



The Regulatory Environment



for Social Justice Advocacy



in Ireland



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The Advocacy Initiative



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Introduction

This short guide is intended to provide an overview of the regulations, both formal and informal, which affect the social justice advocacy environment in Ireland. In particular this guide is intended to raise awareness of some upcoming developments in the sector, provide information on a changing regulatory environment and invite social justice advocates to consider the implications of these changes for their work.

Two major pieces of legislation will shortly come into effect, which promise to significantly increase the requirements placed on some organisations – the Regulation of Lobbyists and the Charities Act. Both pieces of legislation require the attention of those in a leadership role within the social justice advocacy sector. These two acts promise to make the sector more transparent and open, but they will bring a number of challenges and will require charities and other advocacy organisations to quickly bring their staff up to speed on the new requirements.

Social justice advocacy in Ireland is diverse and comprises a wide variety of organisations. Some organisations are registered as charities, some are not. Some have a large staff of paid employees, while some are purely voluntary¹. Organisations will need to assess both the Charities Act and the proposed Regulation of Lobbyist legislation to

1. For further information on the social justice advocacy sector see: Murphy (2012) Mapping Study of Social Justice Advocacy, available on: www.advocacyinitiative.ie

determine if the provisions apply to them. This report will refer to charities as well as the community and voluntary sector, some of the specific developments are primarily relevant to charities (e.g. Charities Act), though all will impact the environment in which social justice advocacy is conducted by those operating in the community and voluntary sector.



1. Formal Regulation

At present there is little formal specific regulation of the community & voluntary sector in Ireland. The regulation that does exist has never been a unified or coherent body of law. Charities and non-profits must wade through complex and often obscure legislation to ensure that their activities are lawful and that they obtain the maximum benefit for the people they seek to help. To address this situation the Charities Act was passed by the Oireachtas in 2009. There has been considerable delay in bringing this Act into force; however, in recent months the government has re-engaged with the legislation and committed to enacting its most significant provisions in the near future. This will have a major impact for everyone within the charities sector, but more particularly for those in an administrative role.

While the provisions of the Charities Act will herald a new era in charity regulation, it is not the only significant change to the legislative landscape on the horizon. The Regulation of Lobbyists Act is another piece of legislation which will affect every charity which has any contact with government or a public advocacy remit.

1.1 Charities Act

At present there is no specific legislation governing the general operation of charities in Ireland. Charitable organisations are primarily governed by the rules relating to the type of organisation they are. Charities formally constituted as a company are required to conform to the provisions of the Companies Acts. Similarly charitable trusts and unincorporated associations are governed by the specific rules relating to their respective legal entities.

The most common designator of charitable status is exemption from various tax liabilities² as determined by the Revenue Commissioners. The Commissioners maintain a list of organisations whom they have approved for such exemptions and this list has become the de facto list of approved charities in Ireland.

The Charities Act will, when enacted, decouple the determination of charitable status (which will be made by a new regulator) from the determination of tax exemption (which will remain with the Revenue Commissioners.) There will be no automatic entitlement to tax exemption as a result of charitable status, although it is envisioned that the Charities Regulator and the Revenue Commissioners will co-operate closely and negotiate a common framework.

The approach taken by the Revenue Commissioners in determining charitable status is based on the distillation of a body of judicial pronouncements made over the last few centuries. The Charities Act does not much alter the standard currently used to determine whether a body is charitable or not. Generally speaking, for a body to be charitable, it must be dedicated to the relief of poverty,

2. Income tax, capital gains tax, deposit interest retention tax, stamp duty, capital acquisitions tax and probate tax are the main exemptions made for charitable organisations.

the advancement of education and religion or another purpose that is of benefit to the community. The Charities Act at §3(11) for the first time in Irish law provides a non-exhaustive list of activities which are of *'benefit to the community.'* These include:

- The advancement of community welfare including the relief of those in need by reason of youth, age, ill-health, or disability.
- The advancement of community development, including rural or urban regeneration.
- The promotion of civic responsibility or voluntary work.
- The promotion of health, including the prevention or relief of sickness, disease or human suffering.
- The advancement of conflict resolution or reconciliation.
- The protection of the natural environment and advancement of environmental sustainability.
- The advancement of the efficient and effective use of the property of charitable organisations.
- The prevention or relief of suffering of animals.
- The integration of those who are disadvantaged, and the promotion of their full participation, in society.

