practices, such as publishing an Open Letter to the top 1000 companies in Ireland via the Irish Times. The aim, according to the Irish Lobbying Registrar, was ‘to blitz the place’. The Irish team also invested in an intense local radio campaign to communicate the requirements to hard-to-reach groups outside urban centres. As Ireland is a radio-loving country (with 65% of the population regularly listening to local radio), this was a very effective, tailored, engagement strategy.

209. Another effective, though perhaps more time-consuming, form of engagement was for Lobbying Register teams to develop their own newsletters/magazines that were sent out to stakeholders and published on their websites. For instance, the BC Lobbyists Registry Office developed an online magazine/newsletter called ‘Influencing BC’, which contains articles of interest to the lobbying community as well as information about requirements and investigations. The BC Office also welcomes guest articles, and so, for instance, the Manitoba Registry Team has published articles there too. Similarly, UK Lobbying Registrar also developed a quarterly newsletter, which is sent to registrants when quarterly client returns are due.

210. Finally, as well as conducting an advertising campaign in their home province of Saskatchewan, the Saskatchewan Lobbyist Registry Office also
included neighbouring provinces (Manitoba, Ontario) in their outreach efforts. This had the result of capturing the attention of large stakeholder organisation who operated in more than one region, and alerting them to the new register.

211. **Lessons for the Scottish Parliament on traditional engagement are thus:**

- **To utilise as many forms of communication as possible to raise awareness of the existence of the register and the requirements for registration.** This includes regular communication with the press and broadcasting outlets; focussing on local media outlets (radio and newspapers) as much as national platforms; producing a wealth of information on the registration requirements (guides, infographics, booklets, flyers, posters) to send to stakeholder organisations; targeting trade association journals for interviews and guest articles; and producing a newsletter with relevant updates, news and information.
- **The Parliament might also consider extending its advertising campaign to parts of England (& Wales/Northern Ireland), to capture the attention of organisations based outside of Scotland but which nevertheless have the intention of seeking to influence Scottish public officials.**

**Engagement: Online**

212. **The lobbying register teams that were interviewed for this research have taken very different stances on the effectiveness of online methods as a means of reaching out to lobbyist stakeholder organisations.**

213. **While all of the lobbying register teams agreed about the importance of having an accessible, visually clear and attractive website that contained different materials and information on lobbying and registration requirements, they were less unanimous in their praise of social media platforms.** While some registrars had successfully used one or two social media platforms (Twitter, and to a less extent, LinkedIn), others were more cautious. One of the register teams had also conducted a google-ad campaign during the launch of the register. The following is a round-up of views of different online methods:

a. **The lobbying registration website is a powerful tool for communicating information to potential stakeholders.** Some of the websites were more sophisticated than others, but as a rule of thumb, all of them had:

- Links to the lobbying legislation
- A guide/factsheet about lobbying requirements
- Frequently Asked Questions
- News and Updates

b. **In addition, some of the websites had more advanced or interactive forms of communication/information, such as:**

- Interactive flowcharts (i.e. should I register or not?)
- Self-help videos with instructions on how to register
- Self-help videos with instructions on inputting information
• Videos with general information on the lobbying legislation
• Sample registration/return forms
• Live-streamed conferences and events on lobbying
• Films of events surrounding the launch of registers (via YouTube)
• Online newsletters/magazines
• Research and publications on lobbying register
• Presentation slides from conferences/workshops

c. Out of all the social media platforms available, Twitter was the most widely used amongst the register teams interviewed for this research. Twitter was viewed as the most useful social media platform to communicate information about deadlines, updates, reports, news and quick tips. Some register teams also had a LinkedIn presence, however, this was viewed as less effective than Twitter (though some teams acknowledged that it might be useful for writing/disseminating blogs on the lobbying register). None of the teams spoken with were keen on using Facebook, for the same reason: that it would be difficult to respond to comments on FB pages and to monitor responses. Some of the teams were also cautious about using social media, with one interviewee stating that, “lots of work goes into having a social media campaign, but is it effective? Who are you tweeting? Lobbyists? Public office holders? Citizens? We think our audience is best captured through our website.”

d. One lobbying team had invested in a digital advertising campaign to raise awareness about the launch of the register (i.e. where online ‘ads’ would pop up as people scrolled through google or pages on the internet, and click-through rates to the lobbying website were monitored).

e. Another form of online engagement is to write blogs on the lobbying register, and to publish these on well-known trade association websites. This may be an effective way to get information out to members of larger associations. If the website has a high optimisation level, the blog would also be picked up by people using an online search engine.

