

QUARTERLY NEWS UPDATE

Register update

The start of any new calendar year is always the busiest time as the Office is not only processing quarterly returns, but also dealing with collection of the annual registration fee. There are currently 129 registrants on the Register-six were made inactive from 31 December, having decided that they were no longer conducting the business of consultant lobbying.

The Registrar extended the deadline for submission of quarterly returns until 22 January, due to the technical problems being experienced at the start of the year. However there were three registrants who failed to meet even that deadline. The Office issues warning letters to them; and where appropriate, the Registrar also speaks the organisations that miss the deadline. So far, it has not been considered necessary to consider enforcement action, but multiple transgressions could cause that to happen. It is not acceptable to miss deadlines-the Office takes a lot of trouble to remind registrants of the forthcoming submission deadline, and everyone should now know when the dates are. Please note that the next deadline for quarterly returns is fast approaching (14 April), and registrants should ensure that this date is in their office diaries.

Processing the annual fee has been a major challenge this year-once again the deadline was extended (to 31 January), and on that date, nearly a third of registrants had not paid their fee. In order to remain on the Register, the Registrar is entitled to impose charges and to treat non-payment of the renewal fee as reasonable grounds for believing that an organisation is not (or is no longer) a consultant lobbyist, otherwise the renewal fee would have been paid (Section 22 [4] of the Act). Those organisations which do not pay their fee by the due date and continue to conduct the business of consultant lobbying, are doing so unlawfully. Additionally, the Registrar has to consider whether the conduct of those organisation amounts to an offence under Section 12 (1) (a) of the Act, and whether to impose a civil penalty. Civil penalties have been imposed on organisations in the past for exactly this offence.

32 registrants submitted a nil return for the October-December period, of which 26 had previously declared three or more consecutive nil returns. The Registrar continues to keep multiple nil returns under constant review and regularly meets organisations who persistently file nil returns. The key issue for consideration is whether those organisations are likely to conduct relevant communications within the foreseeable future-the onus is on those organisations to convince the Registrar that this is the case. Registration is not a matter of personal choice-an organisation cannot be on the Register if it is not currently, or does not plan in the near future to, conduct the business of consultant lobbying.

Compliance Officers presentation

The Registrar presented a working session for users of the Register at a meeting facilitated by the PRCA and hosted by the Fleishman-Hillard Group on Tuesday 20 February. A copy of the slides can be found [here](#).

The Registrar particularly highlighted those areas where over-declaration of clients has been a problem in the past and pointed out some of the potential pitfalls in making correct client declarations. In most instances, the reason for over-declaration falls into three categories:

- drafting a letter for a client, which the client signs;
- briefing a client for a meeting, which the consultant lobbyist does not attend; and
- communications with a Minister's office or secretary (even if asking for a message to be passed to the Minister).

None of these are registrable.

Registrants may find it helpful to refresh their knowledge of the Registrar's *Requirements to Register* guidance. Section 2 *Information Updates* deals with QIR requirements and can be found by clicking [here](#) and visiting the guidance section of the ORCL website. Additionally the Registrar's APPG guidance can be found by clicking [here](#) or visiting the *specialist guidance* section of the website.

If registrants have any concerns that they may have declared clients in error on any of their past returns, then please contact the Office as soon as possible.

The Registrar is very willing to engage directly with registrants who are seeking clarification on whether specific communications are registrable. Additionally the Registrar has undertaken a number of visits to registrants, presenting to staff in order to build knowledge and understanding. If this is something you believe would be helpful, please contact the Office.

Registration of charities

An organisation is not exempt from registration simply because it is a charity. Charities are only exempt from registering as long as they do not receive [payment for making communications from the person upon whose behalf they are made](#). A communication is not made in return for payment if:

- (a) a person makes the communication on behalf of persons of a particular class or description;

(b) the income of the person making the communication derives wholly or mainly from persons who are not of that class or description; and

(c) the person does not receive payment, from persons of that class or description, in return for making that communication.

All of these criteria must be in place for the exception to apply.

So, for example, a homelessness charity which receives donations from the public and communicates with ministers on behalf of homeless people would not be required to register.