There is no mention of either amateur sport or the advancement of human rights as a defined purpose of benefit to the community. However this list should be read as including, rather than excluding, certain types of charities. The Charities Act does not limit the definition of *'benefit to the community'* to these categories, but

rather states for the avoidance of doubt that these are activities which the Oireachtas has determined to be of benefit to the community. The exclusion of *'the promotion of Human Rights'* as a stated benefit to the community was a controversial decision and many in the voluntary sector and beyond had pressed for its inclusion. It would appear, from the debates which took place in the Oireachtas, that the government of the day had reservations over broadening the definition of *'benefit to the community'* to include things which had not previously been included. Concerns were also raised about the difficulty of defining *'human rights'* in an international context.

It should be noted that not all organisations have, or desire, charitable status. There are many non-profit organisations engaged in social justice advocacy who have not sought charitable status. These organisations, so long as they don't claim to be charities, will not be required to register under the new legislation. However, there are a number of changes made by the future commencement of the Charities Act which these organisations will have to consider.

As mentioned above not all sections of the Act are to be brought into force at once. There are certain sections which will be brought into force in consultation with the new Regulation Authority. One such section states that both cash and non-cash (i.e. direct debits, standing orders etc.) fundraising from the public will require permits from the Gardaí, and only registered charities will be able to conduct charitable fundraising. While it should be stressed that there are no immediate plans to bring into force this section, it is an issue that non-profit organisations will have to face in the medium term.

1.1.1 Political Advocacy

Many organisations may be in the situation where their application for a CHY number has been refused because the Revenue Commissioners has decided their activities are of a political nature. The new Act states that registered charities will be allowed to promote a political cause, if it relates directly to their charitable purpose. The precise meaning of this section remains to be seen and will become clearer once the new Regulator begins to make decisions on applications for charitable status. However, it is clear that this is a significant loosening of the current policy of the Revenue Commissioners, who have interpreted political activity quite narrowly.

1.1.2 The Charities Regulatory Authority

The most significant development in voluntary sector regulation since the foundation of the State is just around the corner. In 2009 the Oireachtas passed the Charities Act, which allowed for the establishment of a Charities Regulatory Authority to oversee the voluntary sector. For various reasons the Act was never brought into force, but, earlier this year, the Minister for Justice, Equality and Defence announced that the government intends to press ahead with the establishment of the Authority. It is expected that it will come into operation sometime in 2014 and will operate on a small scale at first. The Authority will be an independent regulator, but with its members appointed by the Minister. It will have two main functions. The first is to regulate the sector, as discussed below, and the second is to advise, encourage and facilitate better administration and management of charitable organisations by the provision of information and advice. This may take the form of published guidelines, codes of conduct, model constitutional documents, etc.

In time the Authority will take on more responsibilities as other sections of the Charities Act are commenced. In addition to functions set out in the Charities Act, the Authority will take on the functions of the Commissioners of Charitable Donations and Bequests for Ireland.

