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Register of Lobbying

Legislative Review of the *Regulation of Lobbying Act 2015*

Submission by the Standards in Public Office Commission

September 2016

Coimisiún um Chaighdeáin in Oifigí Poiblí
Standards in Public Office Commission

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I. Introduction

The introduction of a lobbying regulation framework in Ireland was the result of many years of demands for greater transparency in the policy-making process.

The Tribunal of Inquiry into Certain Planning Matters and Payments (the Mahon Tribunal), which was set up to examine allegations of impropriety surrounding specific planning decisions, noted that lobbying can "result in unfair advantages for vested interests if there is insufficient transparency over lobbying activities". The Tribunal specifically recommended in its 2012 report, inter alia, that lobbyists be required to register, to adhere to a statutory Code of Conduct, and to "disclose information regarding the persons for whom they are lobbying, the public officials and public institutions being lobbied and the objects of that lobbying activity".

The financial crisis further served to highlight gaps in the governance framework in Ireland. Existing transparency structures were viewed by some public officials, members of the media and the general public as inadequate, with increasing public concern about the perceived close relationship between policy makers and those who sought to influence them.

The Regulation of Lobbying Act was signed into law in March 2015 by the President, part of a suite of transparency measures designed to enhance openness and transparency in Irish public life.

The Act provides for the establishment of a publicly accessible online register of lobbying activity. The Act requires that any person who fits within the scope of the Act, communicating with a Designated Public Official about a relevant matter, must register and submit returns three times a year, which are published on the register.

The Act sets out who must register, who are Designated Public Officials, and what constitutes a relevant matter. It specifies which information must be included in registrations and returns of lobbying activity, and denotes several exceptions to the requirement to register.

The Act also establishes a post-employment cooling-off period of one year, during which some public officials may not undertake specific lobbying activities. The Act also provides for investigation and enforcement of the Act.

Responsibility for administering the Register rests with the Standards in Public Office Commission.

Most provisions of the Act commenced in September 2015, and have now been in operation for a year. The Act's investigation and enforcement provisions will come into effect in January 2017.

The implementation of the Act has, to date, gone very smoothly. The register was launched four months prior to the Act's commencement, to allow potential registrants the opportunity to trial the system. A suite of information tools, including a website, guidelines and information notes has served to provide guidance to persons lobbying, designated public officials and interested members of the public. An extensive communications and outreach program, including a national print, radio and digital advertising campaign, served to raise awareness of the Act and its obligations.

As of September 2016, more than 1,400 people and organisations have registered on the system, and more than 4,500 returns have been submitted.

a. Legislative review

Section 2 of the Act provides that the Act will be subject to review after the first year, and every three years thereafter. Reviews are to be led by the Minister for Public Expenditure and Reform, who is required to consult with key stakeholders, including the Standards Commission.

The first legislative review of the Act has now been launched. As requested by the Minister for Public Expenditure and Reform, the Standards in Public Office Commission is pleased to provide the attached submission to the Minister for consideration in relation to the current legislative review of the *Regulation of Lobbying Act 2015* (the Act).

This submission is based on the experience that the Commission has acquired over the first year of administering the Act. It is quite early in the lifetime of the new system. Many of the Act's provisions, particularly for the sections of the Act not yet in force, have not yet been tested through practical application. In most of these instances, the Commission would prefer to wait to see how the Act will apply in real situations.

While the Commission notes that the Act seems to be working well at this early stage, there are some areas that have been identified where the Act might benefit from amendment or clarification. This submission identifies these provisions, as well as issues on which the Act is silent and where some reference in the legislation might be useful. Some of these recommendations are technical, others are more substantive in nature.

Over time, and in particular once the enforcement provisions are commenced, it may be that the Commission identifies other recommendations for changes to the Act. It is

therefore without prejudice to future reviews that the Commission provides this submission.

