

The Senate

Finance and Public
Administration References
Committee

Access to Australian Parliament House by
lobbyists

May 2024

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Contents

Members	iii
Abbreviations	vii
List of recommendations	ix
Chapter 1—Introduction.....	1
Referral	3
Conduct of the inquiry	3
Report structure	4
Chapter 2—The regulatory challenge: defining lobbying and lobbyists	5
Defining lobbying	6
Defining lobbyists: third-party lobbyists and in-house lobbyists.....	9
Chapter 3—Current regulatory arrangements for lobbyists in Australia and internationally.....	11
A brief history of federal lobbying regulations in Australia	11
The Lobbyists Registration Scheme (1983-1996).....	11
The Lobbying Code of Conduct (2007-present).....	13
Snapshot of the Register of Lobbyists.....	17
Regulatory frameworks across Australian jurisdictions	19
New South Wales.....	19
Victoria	20
Queensland.....	22
Western Australia	22
South Australia.....	23
Tasmania	24
Australian Capital Territory	25
Northern Territory	26
International regulatory frameworks.....	26
United States.....	27
Canada.....	28
Chile.....	29
Ireland.....	29

Chapter 4 – Access to Australian Parliament House by lobbyists	31
The various pass categories	31
The process and eligibility requirements for obtaining and maintaining a sponsored pass ..	33
Privacy and the passholder database.....	35
Chapter 5 – Options put to the committee	37
Opportunities to improve the Lobbying Code of Conduct.....	37
Legislating the Lobbying Code of Conduct	38
Expanding the definition of lobbyists.....	39
Independent administration of the Code	40
Strengthening the compliance posture of the regulator.....	41
Publication of diaries.....	42
The APH pass system.....	43
Interaction between the Register of Lobbyists and the APH passholder database.....	44
Transparency and publication of the sponsored passholder database	44
Privacy concerns regarding the publication of diaries and the passholder database...	46
Restoring the unescorted day pass	46
Chapter 6 – Committee view and recommendations	49
Introduction	49
Improving the regulatory arrangements for lobbyists	50
An appropriate definition of lobbyists	50
A legislated Code of Conduct	51
Independent administration of the Code	51
Publication of diaries.....	52
The current APH sponsored pass system.....	53
Interaction between the Code and the sponsored pass system.....	53
Restore the unescorted day pass.....	55
Labor Senators Additional Comments	57
Australian Greens Additional Comments	63
Dissenting report from Senator David Pocock	65
Appendix 1 – Submissions and additional information	81
Appendix 2 – Public hearing and witnesses	95

Abbreviations

ACT	Australian Capital Territory
AGD	Attorney-General's Department
ANAO	Australian National Audit Office
APGRA	Australian Professional Government Relations Association
APH	Australian Parliament House
APHPAA	APH Private Areas Access
CPI	Centre for Public Integrity
DPS	Department of Parliamentary Services
LRS	Lobbyists Registration Scheme
MoG	Machinery of Government
NACC	National Anti-Corruption Commission
NCCHC	Nationally Coordinated Criminal History Check
NSW ICAC	New South Wales Independent Commission Against Corruption
PM&C	Department of Prime Minister and Cabinet
Queensland Code	Queensland Lobbyists Code of Conduct
SA Code	South Australian Lobbyists Code of Conduct
Tasmanian Code	Tasmanian Lobbying Code of Conduct
the Code	Lobbying Code of Conduct
the Register	Australian Government Register of Lobbyists
US	United States
Victorian Code	Victorian Government Professional Lobbyist Code of Conduct
WA Code	Western Australian Contact with Lobbyists Code

List of recommendations

Recommendation 1

6.28 The committee recommends the Australian Government commission an independent review of the Lobbying Code of Conduct to consider:

- an expanded definition of a lobbyist;
- introducing legislation to require all lobbyists to adhere to the Lobbying Code of Conduct and maintain registration on the Register of Lobbyists; and
- the most appropriate body to administer the Lobbying Code of Conduct and the Register of Lobbyists at the Commonwealth level.