1.1.3 Statutory Register of Charities

The Charities Regulatory Authority will establish and maintain a register of charitable organisations. This register will initially be based on the Revenue Commissioners' list of organisations qualifying for charitable tax exemption. In time all charities will be required to register, whether they apply for tax exemption or not, and it will be a criminal offence to carry on business as a charity, or to claim to be a charity, without being registered. The Act makes no distinction between different types of legal structure, all charities whether established as a company or otherwise will fall under the Act for the purposes of the register. The details contained on the register will include:

- The name of charity
- The principal place of business
- The address of each premises in the State at which the charity operates
- The names of charity trustees
- The charity registration number
- The objects of the charity

It is likely that the register will be published online and free for anyone to consult. The Authority may remove an organisation from the register for a number of reasons. Removal will make continued operation a criminal offence. An organisation may be removed for promoting activity which is unlawful, contrary to public morality, contrary to public policy, in support of terrorism or for the benefit of an unlawful organisation. It is likely that the main concern for the voluntary sector will be that removal may follow as

a consequence of failure to comply with the financial and other reporting requirements discussed below.

1.1.4 Financial & Other Reporting

The most significant change introduced by the Charities Regulatory Authority is the requirement that charities submit financial and other information on a regular basis. The requirements will differ depending upon the income/expenditure of the organisation. It is the stated aim of the government to reflect the principle of proportionality in relation to the administrative burden involved in reporting, especially as it relates to small organisations. Most, if not all, charities will be required to furnish an annual activity report to the Authority. The content of this report will be determined by the Minister and at present it is not clear what level of detail will be required.

Some charities, most likely those with a greater income, will be required to provide detailed annual accounts. Again, the level of detail required for financial disclosure is unknown. The Act envisions three categories of disclosure, with the requirements increasing as the income level increases. At the highest level (for organisations with an income over €100,000³) the organisation will be required provide full audited accounts each year. At the lower end, no financial information will be required, but all charities are expected to maintain proper books of accounts. It is likely that the annual reports will be made public by the Authority for organisations who receive donations from the public.

3. This figure should be taken as indicative only. The reporting thresholds will be set by the Minister and are subject to change.

It should be noted that a charitable organisation that is a company and required to submit annual returns with accounts to the Companies Registration Office (CRO) under Companies Law will not be required to supply any accounts to the Authority (the CRO will give these returns to the Charities Regulatory Authority)

The fact that charities will make a contribution to the cost of setting up the regulator through a proposed registration fee is cited as the reason it is now possible to move ahead with putting the regulatory system in place. The new Authority will be funded by contributions from the sector. The Minister has suggested that an annual fee range of between €75 and €500, depending on the income of the charity, with a token fee for very small charities (the figure of €10 has been suggested) should be expected.

1.2 Lobbying Regulation

The government has announced its intention to regulate political lobbying in Ireland for the first time. In April 2013 The Minister for Public Expenditure and Reform approved the draft of a Bill to put the regulation of lobbyists on a statutory footing. This follows a long consultation process with various stakeholders and academics. It is unclear when the Bill will become law, however the government has committed to the process as part of its Public Service Reform Programme.

The introduction of lobbying regulation will have a significant impact for advocacy groups and charities. The term ‘*lobbyist*’ has negative connotations for many, but the definition of lobbying in the draft bill is broad and will include many of the activities undertaken by civil society groups. Unlike in other jurisdictions, the proposed Irish legislation makes no distinction between paid professional lobbyists, in-house corporate lobbyists and social advocacy / NGO groups. The same rules will be applicable to all these groups.

The proposed regulation of lobbyists is at the ‘*Heads of Bill*’ stage in the Oireachtas. This means that while the broad outline of the proposed legislation is known, it may alter in some respects before it becomes law. The main provisions are as follows:

REGISTRAR OF LOBBYISTS

A Registrar of Lobbyists will be created to oversee the operation of the legislation. Standards in Public Office Commission will act as the Registrar for a period of two

years. This appears to be a temporary measure until such times as a new body is established. The Registrar will have the power to investigate complaints and punish failure to comply with the Act. Much like the Charities Regulator, this office will publish guidelines and offer advice to lobby groups.