214. Most of the lobbying register teams interviewed for this project viewed online engagement as an area for further development, and were keen to learn more about how to use different methods effectively. For instance, the Canadian provinces’ lobbying registry offices host an annual conference to share best practice. This year’s conference, to be held in October in Saskatchewan, will have a special session on whether social media engagement is effective.

215. Lessons for the Scottish Parliament around online engagement are therefore:

• To make the website as accessible, user-friendly and interactive as possible, with lots of different forms of communication (downloadable guides, factsheets, flowcharts, tip-sheets). If possible, to include self-help written guides and videos on how to register and submit a return.

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To add regularly updated news sections, and to add links to any events that have been held (i.e. films, presentation slides).

- To undertake a social media campaign, focussing on Twitter in the first instance. This is a helpful way to convey information to users on requirements, deadlines and news (though consideration should be given to who the tweets are targeting – i.e. lobbyists, the public, MSPs?). To also set up a LinkedIn page, with a view to publishing information on events and blogs targeted at the stakeholder audience.

- To explore writing blogs and other articles for online trade association magazines and websites to get the ‘official message’ about the lobbying requirements out to a broad community and on search engines.

Mobilising Networks

216. In addition to the three forms of engagement highlighted above, one of the most consistently effective practices of lobbying register teams around the world is to mobilise networks – in particular, membership associations – in order to help spread awareness of the lobbying register and requirements.

217. All of the lobbying register teams interviewed for this research sought to reach out to, work with, and partner with key stakeholder membership organisations in order to engage with a larger audience. This was achieved in various ways:

   a. Giving bespoke presentations to membership bodies on the lobbying register; or giving talks and speeches at organisational events/dinners;
   b. Giving webinars to professional association members on the registration requirements, which was part of a credit-bearing qualification;
   c. Using the professional magazines, newsletters and website blog spaces of trade and industry associations to highlight the launch of the register, requirements, annual return deadlines and so on;
   d. Co-hosting events, workshops and roadshows with membership organisations to directly reach out to members;
   e. Encouraging membership organisations to offer their views on using the register in lobbying register team newsletters/magazines;
   f. Inviting key membership bodies to sit on a lobbying register advisory body to help shape implementation plans and guidelines for the register; inviting those organisations to ‘test’ the online registration system before the system goes live; encouraging those organisations to disseminate information to members and to assist with outreach;
   g. Encouraging membership organisations to ‘re-tweet’ important dates, deadlines and information to their members.
   h. Hosting half-day training sessions for membership organisations on the lobbying register requirements (which could be credit-bearing).

218. Many of the registrar teams interviewed for this research indicated that membership organisations were key intermediaries between them and the target lobbyist group. Membership organisations were conduits of information, who could offer significant help in spreading awareness around the register.
219. Based on the interviews with stakeholders in Scotland, some membership organisations would be keen to play a role in helping the Scottish Lobbying Register Team reach out to members and disseminate information. One interviewee stated that, “we would be happy to circulate information to our members on the Registrar’s behalf… we want to ensure that all of our members fully comply with the requirements and that there are no transgressions.”

220. One idea, based on an interview with a member of the Scottish Government’s Marketing Team, might be to produce ‘stakeholder toolkits’ for membership organisations, which they could then disseminate to their members or clients.

221. The Scottish Government has used stakeholder toolkits very effectively when seeking to enlist partner organisations to convey the key messages of a policy campaign to a wider audience. These toolkits generally encompass a range of communication tools, including template press releases, bite-sized ‘key messages’, suggested Tweets, infographics and ‘empty belly’ posters that are partly-written and can be filled in by the partner organisation with local details.

222. When the possibility of creating stakeholder toolkits was raised in an interview with a Scottish stakeholder organisation, the idea was positively received: “a toolkit might be something useful that we could give to our members to distribute to their clients (if they also lobby themselves). We would welcome any resources that we could distribute to members for their clients.”

223. Furthermore, when discussing the Irish example - whereby the Public Relations Institute held a half-day training session on the lobbying registration requirements with its members that the Irish Lobbying Registrar co-delivered – a Scottish stakeholder representative said that, “part of our membership requirements is that members have ongoing training in-house; given they need formal training, it would be no difficulty to incorporate a module on the Register.”