It is the Commission's belief that, if accepted, these recommendations will further strengthen the operation of the Act, and enhance the principles of transparency and accountability that underpin the legislation.

The submission is organised into five sections: Introduction, Definitions, Operations, Enforcement and Other.

II. Definitions

Among other general topics, Part 1 of the Act sets out definitions for certain terms in the Act, including the meaning of carrying on lobbying activities. The following identifies issues that might be addressed within this definition.

a) Persons within Scope

Representative or advocacy bodies with no employees

Subsection 5(2) of the Act provides that a person carries on lobbying activities if the person makes, or manages or directs the making of, any relevant communications where:

> (b) the person has one or more full-time employees and is a body which exists primarily to represent the interests of its members and the relevant communications are made on behalf of any of the members, or
>
> (c) the person has one or more full-time employees and is a body which exists primarily to take up particular issues and the relevant communications are made in the furtherance of any of those issues.

The body is considered to make a relevant communication only if the communication is made by a paid employee or by a paid office-holder, in his or her capacity as such.

It is worth noting that there is no definition of full-time employee contained in the Act.

There are a number of representative bodies that exist primarily to advocate on behalf of their members, but which do not have full-time employees and are therefore not captured by the Act. This has had the effect of excluding several professional associations that communicate regularly with designated public officials about relevant matters.

Moreover, we have noted some informal coalitions of business interests that have been formed to lobby as a group on an issue of mutual industry interest. These informal coalitions are named and work together to represent their interests, but without a full-time employee, the coalition itself falls outside of the Act's scope.

In either of the above examples, the constituent members of these bodies may independently fall within scope of the Act. Depending on the circumstances of the communication, a constituent member may be indirectly lobbying via the other body and have the obligation to register. In other situations, communications are made, managed or directed by the representative body or coalition and are not attributable to the constituent member, therefore falling outside of the Act's scope. For clarity, it may be useful to explicitly address this issue in the Act.

It is important to distinguish between representative bodies that exist to represent their members, and advocacy bodies, which may communicate in the interests of an issue. The focus of this recommendation is on representative bodies representing professional and/or business interests and informal coalitions of business interests.

Recommendation 1: It is recommended that the Act be amended to explicitly address representative bodies with fewer than one full-time employee and informal coalitions.

Third party communications on zoning and development

Section 5(1)(a) of the Act provides that third parties are carrying on lobbying activities if they make a relevant communication on behalf of a client where the client meets the criteria in the Act (namely, that they be an employer of more than ten, or a representative or advocacy body with at least one full-time employee). If they are lobbying, they must register and identify the client in their return.

However, while the Act captures *anyone* who makes a relevant communication about the development and zoning of land, the Act does not explicitly address third parties which may represent another person or organisation in relation to zoning and development, whether or not in exchange for payment. Often third parties, including planning consultants or organisations, lobby on behalf of a client in relation to zoning and development. However, very few returns have disclosed lobbying done on behalf of a client. The Act would benefit from amendment to explicitly include these third party communications and make transparent the client/third party relationship, as is the case with other relevant matters.

Section 5(1)(c) states that a person is carrying on lobbying activities if the person "makes any relevant communications about the development or zoning of land under the Planning

and Development Acts 2000 to 2014". This could be modified to add "on one's own behalf or on behalf of another person or organisation, whether or not in exchange for payment".

Recommendation 2: It is recommended that the Act be amended to explicitly include third parties lobbying in relation to zoning and development and require the disclosure of the client's identity.

Volunteers and individuals lobbying on behalf of an organisation

The Act provides that a communication about a relevant matter, made to a designated public official is considered to be lobbying if it is made, managed or directed by a paid employee of an organisation. Where an organisation has made, managed or directed the communication, the organisation must register and disclose the activity in a return, and identify the person primarily responsible for the lobbying activity.

The Act further requires that the organisation include in its return the identity of any person who is or was a designated public official and has lobbied on the organisation's behalf.