Recommendation 2

6.53 The committee recommends that the Department of Parliamentary Services and the administrator of the Lobbying Code of Conduct explore opportunities for regulatory interoperability to improve the effective regulation of lobbyists including appropriate procedures for managing respective notifications received, regardless of whether the Lobbying Code of Conduct is a voluntary or legislated scheme.

Recommendation 3

6.60 The committee recommends that the Department of Parliamentary Services restore the unescorted day pass for persons who require only occasional access to Australian Parliament House.

Chapter 1

Introduction

- 1.1 Lobbying is a longstanding and legitimate feature of democratic governance dating back hundreds of years and is an important feature of any healthy democracy.¹
- 1.2 The term ‘lobbying’ is generally understood to refer to communication with a public official with the objective of influencing legislative, policy or administrative decisions.²
- 1.3 Representative democracies are founded on the ability of citizens, individually or collectively, to lobby their elected officials and the government to ensure they are acting in the public interest.³
- 1.4 Lobbying has the potential to improve legislation and policy outcomes and strengthen democratic participation by bridging the divide between the public and decision-makers.⁴
- 1.5 However, lobbying also has the potential to be a corrosive force on democracy when private interests usurp the public interest.⁵
- 1.6 Recent decades have seen a significant professionalisation of lobbying practices in response to major events, technological developments and changing social, economic, and political conditions domestically and globally. This has seen lobbying transform into a multibillion-dollar industry.⁶
- 1.7 These changes have prompted a need to ensure adequate regulatory safeguards are in place to protect our democracy from undue influence and state capture by private, commercial, or foreign interests, and to ensure that elected officials

¹ OECD, [Lobbying in the 21st Century Transparency, Integrity and Access](#), May 20 2021, pp. 18–21 (accessed 25 January 2024).

² OECD, [Lobbying in the 21st Century Transparency, Integrity and Access](#), May 20 2021, p. 18 (accessed 25 January 2024).

³ Grattan Institute, *Submission 12*, p. 2.

⁴ OECD, [Lobbyists, Governments and Public Trust, Volume 3: Implementing the OECD Principles for Transparency and Integrity in Lobbying](#), 27 November 2014, p. 1 (accessed 18 April 2024).

⁵ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 2.

⁶ Associate Professor Yee-Fui Ng, Private Capacity, *Proof Committee Hansard*, 8 April 2024, p. 3; see also, Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 507.

and governments serve the public interest rather than the private or vested interests of certain actors.⁷

1.8 According to Associate Professor Yee-Fui Ng who has co-written commissioned reports on the regulation of lobbying for the New South Wales Independent Commission Against Corruption (NSW ICAC) and New South Wales Electoral Commission, there are three main purposes in regulating lobbying:

- The first purpose is to prevent corrupt behaviour by lobbyists and public officials.
- The second purpose is a broader notion of political equality in ensuring the fairness of government policy-making and decision-making processes by increasing transparency in the disclosure of lobbying activities. This is aimed at reducing the incidence of secret lobbying by vested interests and reducing the risk of regulatory capture of government.
- This leads to the third main purpose of improving the quality of government decision-making and policy-making in ensuring that government decisions are made according to merit, rather than skewed towards narrow sectional interests.⁸

1.9 This brings us to the issues that the committee has been tasked with inquiring into. Namely, how to appropriately regulate access to Australian Parliament House by lobbyists and how to improve the current transparency arrangements under the Lobbying Code of Conduct and the Register of Lobbyists without unduly impeding what is both a legitimate political activity and an important feature of Australian democracy.

1.10 There are various aspects to this matter, including:

- How to define lobbying most appropriately.
- Who gets lobbied at the Commonwealth level.
- What the Commonwealth can learn from other jurisdictions both within Australia and overseas.
- What if any interaction there is between the Lobbying Code of Conduct and the Register of Lobbyists and the Australian Parliament House pass system.
- What appropriate options are available to improve the regulation of lobbying at the Commonwealth level.

1.11 These matters are considered in the report.

⁷ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 2.