224. Lessons for the Scottish Parliament around mobilising networks are thus:

- To welcome key membership organisations as partners and intermediaries in helping to reach out to potential lobbyists;
- To offer a range of materials, resources and speaking engagements to membership organisations that can help engage members;
- To consider co-hosting events, conferences, training sessions, roadshows and other activities with membership organisations in order to ensure face-to-face contact is made with members;
- To consider creating a ‘Lobbying Register Stakeholder Toolkit’ (or different forms thereof, catering to different lobbyist types) that can:
  - be given to membership organisations (which includes press releases, factsheets, infographics, FAQs, posters and tweets) to raise awareness amongst members; and
be given to members to disseminate to clients (in the case of third-party consultant lobbyists) so that their clients are given key information on lobbying requirements.

Engaging the Lobbied: Public Officials

225. Many of the register teams interviewed for this research pointed to the need to education and engage not only with lobbyists, but with people being lobbied. Stakeholder engagement campaigns therefore included public office holders – including elected members of the legislature, government ministers, civil servants (and in some cases, NDPB staff) – as a key target group.

226. Public office holder engagement strategies often took a different format to lobbyist engagement strategies (including more direct contact with individuals and face-to-face meetings), and included the following activities:

a. The preparation of a guide for public office holders on the lobbying legislation, register requirements, and what to do when being lobbied;

b. Drafting a letter to the legislature, to be disseminated to elected members and their staff, informing them of the register requirements and asking them to invite any known lobbyists to contact the Register Office;

c. One-to-one meetings with the speaker of the legislature, ministers and deputy ministers, Special Advisors and senior civil servants, informing them of the register and its requirements;

d. Sending hard copies of an ‘Are You a Lobbyist?’ brochure to members of the legislature, which detailed the requirements of the lobbying register, which could be handed out to lobbyists in meetings.

e. Inviting public office holders, especially members of the legislature, to re-tweet information about the lobbying register.

f. Group briefings with elected members of the legislature and their staff on the lobbying legislation, and how to help ensure that people lobbying them are aware of the register;

G. Half-day training sessions at regular intervals with public office holders on the legislation and any important updates/reviews;

h. Whole-day sessions on how to deal with lobbyists and lobbying strategies, including direct (i.e. face-to-face or email) and indirect (i.e. social media lobbying campaigns and high-profile blogs);

i. Create a Helpline for elected members and their staff on lobbying, to answer any quick questions that they may have;

j. Contact every new elected member, and every new minister or deputy minister, when they are appointed for a 20min meeting, to inform them of the requirements of the lobbying register.

227. Although public office holders are not legally responsible for ensuring that lobbyists are registered, nor are they required to keep a record of whom they’ve spoken to (with the exception of ministers and SpAds), the vast majority of register teams interviewed for this research said that public office holders were an important intermediary in raising awareness of the lobbying requirements. Public office holders – especially MSPs – have extensive
outreach potential, and are well-placed to spread the message about the new legislation.

228. In similarity to a ‘stakeholder toolkit’ for intermediary membership organisations, one idea might be to create a ‘public office holder toolkit’ to be distributed to the main targets of lobbying in Scotland – aimed especially at MSPs, but also ministers, special advisors and the permanent secretary. This toolkit could contain a ‘Guide to Lobbying’ that could be handed out to lobbyists in private meetings and at parliamentary/government events, recommended tweets, infographics and ‘empty belly’ posters that could be filled out and put up in constituency offices (especially relevant to MSPs serving as ministers).

229. Lessons for the Scottish Parliament around engaging public officials are:

- To educate public office holders about the legislation and the requirements of the new register (including those directly affected – MSPs, ministers, SpAds, permanent secretary – and those indirectly affected – i.e. civil servants, MSP staff, heads of NDPBs). This could include a mix of: emails, briefings, guides and brochures, training sessions and the development of a lobbying ‘helpline’;
- Exploring ways for public office holders to help spread awareness of the lobbying legislation, for instance by creating a ‘Public Official Toolkit’ on Lobbying, including samples of tweets, posters and brochures.

Tracking & Refreshing the List

230. Many of the register teams interviewed for this research indicated that, after a few years of intensive campaigning to raise awareness of the register, the lobbying regulations become embedded in the policy community and begin to become a normal part of everyday life for lobbyist stakeholders. There is always a need to educate organisations that are new to lobbying about the requirements, and to maintain a general level of awareness of the requirements and any updates. But generally, registrars (especially in jurisdictions with more established regulations) have been able to see positive returns after investing extensive energy and resources in a public education campaign at the outset.