DEFINITION OF LOBBYING

Almost any communication whether directly or indirectly on specific policy, legislation or prospective decisions, with particular public officials or office holders, will constitute lobbying. The heads of bill provides a fairly broad definition of lobbying. It is simply “communication... on specific policy, legislative matters or prospective decisions with designated public officials or officeholders.” Organisations without paid staff will be exempt from the legislation. The current Heads of Bill do not require organisations without paid employees to register as lobbyists. This will mean that purely voluntary organisations, whatever their status, will not be affected by the legislation.

Of particular significance to the voluntary sector is the inclusion of grassroots communication in the definition of ‘lobbying.’ For the purposes of the legislation “grassroots communication” means “appeals to members of the public or members of a particular organisation through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a designated public official or office holder in an attempt to influence the designated public official or office holder to endorse a particular opinion.”

The designated public officials are Ministers and Ministers of State; TDs, Senators and members of their staff; Members of Local Authorities; Special Advisers; Ombudsman and Comptroller and Auditor General; and Senior Civil and Public Servants (as prescribed by the Minister) initially the designated civil servants will be Secretaries General and Assistant Secretary grades in the Civil Service and the equivalent grades in Local Authorities.

REGISTER OF LOBBYISTS

The purpose of the Bill is not to prevent or curtail such contacts, but to make them transparent and more open to scrutiny. The Bill will establish a web based register of lobbyists which, like the register for charities, will be free for anyone to consult.

Engaging in lobbying activity and failing to declare it will become a criminal offence, as will deliberately providing false information or obstructing an investigation by the Registrar. The penalties will depend upon the magnitude of the breach. The legislation allows for prosecutions to be taken either summarily (in the District Court) or on Indictment (in the Circuit Criminal Court.) In the District Court the maximum penalty is a fine of €5,000 and/or imprisonment for a term not to exceed 12 months. In the Circuit Court the maximum penalty is 5 years imprisonment. Prosecutions may be brought against Directors, Secretaries and other officers of companies, if the company has been involved in an offence under the act. The Registrar will have powers to investigate breaches of the legislation, including the power to apply for a search warrant. For a minor or inadvertent breach of the

legislation the Registrar will be entitled to order the matter be corrected and has the authority to 'name and shame' those involved.

Returns are to be filed at least three times a year detailing activity within the previous four months. Inactivity (i.e. no contact) must also be returned to remain on the register. Returns must provide details (names, addresses, CRO numbers, etc.) of the lobbyist and / or any organisation for whom he works or represents. The heads do not require registration of every contact with public office holders, but rather focus on the subject matter and purpose of the lobbying, the organisations/persons lobbied and the type and intensity of lobbying activity carried out. The information note which accompanied the publication of the heads of bill stated that the information submitted should not be much more than is required for general corporate governance. The government has committed to ensure that inclusion on a register of lobbyists does not affect charitable status.

1.3 The Standards in Public Office Commission

The Standards in Public Office Commission is an independent body established by the Standards in Public Office Act 2001. It oversees three main areas, it supervises the disclosure of interests among public representatives, has an oversight role in the disclosure of donations and election expenditure, and lastly it monitors the expenditure of state funding received by political parties.

For the purposes of advocacy the most significant aspect of SIPO's work is the disclosure of donations under the Electoral Act, 1997. Several groups, including the Irish Council for Civil Liberties, have raised concerns that the provisions of Act may have an unintended and wide ranging impact on the social justice sector.

The Electoral Act 1997 seeks to control the operation of third parties in the political process. These are organisations, other than political parties, who receive money for a political end. Section 22(2)(aa?) of the Act defines as a third party any individual or organisation which accepts a donation exceeding €100 in value where the donation is given for a political purpose. The definition of 'political purpose' is very wide and includes any activity which seeks to promote a particular policy or which seeks to promote or procure a particular outcome in relation to a policy or policies or functions of the Government or any public authority.