⁸ Associate Professor Yee-Fui Ng, *Submission 1*, p. 2; see also Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 543.

Referral

- 1.12 On 6 December 2023, the Senate referred an inquiry into the access to Australian Parliament House by lobbyists and the adequacy of current transparency arrangements relating to the lobbyist register to the Senate Finance and Public Administration References Committee for inquiry and report by 30 April 2024.⁹
- 1.13 The Terms of Reference for the inquiry chiefly relate to the adequacy of:
- (a) current transparency arrangements relating to the lobbyist register;
 - (b) the current sponsored pass system for lobbyists to access Australian Parliament House with particular regard to transparency and publication of lobbyists who are pass holders and their sponsors; and
 - (c) publicly accessible information of Australian Parliament House pass holders who are lobbyists and their sponsors.¹⁰

Conduct of the inquiry

- 1.14 The committee agreed to open submissions on 7 December 2023 and set 9 February 2024 as the closing date. The committee wrote to a range of key stakeholder groups, academics, government agencies, organisations, and individuals, drawing their attention to the inquiry and inviting them to make written submissions.
- 1.15 The committee received 346 public submissions, which are available on the committee's webpage and listed at Appendix 1.
- 1.16 The committee also received a substantial amount of correspondence to the inquiry.
- 1.17 The committee held a public hearing for the inquiry on Monday, 8 April 2024 in Canberra and by videoconference. A list of witnesses who gave evidence at the hearing is available at Appendix 2.
- 1.18 On 30 April 2024, pursuant to Senate Standing Order 38(7), the committee presented a Progress Report requesting an extension of time to report until 7 May 2024 to allow it to consider the evidence received and to conclude its deliberations.
- 1.19 The committee thanks all those who contributed to the inquiry by making submissions and appearing before the committee at the public hearing.

⁹ *Journals of the Senate*, No. 93, 6 December 2023, p. 2719.

¹⁰ *Journals of the Senate*, No. 93, 6 December 2023, p. 2718.

Report structure

1.20 The report contains 6 chapters.

- This chapter provides an overview of the inquiry and report structure.
- Chapter 2 sets out the regulatory challenge of discerning lobbying as a form of civic participation from lobbying as a profession. This includes exploring the regulatory tensions between effectively capturing professional lobbying activity without deterring or imposing undue compliance or administrative burdens on other forms of civic participation, including advocacy and activism.
- Chapter 3 details the history and current regulatory arrangements of lobbying in Australia. Chapter 3 considers the adequacy of the Lobbying Code of Conduct and the Register of Lobbyists at the Commonwealth level. This chapter also considers lobbying regulations in other jurisdictions within Australia and internationally, seeking to identify best-practice regulatory schemes.
- Chapter 4 provides an overview of the current processes for obtaining and maintaining a sponsored pass to access Australian Parliament House and the mechanisms by which information and data held within the pass system can be accessed and scrutinised.
- Chapter 5 considers the concerns and options that submitters and witnesses put to the committee.
- Chapter 6 sets out the committee's views and recommendations on additional measures that might be introduced to best ensure transparency and integrity around lobbying activities in Australia.

Chapter 2

The regulatory challenge: defining lobbying and lobbyists

- 2.1 Effective regulations rely on consistent and clearly defined terms to be applied and enforced successfully.
- 2.2 The terms 'lobbying' and 'lobbyist' have long been inconsistently defined across both legislation and academic literature, with experts pointing out that 'the word lobbying has seldom been used the same way twice by those studying the topic'.¹
- 2.3 Broadly speaking, many of the definitional approaches taken by governments to date assert the categorical primacy of the term 'lobbying' (the act) over the term 'lobbyist' (the professional actor). It has been argued that this approach fails to discern the distinction between public-interest and private-interest lobbying which could create space for professional lobbyists promoting private interests to operate under the guise of civic participation.²
- 2.4 This definitional dilemma has persisted in Australia since the Department of the Special Minister of the State was first tasked with developing Australia's regulatory approach to lobbyists in 1983, with officials acknowledging that 'the recurrent stumbling block is the problem of defining who is a lobbyist'.³
- 2.5 Recognising the importance of definition, this chapter considers the respective merits and limitations of using the terms 'lobbying' and 'lobbyist'. The chapter concludes by finding that using the term 'lobbyist' within the regulations could broaden the catchment of lobbyists without necessarily impeding other forms of civic participation, including advocacy and activism, that fall under the broader umbrella-term of 'lobbying'.