231. Just as registration becomes a normal part of lobbying after a few years of ‘bedding in’ the new regulations, some registrars have also indicated that registration systems begin to take care of itself (with automatic notifications of deadlines and requests for updates), although it also need to be constantly monitored to ensure high-quality data. Furthermore, the Registrar then has contact details of the main lobbyists in Scotland, who they can email directly.

232. However, it is also important to be proactive in maintaining levels of interest and awareness around the lobbying regulations, and to track and analyse the list of stakeholders who are registered. Based on the research undertaken for this project, this could be done by indirect or direct means.

233. Indirect methods of tracking and refreshing lobbyist stakeholder lists (5) include:
• Read newspapers to keep an eye on anyone reported to be lobbying who hasn’t registered, and keep an eye on mergers (daily basis);
• Regularly analyse ministerial diary returns (monthly basis);
• Keep an eye on high-profile parliamentary inquiries, and see which organisations are submitting evidence (monthly basis);
• Keep an eye on the UK Consultant Register database, the CIPR database, and the APPC membership list (every 6 months);
• Check rankings (top 100 companies in Scotland, top third-sector organisations in Scotland, FTSE 100) (annual basis).

234. Direct methods of tracking and refreshing stakeholder lists (12) include:

• Post infographics on social media that can easily be re-tweeted;
• Invite membership associations to send out regular bulletins on the register (big trade/industry associations, chambers of commerce, chartered institutes, third sector membership organisations);
• Ensure that organisations co-hosting events at the Parliament or Government are registered;
• Invite public office holders to give factsheets/brochures to lobbyists and encourage them to register on the system;
• Email organisations on stakeholder lists with updates and news;
• Publish an e-newsletter and email this out to intermediaries and target groups, to be disseminated more broadly;
• Invite transparency promoters to share lists of any organisations they believe to be regularly lobbying which have not registered;
• Host speaking engagements with local chambers of commerce;
• Conduct a bi-annual ‘media blitz’ to coincide with the deadlines for updating information (i.e. press releases, tweets, ads on radio/press) to maintain a high level of awareness of the requirements;
• Host an annual stakeholders conference;
• Hold regular consultations and reviews;
• Encourage MSPs to voluntarily publish/share their diaries.

235. In addition to these 17 recommendations, a final suggestion is to continue to seek and share best practice with other jurisdictions around the world that operate lobbying registers. This is something that the Canadian provinces do, by hosting an annual conference on lobbying register best practice and to develop solutions to common problems. There have also been proposals (from Ireland) to create an international forum for lobbying registrars, to meet and exchange views on common issues. In the meantime, an interim suggestion is simply to maintain an informal network by staying in touch with the registrar teams interviewed as part of this research.
General advice from stakeholders

236. This section summarises some of the general advice offered by lobbying register teams around the world to the Scottish Parliament as it progresses with implementing the lobbying legislation and engaging stakeholders.

237. On messaging:

- “get the definition of lobbying right. This is key. Who should be covered is crucial for who goes in and who doesn’t.”
- “you need to have a message that makes sense to people, and you need to have crystal-clear clarity on the regulations. Then you need to produce a simple, straightforward one-page factsheet that tells people this is what it means before embarking on any communications campaign”
- “place the priority on public education, and the positives of lobbying, and create awareness of the regulations”
- “be aware that when you launch the register, this is just the beginning of a relationship and a conversation you will have for many years to come. Try to welcome people’s input and criticisms, and try to be frank and open in discussions with stakeholders”

238. On being available and listening:

- “being permanently available for questions is really important. We’re still walking people through the process. You have to be patient”
- “we treat our stakeholders as partners in this process”
- “make sure that stakeholders feel heard – through answering questions, presentations and face-to-face meetings; which makes it easier for them to comply with requirements”
- “what has worked well for us is constant communication and being personally available to speak with people”
- “registration is not as onerous as they [lobbyists] might think it is. With anything new, there is always pushback and it takes a while for new laws to bed in; the more information the lobbyists have, the easier it is for them to transition to the new system”
- “it’s a good idea to have a helpline, for lobbyists and public officials, so they can simply call you if they have any questions”