Where a communication is made on behalf of an organisation by a person who is not paid (including volunteers, unpaid directors and other interested individuals), it is not considered to be lobbying for the purposes of the Act.

While it would be impractical to require that every communication made by a volunteer be registered, any communications made by persons who hold office in an organisation (for example, as a Chairperson or member of the board of directors) should be considered to be made on behalf of the organisation, regardless of whether that office is remunerated. If the organisation fits within the scope of the Act (that is, a person with more than ten employees, or a representative or advocacy body with at least one employee), then the organisation should register and the communication should be included in the organisation's return.

Recommendation 3: It is recommended that the Act be amended as follows: any relevant communications on behalf of an organisation that falls within scope of the Act made by any person who holds office in the organisation, regardless of whether the position is remunerated, will be considered to be made by that organisation and must be included in the organisation's return of lobbying activities.

b) Exemptions to the definition of "Relevant matter"

Political party communications

Section 5(9) of the Act exempts certain communications from the definition of what is a "relevant matter". A person's private affairs, strictly factual communications and diplomatic communications are examples of matters that would be considered exempt. Communications made by a political party to its members that are also designated public officials, in their capacity as members of the party, should not be considered lobbying. The Act would benefit from amendment to include this in the list of exempt matters.

Recommendation 4: It is recommended that the Act be amended to exempt communications made by political parties to their designated public official members in their capacity as members of the party.

Consultations by public bodies

Subsection 5(5)(e) of the Regulation of Lobbying Act states that "communications requested by a public service body and published by it" are exempt. Any submissions made as part of a public consultation process would therefore be exempt as long as they were requested by the public service body and the public service body publishes them. The definition of public service body for the purposes of this section is set out in section 7 of the Act.

Public bodies are encouraged to make explicit their intentions when conducting such consultation processes, for the benefit of those who may have obligations under the Act. If it is unclear whether the public body intends to publish the submissions, it is best to verify with the public body.

The language of the Act does not specify a timeline for the publication of submissions by a public body. Where a submission has not been published before the next return deadline, registrants have faced the issue of whether to include the submission as part of the return, or to consider it exempt as it will eventually be published.

It would be helpful to clarify this in the language of the Act to explicitly allow the exemption for submissions that are published, regardless of when that publication takes place. Public bodies are also encouraged to publish such submissions in a timely manner.

When public bodies issue a call for submissions, they generally identify a person or address to which submissions should be sent. If a person sends their submission directly to a designated public official rather than to the address provided by the public body in its call for submissions, it may be considered lobbying and not eligible for the exemption. Both the person making the communication and the public body are encouraged to be clear on the submission process in order for the exemption to apply.

Recommendation 5: It is recommended that the Act be amended to exempt submissions that are published by a public body, regardless of when such publication takes place. Subsection 5(5)(e) of the Regulation of Lobbying Act could read "communications requested by a public service body that have been or will be published by it".

Exemption for communications by DPO employed by non-public body

Section 5(5)(l) of the Act sets out an exemption for specific communications *"which are made by a person who is employed by, or holds any office or other position in, a body which is not a public service body, but is a body by which a designated public official is employed or in which a designated public official holds any office or other position,* ***in his or her capacity as such*** *[emphasis added]"*.

The intention of this provision is unclear. As written, the provision would exempt any communications made by employees of persons who hold office in a body which is not a public service body to a designated public official who is employed by that same body. It is unclear from the construction of the provision whether the exemption applies to the communications made to the designated public official in their capacity as a designated public official, or in their capacity as an employee of the non-public service body. Many DPOs, including elected officials, also engage in outside employment or business ownership. As the Act is currently drafted, these DPOs could be lobbied by their colleagues in their outside role without it being captured by the Act.

It cannot be the intention of the Act to exempt communications on relevant matters made by a colleague of a DPO where the DPO is engaged in outside employment. However, in its current form, the language of the Act could have the effect of excluding relevant communications made to a designated public official by a colleague where both happen to work for the same outside organisation.