¹ Frank Baumgartner and Beth Leech, *Basic Interests: The Importance of Groups in Politics and in Political Science*, Volume 1, Princeton University Press, Princeton, 1998, p. 33.

² The Centre for Public Integrity, *Submission 18*, p. 9; see also, Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 3.

³ Department of the Special Minister of the State, [*Lobbyists and the Australian Government and Parliament*](#), 14 September 1983, p. 13 (accessed 26 January 2024).

Defining lobbying

- 2.6 As noted in Chapter 1, the term 'lobbying' is generally understood to refer to communication with a public official with the objective of influencing legislative, policy or administrative decisions.⁴
- 2.7 Public officials can include a range of actors across the executive, legislative, administrative and judicial levels of government. This includes:
- ministers;
 - parliamentarians;
 - senior public servants;
 - judges;
 - public prosecutors;
 - decision-makers within public corporations, wholly or partially state-owned enterprises and public-private partnerships; and
 - decision-makers responsible for delivering public contracts.⁵
- 2.8 However, in both Commonwealth and state and territory parliaments, crossbench members can hold the balance of power and may wield that power to persuade governments to pursue (or refrain from) certain courses of action. Therefore, it is not just decision-makers themselves but also all parliamentarians who may be subject to the influence of lobbyists.⁶
- 2.9 In this regard, The Australia Institute submitted that while 'Government' is used in the Code to mean the executive government, The Australia Institute 'would consider efforts to influence the Opposition and legislators on the crossbench to fall under the category of lobbying too'.¹⁷
- 2.10 Contemporary lobbying practices encompass a broad and combined range of activities and tactics, including:
- direct lobbying, where an interested party transparently advocates for its own preferred outcome through the use of in-house lobbyists;
 - the use of specialised lobbying firms, or 'third-party' lobbyists to advocate on behalf of an interested party;
 - collective lobbying through unions, peak bodies, industry associations and trade associations;

⁴ OECD, [Lobbying in the 21st Century Transparency, Integrity and Access](#), 20 May 2021, p. 18 (accessed 25 January 2024).

⁵ OECD, [Lobbying in the 21st Century Transparency, Integrity and Access](#), 20 May 2021, pp. 11–12 (accessed 25 January 2024).

⁶ See Professor Emerita Anne Twomey AO, *Submission 3*, p.1, made to the Finance and Public Administration Legislation Committee, Inquiry into the Electoral Legislation Amendment (Fairer Contracts and Grants) Bill 2023.

¹⁷ The Australia Institute, *Submission 16*, p. 3.

- media lobbying, including media appearances, sponsored journalism, advertising and social media campaigning to shape public discourse;
 - exerting influence over public discourse through the use of academics, consultants, think tanks, experts or others to produce research or evidence to support a preferred outcome;
 - 'astroturf campaigning', where a private interest covertly or discreetly funds an organisation presenting as a grassroots civic organisation to advocate for its own preferred outcome;
 - political donations, gifting, bribing and bestowing honours or cachet in exchange for influence; and
 - professional mobility between the political, public, and private sectors, also known as the 'revolving door' phenomenon.⁸
- 2.11 Major events, crises, technological developments, increasing globalisation and ever changing social, economic, and political conditions domestically and globally have also been shown to drive developments in lobbying tactics that have outpaced regulations by incentivising private interests to lobby government officials 'behind closed doors'.⁹
- 2.12 At the public hearing the committee heard evidence from Dr Christina Watts on covert 'astroturfing' tactics of the tobacco lobby in Australia, which has filtered funds to lobbyists through several different sources to avoid public scrutiny.¹⁰
- 2.13 This is one very clear example of a private interest seeking to advance their own commercial interests over the public interest. Evidence suggests that tobacco companies covertly promote regulatory settings that allow them to continue to profit from the sale of tobacco products, despite it being well-known that those products cause harm to people by increasing their risk of various poor health outcomes.¹¹
- 2.14 As Dr Jennifer Lacy-Nichols noted, similar examples are readily available relating to the lobbying tactics of other industries, including fossil fuels, alcohol, and gambling.¹²
- 2.15 The evolution of these covert lobbying tactics signals a need to clearly discern lobbying from other forms of civic participation, including advocacy, activism, unionism, research, whistleblowing, and protest, which can fall under the