239. On engagement:

- “be aware of how much energy and resources you need to invest in at the outset. We found it very important to have lots of engagement and to push for compliance – which saves you on enforcement”
- “put the emphasis on education and be willing to spend resources”
- “zero in on certain industries to let them know of any changes, which they can then pass on to their members or clients”
- “face-to-face training and education is the best way to engage”
- “put the emphasis on education and be willing to spend lots of time and resources on the initial push”
“at the end of the day, I would say sending out the initial brochures and information letters to key organisations, then following up with personal contact with the offer to make a presentation, has been the most successful means to engage lobbyists”

“put lots of information online on your website”

“don’t miss the opportunity to link a Code of Conduct to the lobbying register. Organisations that lobby are not just signing up to the register, but also to a moral contract with expectations of ethical behaviour”

“we would appreciate if there could be clarity on the timeline with specific dates. It would be good to get an action-focused time-frame in place”

240. On the launch of the register and monitoring:

“in the initial launch phase, blitz the place with information!”

“make sure you test the system before it goes live. One lobbyist registry in the USA didn’t do this, and the system collapsed when it went live. Ask everyone you know to test the system (by logging in and registering at the exact same time) to make sure it doesn’t crash.”

“make sure your security is tight. We did a test, by hiring someone to ‘hack’ the system to look for vulnerability. The government thought the system was impregnable, but he was able to get in. Then we really tightened up the system to make sure it couldn’t be breached.”

“you need to monitor the quality of the data. You can’t leave the system to take care of itself. While registrants have the responsibility to input their details, you need to establish a monitoring mechanism to ensure good quality data and to make sure organisations are eligible”

“reserve investigative powers as a last resort, which are useful to have to raise awareness of meaningful consequences of non-compliance”

Conclusions

241. This report has examined the diverse ways in which lobbying register teams around the world have sought to raise awareness of new (or revised) regulations on lobbying activities, to engage with potential stakeholders, and to win the trust, support and regulatory compliance of different groups that have an interest in, or are affected by, lobbying regulations.

242. The case studies have revealed that, despite variations in the approaches and methods employed by different register teams – which have resulted from the unique political culture of the region/nation, the time period in which regulations were introduced, and the context in which lobbying legislation was proposed (i.e reactive – due to crisis/scandals; or proactive – to ensure greater accountability around decision-making), there are also broad trends.

243. In all of the cases examined, lobbying register teams were met with a degree of resistance or ‘pushback’ from some sectors of the lobbying community. Some stakeholders – in particular, those who did not readily identify as ‘lobbyists’ in the narrow definition of the word (i.e. commercial lobbyists working to influence policy for private benefit) – were critical of regulations. In
particular, third-sector organisations in different jurisdictions have often felt uncomfortable with being termed as 'lobbyists' or their influence-seeking activities as 'lobbying'. Instead, non-profit organisations have preferred the language of advocacy, public affairs and interest-representation.

244. Moreover, third-sector organisations in many jurisdictions have articulated specific concerns, about: (a) the potentially negative effects of registration systems as having a ‘chilling effect’ on their engagement with parliament and government; (b) the onerous nature of the registration system, which requires extensive coordination within organisations and inputting of any activities deemed to be regulated lobbying, with many third-sector organisations having limited capacity to do so; and (c) the potential reputational damage done to third-sector organisations (many of which receive public funding) if they fail to comply with requirements (for instance, if they forget to submit a 'dormant return' during a period when they have not lobbied).

245. These are important concerns and need to be taken seriously. I will try to address each of the concerns in turn:

a. With regard to some organisations being uncomfortable being termed as ‘lobbyists’ or their activities as ‘lobbying’: if the Scottish Parliament is to proceed with its broad definition of lobbying – which harkens back to the original meaning of the work of ‘communicating with public officials’ and ‘the right to petition’ – then it is necessary to organise a public education campaign that makes clear what lobbying is, and what it isn’t. In particular, there is a need to stress the positive aspects of lobbying (i.e. organisations making their views heard to public officials in a transparent and open way to help inform decision-making). As one registrar told me, “we need to reclaim and rehabilitate the word.” If organisations and individuals have a more positive understanding of the term lobbying, they are more likely to feel positively about identifying with the term.