Third parties are required to register with the Standards in Public Office Commission and maintain a separate bank account into which donations for a political purpose are deposited. The third party must also furnish a certificate to SIPO stating that all monetary donations received by the

third party during the preceding year were lodged to the account and that all amounts debited from the account were used for political purposes. When furnishing the certificate the third party will also be required to complete a Statutory Declaration that, to the best of the person's knowledge, the certificate is correct in every material respect.

A third party who fails to furnish the required statement from the financial institution and the certificate and the Statutory Declaration is liable upon conviction in the District Court to a fine not exceeding €1,269.74.

The potential and troubling effect of this law for advocacy groups is clear. Almost any group which accepts donations could be caught by the definition of a third party. The definition of 'political purposes' would appear to cover the advocacy and campaigning work of many advocacy organisations.

Strictly construed, the provisions of the Act are capable of placing very extensive restrictions upon donors who may wish to fund organisations which campaign to change government policy. In practice the strict letter of the law has not been enforced by SIPO and indeed that organisation has raised the potential problems with the existing law with Government.

It is worth quoting Fergus Finlay, Chief Executive of Barnardos, who has spoken about this issue:

"Most of us, in the course of our ordinary activities, find ourselves involved in campaigns for policy change. Under this legislation (the Electoral Acts), it seems that we cannot raise or accept money from the public for doing so without being registered, effectively as a political party. If

we register we undertake an entirely new commitment to reporting on an annual basis, in addition to the very severe limits on the money we can accept ...

"... the real effect of this legislation, whatever its purpose, will be to slowly stifle an important voice. People campaigning for human rights, for the rights of children and people with disabilities, or on a wide and important range of issues, make a vital contribution to democratic discourse. The Standards in Public Office Commission has pointed out that the flaw in the legislation is that it generates an unnecessary and undesirable impediment to that voice. What is surprising is that the Standards Commission has made its views known to Government, and the reaction of Government has so far been a deafening silence⁴."

4. Quoted at <http://www.sipo.gov.ie/en/Reports/General-Reports/Reports-on-Third-Parties/-Referendum-on-the-Treaty-of-Lisbon/Concerns-about-the-definition-of-political-purposes-.html>

1.4 Broadcasting Restrictions

The broadcasting of appeals and adverts on television and radio is a vital tool for charities and others in the social justice sphere. The effective use of media can reap considerable dividends in raising public awareness and garnering donations, but there are some legal restrictions on the content of such broadcasts. Generally speaking, broadcasting in Ireland is governed by the Broadcasting Act, 2009. This act established the Broadcasting Authority of Ireland (BAI) to oversee the industry and to decide upon complaints made by members of the public. Section 41 (3) of the 2009 Act forbids advertisements which are of a 'political nature.' The BAI has taken an expansive approach to the term 'political nature' and several charities have

fallen foul of the regulation. The BAI complaints committee has held in the past that adverts which 'seek to influence changes in Irish law' are by their very nature political and are therefore prohibited by the Broadcasting Act. This policy has a clear impact for social justice advocacy. There are, of course, numerous instances where an organisation might wish to use television or radio advertising to highlight an inequity in the current law and advocate change, but, as it stands, such advertisements are forbidden.

It should be noted that the broadcast rules cover television and radio only and are not applicable to other mass media, such as newspapers.

2

2. Self-Regulation

Self-regulation of the charities sector in Ireland emerged to fill the vacuum left by lack of proper government regulation. It provides a way for charities to ensure that they are following best practice and allows them to measure their own internal governance codes against others in the sector. The charities sector in Ireland has produced a number of documents which have come to be accepted as reflecting best practice; however, the establishment of a Charities Regulator will change the nature of these regulations. Part of the remit of the Regulator will be to publish codes of conduct and advise charities on best practice. It might be anticipated that the Authority will be influenced and guided by existing self-regulation, but it is by no means certain that any documents issued by the body will be identical to existing practice. The Regulator will in time become the authoritative source of guidelines and best practice.