If it is the intent to exempt specifically communications made to a DPO where the DPO is employed in a semi-state organisation by virtue of his or her position as a DPO, that should be clarified and the exemption narrowed accordingly.

Recommendation 6: It is recommended that the exemption in section 5(5)(l) of the Act be clarified.

c) Designated Public Officials

Expanding the prescription of designated public officials to other organisations or grades

S. 6(1)(f) of the Act provides that the Minister may designate public servants of a prescribed description as "designated public officials" for the purposes of the Act.

There has been some discussion of expanding the group of designated public officials to include civil servants at Principal Officer grade. This would exponentially increase the number of designated public officials under the Act and would, in the Commission's view, make the scope of the Act unwieldy and create challenges in its effective implementation and enforcement.

It is worth noting that not all persons at the level of Principal Officer have delegated decision-making authority in respect of relevant matters (that is, policy, program, funding etc.) The level at which decisions are delegated may vary significantly from organisation to organisation. If a decision is made to further expand the group of designated public officials to include Principal Officers, it may be advisable to do so on the basis of delegated authorities, rather than pay grade.

Moreover, there are a number of organisations that make key economic and financial decisions which are public service bodies for the purposes of the Act and that have no designated public officials at all. In our view, it would be appropriate to consider expanding the list of designated public officials to include senior staff in those influential bodies before extending it to lower levels within the public service bodies that already have senior staff designated.

Finally, it is also useful to note that the position of Head of Lobbying Regulation is currently at the level of Principal Officer. It is recommended that this position be explicitly excluded from the list of designated public officials, as such classification could create conflicts of interest for the incumbent in making decisions or conducting investigations into matters in which the Head is alleged to have been lobbied.

Recommendation 7: It is recommended that consideration be given to expanding the list of designated public officials to include senior staff in influential public bodies that have heretofore not had any officials designated, before extending it to lower levels.

Recommendation 8: It is recommended that any designation of Principal Officers as designated public officials be made on a case by case basis according to delegated authority.

Recommendation 9: It is further recommended that the position of Head of Lobbying Regulation be explicitly exempted from the list of designated public officials.

Lists of designated public officials maintained by public bodies

Section 6(4) of the Act requires that public bodies publish up-to-date lists showing the name and (where relevant) grade, and brief details of the role and responsibilities, of designated

public officials who fall within the definition contained in section 6(1)(f) and 6(1)(g). At present, special advisers in an office of a minister or minister of state are not required to be included on that list.

This exclusion has caused challenges for persons lobbying seeking to identify designated public officials in a minister's office. While some public bodies have voluntarily included this information on their lists of designated public officials, it is not a consistent practice. It would help persons lobbying to have this information explicitly required to be included in the list maintained by public bodies.

There is also no requirement for public bodies to update this information in a timely way. At a minimum, public bodies should be required to update the information three times per year, before the end of a relevant period, to ensure that persons lobbying have access to the information well in advance of the lobbying returns deadline.

Recommendation 10: It is recommended that section 6 be amended to require that the list of designated public officials maintained by public bodies also include those officials who meet the definition in section 6(1)(e), that is special advisers appointed under section 11 of the Public Service Management Act.

Recommendation 11: It is further recommended that public bodies be required to update and publish their online lists of designated public officials at least three times per year, before the end of each relevant period (i.e. 30 April, 31 August, 31 December).

III. Operations

a) Retention of information

The Act is silent on the retention and destruction of information contained in the register. In the absence of statutory requirements in the Act, the Standards Commission will have regard to the Data Protection Acts in managing the information contained in the register.

It would be useful to clarify in the Act how long information should be retained in the public register, and how long the Commission must retain information after it has been removed from the register.