b. There is a need to ensure that there is no chilling effect on the willingness of organisations to engage with policy-making. The openness of the Scottish Parliament towards the citizenry of Scotland, and to listening to the voices of a wide variety of sectors, is an important strength. Throughout the public outreach campaign, there is a need to emphasise that efforts to ensure transparency around lobbying activities should in no way act as a disincentive to people and organisations wishing to engage with the Parliament. When interviewees for this research were asked about the potential ‘chilling effect’ on nonprofits, the responses were overwhelmingly and unanimously of the view that “there has been no suppressive effect on third-sector organisations”. Third-sector organisations have continued to engage effectively and transparently with public office holders following the introduction of registers. Moreover, some interviewees highlighted the fact that the opposite has held true: in some countries, third-sector organisations are voluntarily registering in order to reap the benefits of being listed, which raises awareness of the policy-focused influence-seeking work that is being done. This research finding confirms other academic research that has
been conducted on the effect of registration on non-profit organisations. For instance, during a comparative analysis of the introduction of lobbying regulations in several countries, Chari and Murphy stated that, “We find no evidence, however, that having a register of lobbyists results in decreasing participation in the political process.”

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With regard to the onerous nature of the registration system for (smaller) third-sector organisations, interviewees generally conveyed that these concerns did not materialise. In Ireland, for instance, the time-consuming aspects of registration and submitting records tended to affect only the larger organisations that had multiple branches (where, for instance, a trade union with multiple branches, all doing their own lobbying work, had to coordinate between branches to submit a single, unified return). This issue did not affect smaller third-sector organisations, which only had one or two staff members (i.e. public policy officials) undertaking lobbying work, and where coordination of returns was much easier. Other registrars, for instance in the Canadian provinces, reported that organisations were relieved when they found that registration, and the later submitting of returns, only took less than half an hour. However, there was an issue, whereby some smaller organisations might forget to make a return – especially in instances where they hadn’t been lobbying during the period of the return, and registering their non-lobbying status wasn’t on their radar. In some cases, this led to them being fined for non-compliance, which brings us to our next area of concern.

d. If a third-sector organisation is fined for non-compliance (whether intentionally or – more likely, inadvertently), there is the potential for (public) reputational damage, which may damage that organisation’s likelihood of receiving future grant funding. This is an issue that should be taken seriously. To avoid this scenario, all efforts should be made to support organisations in filling out the registration form and subsequent returns. This could be provided through a Helpline, livechat, training videos and seminars, sample forms and guides. In addition, when the deadlines for returns are approaching, the Register Team could send out a mass email to all of the organisations registered, reminding them to submit a return, as well as an intensive advertising/social media campaign during the period prior to the deadline. This could be seen as a ‘preventative’ strategy for (inadvertent) non-compliance. However, if an organisation fails to submit a return, there are different approaches to dealing with this issue. Some registrars interviewed for this research stated that they would only fine an organisation ‘as a last resort’ and that all efforts would be made to resolve the situation informally. Organisations would be sent initial warning letters, and only in cases where there has been an egregious case of non-compliance would a fine be made. Other registrars recommended introducing enforcement powers over a longer period of time (i.e. after two years of the system being in operation), giving the regulations time to bed in and organisations a chance to try out the system. Finally, some interviewees

recommended that fines should only be made if an organisation has failed to submit a return for a period during which they were actively lobbying; with no fines made for failing to register periods of inactivity.

246. In the course of this research, I have developed several recommendations for how the Scottish Parliament may wish to take forward its engagement strategy as it moves towards implementation. The 16 recommendations pertain to issues around: messaging and terminology; different forms of face-to-face, traditional and online forms of engagement; mobilising networks and intermediaries; and engaging public office holders. These recommendations are summarised below:

**Messaging & Terminology**

1. To focus on public education and raising awareness around what is ‘lobbying’ and highlighting the positive aspects;
2. To focus on the multiple benefits to lobbyist organisations themselves when registering;
3. Tailoring the registration system (in future) to enable different types of organisations to identify with distinct categories;

**Face-to-Face Engagement**

4. To expend as much energy as possible in the first year on meeting face-to-face with different stakeholders and answering questions;
5. To maintain a degree of face-to-face engagement in the longer term, by holding an annual stakeholder conference or other regular events;

**Traditional Forms of Engagement**

6. To utilise as many ‘traditional’ forms of communication as possible to raise awareness (press releases; media briefings; radio and newspaper ads; guides, booklets and brochures; articles and interviews in trade association journals; producing a regular newsletter) to ensure that the Parliament is controlling the message, and that any information communicated about requirements is correct (to avoid inaccuracies);
7. To consider extending the advertising campaign to other parts of the UK to capture organisations not based in Scotland but which lobby here;