Self-regulation initiatives in the advocacy sector are important for a number of reasons. The primary motivation for those involved in advocacy work is to spread their message as widely as possible. Public trust is absolutely vital to achieving this goal. Transparency and good corporate governance are not only desirable for their own sake, but lead to more efficient organisations who are able to generate more public trust.

The more transparent and better run an organisation is, the more creative and innovative it can be. Good corporate governance means an organisation which runs more smoothly, more professionally and with fewer problems. Establishing and maintaining trust with potential donors or supporters is only achievable if they believe not only in the message but also in the organisation. The highest standards of professionalism, transparency and accountability are reasonable demands from those who may be parting with money or time.

In addition to establishing public trust self-regulation allows smaller groups to benefit from the accumulated knowledge of larger organisations. Guides and codes of conduct are often the product of in depth research and consultation. The publication of such work allows smaller organisations, who may lack resources, to operate according to international best practice.

2.1 Governance Code

The Code of Practice for Good Governance of Community, Voluntary and Charitable Organisations in Ireland is an initiative of a number of different organisations in the voluntary sector. Its aim is to provide the voluntary and community sector with tools for effective, efficient and legally compliant governance policies. The code is based on the idea that well run, transparent organisations not only inspire confidence in donors, but are also cheaper, more efficient and expose their members to fewer risks. Materials relating to the governance code are maintained at www.governancecode.ie.

The code is tailored to various types of organisations, from the very small to the very large. The governance code working group maintains a list of organisations who have signed up to the code. Compliance is by self-assessment and requires an annual internal review of the operation of the code. The working group provides guidance and explanatory documents to assist organisations working towards compliance.

2.2 Fundraising Code

The Statement of Guiding Principles for Fundraising was published in 2008 and was an initiative of the Department of Community, Rural and Gaeltacht Affairs⁵ and the Irish Charities Tax Research group. The statement does not comprise a detailed operational Code; rather it presents a set of overarching principles and guidelines for fundraising in Ireland. It seeks to go further than the minimum legal requirements by offering a set of overarching principles and guidance about how fundraising should be approached and organised. The Irish Charities Tax Research (ICTR) group co-ordinates an Implementation Group which provides training and information on the statement. The ICTR also maintains a list of organisations who have fulfilled various requirements and signed up to the statement.

5. The Department of Community, Rural and Gaeltacht Affairs was the department with control of the Charities Bill at the time, it has since moved to the Department of Justice and Equality.

2.3 The Dóchas Code of Conduct on the use of Images & Messages

Dóchas, the association of Irish Non-Governmental Development Organisations, has published a code of conduct on the use of images and messages in public communication. The code is intended to cover the use of images and messages in all areas of an organisation's work – websites, reports, leaflets, etc. While the code was written by NGOs working in the areas of emergency relief, long term development and development education and is intended only for those organisations, its provisions raise questions applicable to all organisations engaged in social justice advocacy.

At the heart of the code are three guiding principles – respect for the dignity of the people concerned, belief in the equality of all people and acceptance of the need to promote fairness, solidarity and justice. The code sets down a number of requirements which should be followed in using images. For example, signatories to the code must avoid images and messages that potentially stereotype, sensationalise or discriminate against people, situations or places. They are expected to use images, messages and case studies only with the full understanding, participation and permission of the people involved. Organisations are invited to sign up to the code if they believe that they are able to fulfil its requirements. They are required to report to Dóchas on an annual basis and require their compliance on a regular basis. The code may be viewed online at www.dochas.ie.

3

3. Annex: Questions for the sector

As this guide has described, social justice advocacy in Ireland is a diverse activity undertaken by a broad range of organisations in the community and voluntary sector. The Advocacy Initiative has defined advocacy as *'any action, compatible with the values and principles, aimed at promoting or resisting legislative or policy change'*. There are significant implications of regulatory changes for those engaged in social justice advocacy, whether or not they are charities. The following questions are an invitation for these organisations to consider the impact of these changes on their own work and on the social justice advocacy sector more broadly.