Recommendation 12: It is recommended that the Act be amended to include explicit guidelines for the retention and destruction of information in the public register.

b) Applications to register

Section 11 of the Act sets out the information that a person must include in his or her application to register.

Subsection 11(1)(d) specifies that an applicant must provide "any e-mail address, telephone number or website address relating to the person's business or main activities". This could be modified to say "any e-mail address, telephone number and website address…" in order to ensure that the Standards Commission has alternate means of contacting the person should one method change or be omitted.

This would also apply to subsection 12(5)(d) in relation to contact information for clients provided by a third party lobbyist.

Section 11(c) requires that an application to register must include information about the applicant's business or "main activities", while section 11(b) includes a reference to carrying on business but omits any reference to main activities.

A person may not have an address at which they carry on business but may have an address which is not their home address from which they carry out their main activities and with which they may be associated. To ensure that all appropriate contact information is provided, it is recommended that section 11(b) be amended in line with section 11(c).

Recommendation 13: It is recommended that subsections 11(1)(d) and 12(5)(d) be amended to read "… any e-mail address, telephone number and website address relating to the person's business or main activities".

Recommendation 14: It is further recommended that section 11(b) be amended in line with section 11(c) to include "main activities".

c) Code of Conduct

Section 16(1) of the Act provides that "The Commission may produce, and from time to time revise, a code of conduct for persons carrying on lobbying activities with a view to promoting high professional standards and good practice". The Act should include an explicit requirement for the Commission to consult with interested stakeholders in developing such a Code, which should also be laid before the Oireachtas.

While section 16(5) further provides that "A person carrying on lobbying activities shall have regard to the code of conduct", there is no authority provided by the Act for the Commission to enforce the Code, nor to investigate or report on breaches of the Code.

Other than directing that a person lobbying must have regard to the Code, the Code does not have any statutory weight and does not even provide for the Commission to have regard to it.

In the Commission's view, a Code that contains both principles and rules is a useful mechanism to provide guidance to persons lobbying and would serve to complement the provisions set out in the Act. The Commission should have the authority to issue guidance on the Code and to conduct inquiries into and report on breaches of the Code.

Recommendation 15: It is recommended that section 16 be modified to require that the Commission consult with interested stakeholders in developing the Code of Conduct, and to lay the Code before the Oireachtas.

Recommendation 16: It is recommended that section 16 be modified to give the Commission authority to issue guidance on the Code of Conduct, and to conduct inquiries into and report on breaches of the Code.

IV. Enforcement

a) Relevant contraventions

Post-employment restrictions

Section 22 provides for post-employment restrictions for certain classes of designated public official. While the Act obliges those former public officials to not engage in certain lobbying activities during their one-year cooling-off period, the Commission has no authority to investigate or prosecute breaches of these provisions.

The issue of "switching sides" is an important one. The perception of a revolving door can serve to undermine public trust in the impartiality of public bodies just as easily as unregistered lobbying. It is unclear why contraventions of section 22(1) of the Act have not been included as offences under the Act.

The Commission should have the authority to investigate and prosecute contraventions of section 22(1).

Recommendation 17: It is recommended that contravening section 22(1) should be added to the list of relevant contraventions in section 18 of the Act.

Taking actions to avoid obligations under Act

It should be an offence under the Act for a person to take any action that has as its intended purpose the avoidance of his or her obligations under the Act, for example destroying records.

Recommendation 18: It is recommended that an anti-avoidance clause be added to the list of relevant contraventions in section 18 of the Act.

b) Power to carry out investigation

Section 19 of the Act authorises the Commission to carry out an investigation into relevant contraventions of the Act. An authorised officer carries out the investigation on the Commission's behalf, and then must produce a report to the Commission and to the person under investigation.
There is no authority under the Act for the Commission to make investigation reports public. This is inconsistent with other ethics legislation in force in the State (including the Ethics in Public Office Acts) whereby the Commission may make public its report into an investigation.