**Online Engagement**

8. To make the website as accessible, user-friendly and interactive as possible, with lots of different forms of communication (videos, films, slides, downloadable materials, flowcharts, sample forms, scenarios);
9. To undertake a social media campaign, focussing on Twitter to convey important information and deadlines, and LinkedIn to advertise blogs;
10. To write blogs for online trade association magazines and websites;

**Mobilising Networks**

11. To welcome key membership organisations as partners and intermediaries in helping to reach out to potential lobbyists;
12. To offer a range of materials, resources and speaking engagements to membership organisations that can help engage members;
13. To co-host events, conferences, training sessions, roadshows and other activities with membership organisations;

14. To create a ‘Lobbying Register Stakeholder Toolkit’ (or different forms thereof, catering to different lobbyist types) that can be given to membership organisations and/or disseminated to clients;

Engaging Public Office Holders

15. To educate public office holders about the legislation and the requirements of the new register, through emails, briefings, guides and brochures, training sessions and a lobbying ‘helpline’;

16. Explore ways for public office holders to help spread awareness of the lobbying legislation, for instance by creating a ‘Public Official Toolkit’ on Lobbying, including samples of tweets, posters and brochures.

247. The lessons drawn from the international case studies reveal that there are a variety of ways in which to engage with stakeholders, and a variety of audiences to target. While much of the report has focussed on engaging lobbyists, there also needs to be a general campaign to raise public awareness of what lobbying is – to counteract misperceptions – as well as a more specific campaign targeted at raising awareness among public office holders.

248. As a final word, I would like to highlight three issues that all of my interviewees viewed as ‘necessary conditions’ for effective engagement:

a. Before launching an outreach campaign, it is first necessary to have a clear and consistent message on the new lobbying regulations that makes sense to people (including step-by-step guidelines and instructions on registering), and to spread this message through a public education campaign that not only raises awareness of the regulations, but also focuses on the positive aspects of lobbying;

b. Second, it is vitally important to be open, frank and available to answer questions and address concerns; to ensure that stakeholders feel like their fears and concerns are being heard; and to treat stakeholders as both partners in the process of implementing the regulations, as well as intermediaries that can help reach out to a much larger audience;

c. Third, it is vital to expend as much energy and resources as possible on the ‘initial push’ - of blitzing the country with information, meeting with many stakeholders as possible; putting as much information as possible onto the website and through different communications channels; and of controlling the message. Having lots of engagement and pushing for compliance in the first place, will save on enforcement later.

249. Judging from the engagement work that the Scottish Parliament has done so far, it appears to be firmly on the right track. Hopefully, the recommendations contained in this report will help ensure further success.
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<tr>
<th>ORGANISATION</th>
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<tr>
<td>1 Office of the Ethics Commissioner &amp; Lobbyist Registrar of Alberta (Canada)</td>
<td>Lana Robins</td>
<td>Lobbyist Registrar and General Counsel</td>
<td>09/08/17</td>
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<tr>
<td>2 Office of the Lobbyist Registrar for Manitoba (Canada)</td>
<td>Holly Mackling</td>
<td>Deputy Lobbyist Registrar</td>
<td>14/6/17</td>
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<td>3 Office of the Registrar of Lobbyists Saskatchewan (Canada)</td>
<td>Saundra Arberry</td>
<td>Deputy Registrar</td>
<td>15/8/17</td>
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<td>4 Office of the Registrar for Lobbyists of British Columbia (Canada)</td>
<td>Jay Fedorak</td>
<td>Deputy Commissioner (Investigation and Lobbyist Registration)</td>
<td>11/8/17</td>
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<tr>
<td>5 Office of the Integrity Commissioner of Ontario (Canada)</td>
<td>Claire Allen</td>
<td>Team Lead - Lobbying</td>
<td>24/8/17</td>
</tr>
<tr>
<td>6 Standards in Public Office Commission (Ireland)</td>
<td>Sherry Perrault</td>
<td>Head of Ethics and Lobbying Regulation</td>
<td>10/8/17</td>
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<tr>
<td>7 Office of the Registrar of Consultant Lobbyists (United Kingdom)</td>
<td>Alison White</td>
<td>Registrar of Consultant Lobbyists</td>
<td>9/8/17</td>
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<td>8 Joint Transparency Register Secretariat (European Commission)</td>
<td>Martin Ohridski</td>
<td>Policy Officer</td>
<td>11/8/17</td>
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<tr>
<td>9 Transparency Unit, Directorate of Interinstitutional Affairs and Legislative Coordination (European Parliament)</td>
<td>Marie Thiel</td>
<td>Administrator</td>
<td>14/8/17</td>
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<tr>
<td>10 New South Wales Electoral Commission (Australia)</td>
<td>Inez Ryan</td>
<td>Policy Officer, Client Services</td>
<td>2/8/17</td>
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<tr>
<td>11 Scottish Government Marketing Division (Scotland)</td>
<td>Gregor Urquhart</td>
<td>Head of Smarter &amp; Fairer Marketing</td>
<td>18/8/17</td>
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<tr>
<td>12 Association of Professional Political Consultants (APPC) Scotland</td>
<td>Peter Duncan</td>
<td>Chair</td>
<td>21/8/17</td>
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<td>13 Scottish Council for Voluntary Organisations (Scotland)</td>
<td>Ruchir Shah</td>
<td>Head of Policy</td>
<td>24/8/17</td>
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<td>14 The Wheel – Supporting Ireland’s Charities (Ireland)</td>
<td>Ivan Cooper</td>
<td>Director of Advocacy</td>
<td>24/8/17</td>
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<tr>
<td>15 Spinwatch &amp; University of Stirling (Scotland/UK)</td>
<td>Will Dinan</td>
<td>Co-Director</td>
<td>7/8/17</td>
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Annex B: List of Questions for Interviewees