1. Statutory Register of Charities

The Statutory Register of Charities provides that an organisation may be removed from the register for promoting activities which are unlawful. How does this affect organisations campaigning for changes to the law (i.e. promotes the legalisation of activities currently prohibited) or those which engage in direct action which may be technically illegal, such as sit-in's, etc.?

- It is unlikely that the Regulator will take a black letter approach to the Act, but there is scope for difficulty when it comes to definitions of morality and public policy. Is the Charities Regulator the proper authority to decide on what constitutes public morality?
- The prohibition on promoting terrorism may have implications for organisations in the international development sphere. The British Charities Commission has stated its belief that money raised by organisations such as Oxfam, the British Red Cross and Save the Children has inadvertently found its way to extremist groups in Syria. If the Red Cross has difficulty in guaranteeing where its money ends up, what hope for a small Irish aid charity?

The financial reporting requirements are intended to increase transparency in the sector, but do the current proposals create an unworkable burden on small charities or charities with a large income but a small staff?

- When coupled with the statutory register of lobbyists, is the government simply expecting too much from volunteers?
- Has the government taken the wrong approach when, by implication, it has assumed that the more money passing through an organisation equals a greater capacity to comply with reporting requirements. Is this simply an assumption that more money equals a bigger, more professional organisation? If so, are there some organisations who will be disproportionately affected.

The Charities Regulator has a remit to issue guidance and support to charities. What relevance does self regulation have in this context?

- The question of self regulation and the Charities Regulator is at the heart of how the Authority will function. Will it simply be a government agency handing down directions to the sector or will it be a full partner with voluntary organisations? Will there be an interplay of ideas and knowledge between the sector and Authority or will it stand apart as an impartial regulator, jealously guarding itself against regulatory capture? As with the Registrar of lobbyists, both scenarios are possible within the legislation and it will largely depend upon the personalities who staff the organisations.

2. Withholding Information Act

The Withholding Information Act is of most import for those working directly with children, the elderly and the disabled, but is important for anyone in a position to come by information which may disclose a crime. Are your staff or volunteers in a position where they might be told something which they should disclose?

- Organisations working with the homeless, people with addiction problems, refugees etc. are often in a position where they come by information about their clients' family life. Often these background details will disclose a level of disfunction or chaos. In a small percentage of cases a crime may be disclosed. For example, a homeless individual may disclose to a volunteer that a threat to kill (§.5 of the Non-fatal Offences Against the Person Act) was made to a person aged 17. The volunteer may not take the threat seriously, the person disclosing the information may not take it seriously, but there is no doubt that the Act requires the volunteer to disclose the information to the Gardai, or risk imprisonment. In such a situation, is it fair to allow the volunteer to 'run the risk' of not disclosing? If a report is made, does that destroy the trust that might have been established between the volunteer and the homeless individual?
- Are organisations placing their volunteers in harm's way if they do not fully explain that a report must be made and the consequences of not doing so?

3. Regulation of lobbyists

The regulation of lobbyists may place a further administrative burden on the sector, but what are the positive implications?

- The regulations will also apply to corporate and professional lobbyists. Any contacts between these parties and the government will be open to scrutiny. Will this mean that the government is less likely to meet with these parties? How can the advocacy sector use this information to its advantage?
- The register will provide a way for the general public (and the press) to assess the level of contact between government and the advocacy sector. Arguably this is a positive development in allowing the public a better understanding of how their money is spent.
- Is there an opportunity for the sector to, resources permitting, go further than the letter of the law demands? Individual organisations might audit the information flow to their donors, for example, by publishing details of any meetings with government or copies of any documents submitted on their websites?
- The enactment of the legislation will put the issue of contacts between interest groups and the government at the top of the agenda for a short period (until the novelty wears off), so is there potential for advocacy groups to use this period to highlight contacts which they feel are inappropriate?

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