Information about an investigation made by the Commission may be made public if an alleged relevant contravention is prosecuted by the Commission through the courts. However, where there is not enough evidence to proceed to a prosecution, or where evidence demonstrates that no contravention occurred, there is no mechanism for making the facts of the situation known. This is of particular concern where a matter may already be in the public domain, with the possibility of unfounded reputational damage to the organisation in question.

The associated lack of transparency may also serve to undermine confidence in the enforcement powers of the Commission and the robustness of the lobbying legislation.

Recommendation 19: It is recommended that the Act be amended to give the Commission the authority to make investigation reports public.

V. Other

a) Role of designated public officials in supporting the Act

The Act does not set out any requirements for designated public officials to register, keep records, submit returns or validate information contained in the returns submitted by lobbyists. There have been suggestions, including from some designated public officials, that

having the requirement for public officials to validate returns in which they are named as being lobbied would provide added assurance of the accuracy of information submitted.

This is not recommended, as it places an onus on the DPO to validate numerous reports, and may have the reverse effect if a DPO does not agree that an activity was lobbying.

Designated public officials have the right to seek correction of any inaccurate information, and the register has a reporting function built in to enable this. They may also choose to register for an RSS feed to receive updates whenever they are named in a return.

While the Act does not set out any registration or reporting obligations for DPOs, they are positioned to play an important role in supporting the effective implementation of the Act. Some obligations for designated public officials may be considered that would further support the Act's implementation and encourage compliance.

At a minimum, the Standards Commission believes that a designated public official should have the obligation to decline further communications with lobbyists where the DPO is aware that the lobbyist has failed to register previous communications.

Where a person has been convicted of any relevant contravention identified in section 18, the Commission should be able to order any DPO not to have dealings with that person.

Finally, the Commission should have the authority to investigate breaches of these provisions, and to determine what action should be taken.

It is hoped that the addition of these provisions will further strengthen the Act. If over time it is determined that additional obligations on DPOs are necessary to support compliance, the Standards Commission may suggest other possible provisions.

In the current absence of formal obligations for designated public officials under the Act, the Standards Commission has identified a number of best practices, which are outlined in the Guidelines for Designated Public Officials, Guidelines for TDs, Senators and MEPS, and Guidelines for Local Authority Members, which are available on www.lobbying.ie.

Recommendation 20: It is recommended that the Act be amended to introduce obligations for DPOs to decline further meetings with persons where the DPO is aware that the lobbyist has failed to register previous lobbying activities by the relevant date.

Recommendation 21: It is recommended that the Commission have the authority to order any DPO to refuse to have dealings with a lobbyist who has been convicted of a relevant contravention.

Recommendation 22: It is recommended that the Commission have the authority to investigate breaches of the provisions outlined in recommendations 20 and 21.

b) Adherence to the Transparency Code

Section 5(5)(n) of the Act provides that communications between members of a relevant body[1] are exempt if the body adheres to the Transparency Code. The Code, put in place by the Minister for Public Expenditure and Reform, provides that if a relevant body publishes its terms of reference, membership, agendas and minutes of meetings on its website, communications between the members of the group would be exempt from the requirement to register.

While adherence to the Transparency Code is entirely voluntary for these bodies, it is not clear which groups have committed to doing so, and whether or not the group is complying with the commitment. There is no list on public bodies' websites, nor in a central location. It would be helpful to the external stakeholders who sit on such bodies to know definitively if the Code is being applied and whether their communications within the group are therefore exempt. Public bodies may support the effective implementation of this exemption in the Act by identifying advisory bodies or working groups that may operate under the Transparency Code and making that list public.

A central repository for this list could be housed on the lobbying.ie website. In order to facilitate this, it is recommended that the Act be amended to include the requirement for public bodies to inform the Standards Commission before the end of every relevant period of the relevant bodies that are meant to be adhering to the Transparency Code.