(1) Questions for Registrar Teams in Other Jurisdictions

- Could you tell me about your engagement strategy with potential stakeholders when you first launched the register?
- How did you identify and then engage organisations who are lobbying?
- Was your engagement strategy mainly face-to-face or online? Which social media platforms did you use, if any?
- Did you adopt different strategies to engage with different types of organisations (for instance, small and large, private & non-profit)?
- How did you encourage registration for particular organisations?
- Are there any particular issues that emerged during your outreach activities that you think others could learn from?
- What were the most successful aspects of your engagement strategy?
- How have you sought to track and analyse information on stakeholders?
- Have you conducted any evaluations of your engagement strategy?
- What advice would you give to the Scottish Parliament when conducting its engagement strategy with potential lobbyists?

(2) Questions for Stakeholders

- Would you say that there is a high level of awareness in your sector about the new lobbying legislation?
- How has your sector responded to the introduction of lobbying register?
- What have been the main interests and/or concerns of members?
- How do you think the Scottish Parliament could best inform members/stakeholders of the lobbying register & its requirements?
- Do you think your members/stakeholders would prefer online, face-to-face or traditional forms of communications and outreach (such as social media platforms, trade journals, in-house presentations)?
- What kind of information would you like to see the Scottish Parliament producing to help your members understand requirements? (FAQs, videos, blogs, factsheets)?
- Do your members need any particular support in understanding and complying with the lobbying register requirements?
- Would you be happy to help convey information from the Scottish Parliament on lobbying requirements to your members?
- Do you have any general recommendations for how Scottish Parliament might effectively engage with your sector/members?
Annex C: List of Lobbying Registers Consulted

Office of the Registrar of Consultant Lobbyists (UK)
http://registrarofconsultantlobbyists.org.uk/

Register of Lobbying in Ireland
https://www.lobbying.ie/

European Transparency Register

Office of the Ethics Commissioner Lobbyist Registrar of Alberta
http://www.ethicscommissioner.ab.ca/lobbyist-registry/

Office of the Registrar of Lobbyists in British Columbia
https://www.lobbyistsregistrar.bc.ca/

Office of the Lobbyist Registrar for Manitoba

Office of the Integrity Commissioner Ontario – Lobbyists Registration
http://www.oico.on.ca/home/lobbyists-registration/overview

Office of the Registrar of Lobbyists Saskatchewan
https://www.sasklobbyistregistry.ca/

New South Wales Register of Third-Party Lobbyists
Annex D: Stakeholder Toolkit Examples

For an example of what might be contained in a Stakeholder Toolkit (including key messages, sample press release, empty-belly posters and example tweets and summaries), please see the following two pdf links.

The first link is to the Crofting Commission Elections Partner Toolkit, which was produced by the Scottish Government in 2017.

Crofting Commission elections partner toolkit_FINAL.pdf

The second link is to the Year of the Young People 2018 Supporter's (Digital) Toolkit, which was also produced by the Scottish Government in 2017.

YOYP-Digital-Toolkit.pdf