⁸ OECD, [Lobbying in the 21st Century Transparency, Integrity and Access](#), 20 May 2021, pp. 18–19 (accessed 25 January 2024).

⁹ Dr Christina Watts, *Submission 9*, p. 1; The Australia Institute, *Submission 16*, p. 4.

¹⁰ Dr Christina Watts, Private Capacity, *Proof Committee Hansard*, 8 April 2024, p. 31.

¹¹ Dr Christina Watts, Private Capacity, *Proof Committee Hansard*, 8 April 2024, p. 26.

¹² Dr Jennifer Lacy-Nichols, Private Capacity, *Proof Committee Hansard*, 8 April 2024, p. 26.

broader umbrella-term of 'lobbying'. This has proven difficult, even for experts.¹³

- 2.16 Dictionary definitions of these terms provide useful clues as to the subtle differences in their meaning and use.¹⁴
- 2.17 Importantly, definitions of 'advocacy' and 'activism' suggest that they necessarily occur in the public domain. By contrast, the definition of 'lobbying' centres on an 'intent to influence', without specifying whether it occurs publicly or privately.¹⁵
- 2.18 This is telling. At the public hearing Associate Professor Yee-Fui Ng advised the committee that the current Register captures an incomplete picture by only reflecting third-party lobbyists, which are estimated to represent around 20 per cent of the entire lobbyist population.¹⁶
- 2.19 In both her testimony and submission, Professor Ng directed the committee to her research on the extent and nature of lobbying in Australia, which estimates that around 80 per cent of lobbying occurs in private, 'hidden in the shadows'.¹⁷
- 2.20 The New South Wales Independent Commission Against Corruption (NSW ICAC) submitted that unregulated, 'off the record' lobbying creates opportunities for private interests to exert undue influence over official decision-making, diminishes trust in government and increases the risk of corruption.¹⁸
- 2.21 The lack of specificity around the definition of lobbying, combined with the categorical primacy of the term 'lobbying' (the act) over the term 'lobbyist' (the professional actor), produces a definition of lobbyists that is broad and amorphous.
- 2.22 This in turn risks creating vague regulations that could potentially unduly impede on forms of civic participation which are not privately or commercially

¹³ Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 3.

¹⁴ Nasreen Jessani, Brenton Ling, Carly Babcock, Akshara Valmeekanathan and David Holtgrave, 'Advocacy, activism, and lobbying: How variations in interpretation affects ability for academia to engage with public policy', *PLOS Glob Public Health*, vol. 2, no. 3, 2022, p. 2.

¹⁵ Nasreen Jessani, Brenton Ling, Carly Babcock, Akshara Valmeekanathan and David Holtgrave, 'Advocacy, activism, and lobbying: How variations in interpretation affects ability for academia to engage with public policy', *PLOS Glob Public Health*, vol. 2, no. 3, 2022, p. 2.

¹⁶ Associate Professor Yee-Fui Ng, *Proof Committee Hansard*, 8 April 2024, p. 3.

¹⁷ Associate Professor Yee-Fui Ng, *Submission 1*, p. 1; Associate Professor Yee-Fui Ng, *Proof Committee Hansard*, 8 April 2024, p. 3; See also, Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 543.