In addition, there is no clear authority in the Act to verify that said groups are actually adhering to the obligations set out in the Code. Responsibility for such verification would logically rest with the head of the parent public body. Rather than including this obligation in the Act, it would more properly fit within the Transparency Code itself.

Recommendation 23: It is recommended that section 6(4) of the Act be amended to include the requirement for public bodies to inform the Standards Commission before the end of every relevant period of the relevant bodies that are meant to be adhering to the Transparency Code.

[1] *A relevant body is a body whose members are appointed by a Minister or public service body and includes at least one designated public official and at least one person who is neither a public servant nor engaged by a public service body.*

APPENDIX: Summary of Recommendations

1. It is recommended that the Act be amended to explicitly address representative bodies with fewer than one full-time employee and informal coalitions.

2. It is recommended that the Act be amended to explicitly include third parties lobbying in relation to zoning and development and require the disclosure of the client's identity.

3. It is recommended that the Act be amended as follows: any relevant communications on behalf of an organisation that falls within scope of the Act made by any person who holds office in the organisation, regardless of whether the position is remunerated, will be considered to be made by that organisation and must be included in the organisation's return of lobbying activities.

4. It is recommended that the Act be amended to exempt communications made by political parties to their designated public official members in their capacity as members of the party.

5. It is recommended that the Act be amended to exempt submissions that are published by a public body, regardless of when such publication takes place. Subsection 5(5)(e) of the Regulation of Lobbying Act could read "communications requested by a public service body that have been or will be published by it".

6. It is recommended that the exemption in section 5(5)(l) of the Act be clarified.

7. It is recommended that consideration be given to expanding the list of designated public officials to include senior staff in influential public bodies that have heretofore not had any officials designated, before extending it to lower levels.

8. It is recommended that any designation of Principal Officers as designated public officials be made on a case by case basis according to delegated authority.

9. It is further recommended that the position of Head of Lobbying Regulation be explicitly exempted from the list of designated public officials.

10. It is recommended that section 6 be amended to require that the list of designated public officials maintained by public bodies also include those officials who meet the definition in section 6(1)(e), that is special advisers appointed under section 11 of the Public Service Management Act.

11. It is further recommended that public bodies be required to update and publish their online lists of designated public officials at least three times per year, before the end of each relevant period (i.e. 30 April, 31 August, 31 December).

12. It is recommended that the Act be amended to include explicit guidelines for the retention and destruction of information in the public register.

13. It is recommended that subsections 11(1)(d) and 12(5)(d) be amended to read "… any e-mail address, telephone number and website address relating to the person's business or main activities".

14. It is further recommended that section 11(b) be amended in line with section 11(c) to include "main activities".

15. It is recommended that section 16 be modified to require that the Commission consult with interested stakeholders in developing the Code of Conduct, and to lay the Code before the Oireachtas.

16. It is recommended that section 16 be modified to give the Commission authority to issue guidance on the Code of Conduct, and to conduct inquiries into and report on breaches of the Code.

17. It is recommended that contravening section 22(1) should be added to the list of relevant contraventions in section 18 of the Act.

18. It is recommended that an anti-avoidance clause be added to the list of relevant contraventions in section 18 of the Act.

19. It is recommended that the Act be amended to give the Commission the authority to make investigation reports public.

20. It is recommended that the Act be amended to introduce obligations for DPOs to decline further meetings with persons where the DPO is aware that the lobbyist has failed to register previous lobbying activities by the relevant date.

21. It is recommended that the Commission have the authority to order any DPO to refuse to have dealings with a lobbyist who has been convicted of a relevant contravention.

22. It is recommended that the Commission have the authority to investigate breaches of the provisions outlined in recommendations 20 and 21.

23. It is recommended that section 6(4) of the Act be amended to include the requirement for public bodies to inform the Standards Commission before the end of every relevant period of the relevant bodies that are meant to be adhering to the Transparency Code.