

Submission response

Name	daa plc
Address	Old Central Terminal Building, Dublin Airport, County Dublin
Phone	01 9449623
Email Address	gary.clooney@daa.ie

What are the positive features of the Act?

By virtue of the fact that the Act recognises lobbying takes place and has a legitimate role, the perception of lobbying is changing. Lobbying is now regarded more positively and accepted as part of the democratic process. The registration of lobbying leads to greater transparency as to who is being lobbied and what the objective of that lobbying is. The public register is easily accessible and navigated thus increasing full disclosure.

Does the Act fulfil the objectives it set out to achieve?

We believe the Act broadly fulfils the objectives it set out to achieve.

We would caution about broadening the scope of DPOs at least until compliance with the Act is much more mature. The additional administrative burden involved in determining whether communications with an extended number of public servants fall to be registered may not be warranted – many such communications may fall outside scope (as they would tend to deal with implementation matters) but nevertheless may need to be recorded, assessed and considered by those within organisations who are tasked with the responsibility of ensuring compliance with the Act.

Have any unintended consequences occurred, in your view?

It would appear that certain non-registerable matters are being disclosed as there may be ambiguity around the interpretation of the Act and a concern that an engagement of any nature with a DPO needs to be registered. This creates confusion, particularly amongst parties who are communicating with each other about a matter that is not a ‘relevant matter’ under the Act and hence not registerable.

There is a significant administrative burden on organisations to put systems in place to capture and assess data required to complete the register. As the Act requires an assessment of whether communications are ‘relevant matters’, those charged with compliance may have to consider a wide variety of on-going communications (including those relating to implementation matters where there are large scale projects or a range of projects that involve engagement with public bodies) prior to determining what is required to be registered. This is of particular concern if the scope of DPOs is widened to include significantly more public servants who, for the most part, deal with implementation matters.

Do you think the Act can be improved in any way and, if so, how?

It would be beneficial if certain provisions in the Act were clearly defined. For example:

- ‘public policy’ is not defined in the Act and therefore it is not clear what constitutes public policy
- companies that have an international presence may be interested in public policies that are made outside of Ireland, for example in the EU or the US. It is not clear if section 5(9)(a) is applicable to matters of public policy determined outside the jurisdiction
- does communication about the development or zoning of land under the Planning and Development Acts, have to relate to a “relevant matter” i.e. does the communication have to satisfy section 5(9)(c) before it becomes registrable or is all communication about the development or zoning of land made to a DPO registrable in all circumstances?
- there could be better definition and clarity of distinction regarding a communication re “implementation of a policy” and the “initiation, development or modification of a policy”?

- the register makes reference to “grassroots communications, mass communications and targeted lobbying”. What are the differences in these communications and do they all fall to be registerable? Where grassroots or mass communications are made what information regarding DPOs needs to be registered?

What suggestions for changes, if any, would you make?

Please refer to above box for areas where the Act might be improved. In addition, it would appear that there is considerable variation in the level of detail submitted in lobbying returns. It would be useful if the register could standardise the type of detail that is required, perhaps this could be achieved by asking particular questions in the register itself and giving examples of the types of registration responses envisaged/anticipated.