¹⁸ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 2.

motivated, while also producing regulatory settings in which 'what is unknown about commercial lobbying is far greater than what is known'.¹⁹

Defining lobbyists: third-party lobbyists and in-house lobbyists

- 2.23 The field of lobbying has become increasingly professionalised in recent decades and the wielding of political influence has become more complex as a result. At the public hearing, Professor Ng advised the committee that the last 40 years has seen lobbying in Australia and internationally dramatically transform from a small industry of a few hundred people into a multibillion-dollar industry.²⁰
- 2.24 There are two main categories of professional lobbyists: third-party lobbyists and in-house lobbyists.²¹
- 2.25 Third-party lobbyists are generally understood to be paid professionals engaged to communicate with and influence public officials on behalf of their clients. These lobbyists are often employed by lobbying firms, or operate as sole traders, and self-identify as lobbyists.²²
- 2.26 In-house lobbyists are generally understood to be professionals seeking to communicate with and influence public officials on behalf of their immediate employer. This category of lobbyists is less easily identified as they are often employed in executive, company director or government relations roles that potentially obscure the realities of their professional duties to lobby public officials.²³
- 2.27 Further obscuring the role of in-house lobbyists, many of these professionals assume a wide range of professional duties, not all of which relate to lobbying public officials. For example, Chief Executive Officers, company directors and other senior executives of large organisations are likely to have primary responsibilities for the overall direction and leadership of the organisation, making major corporate decisions, serving as the public face of the organisation, managing the budget, and overseeing the work of employees. In many

¹⁹ Jennifer Lacy-Nichols, Shirae Christie, and Katherine Cullerton, 'Lobbying by omission: what is known and unknown about harmful industry lobbyists in Australia', *Health Promotion International*, vol. 38, no. 5, 2023, p. 1.

²⁰ Associate Professor Yee-Fui Ng, *Proof Committee Hansard*, 8 April 2024, p. 3; See also, Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 507.

²¹ Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 507.

²² Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 507.

²³ Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 514.

instances, these responsibilities will exist alongside their responsibility to lobby public officials.²⁴

- 2.28 In her submission Professor Ng drew the attention of the committee to the regulatory model in the United States (US), which defines lobbyists based on spending 20 per cent or more of their time engaging in lobbying activities. In effect, this model captures all professionals that engage in levels of lobbying above the specified threshold regardless of their job title or formal employment arrangements.²⁵
- 2.29 Under Australia's current regulatory framework, set out in the following chapter, only third-party lobbyists, estimated to represent less than 20 per cent of lobbying activity, are captured.²⁶
- 2.30 Therefore, reversing the categorical primacy of the term 'lobbying' over 'lobbyist' would acknowledge that, while all lobbyists lobby, not all those who lobby are necessarily lobbyists.

²⁴ Christopher Cooper and Maxime Boucher, 'Lobbying the executives: differences in lobbying patterns between elected politicians, partisan advisors and public servants', *Frontiers in Political Science*, vol. 5, 2024, p. 3.

²⁵ Associate Professor Yee-Fui Ng, *Submission 1*, p. 3.

²⁶ Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 543.

Chapter 3

Current regulatory arrangements for lobbyists in Australia and internationally

- 3.1 In 2018, the then Secretary of the Department of Prime Minister and Cabinet (PM&C), Dr Martin Parkinson AC PSM, noted that the Lobbying Code of Conduct (the Code) is 'an administrative initiative, not a regulatory regime' and as it is 'not enshrined in legislation, therefore it is not compulsory'.¹
- 3.2 This frank assessment of the regulatory capacity of the Code and the Australian Government Register of Lobbyists (the Register) that sits beneath it came in response to a report into the management of the Register conducted by the Australian National Audit Office (ANAO).²
- 3.3 This chapter provides a brief history of lobbying regulations in Australia and sets out the current regulatory arrangements at the Commonwealth level under the Code and the Register, which are now administered by the Attorney-General's Department.
- 3.4 Neither the Code or the Register have any interaction with the Australian Parliament House (APH) pass system or APH Private Access Area Policy, which are examined in Chapter 4.

A brief history of federal lobbying regulations in Australia

The Lobbyists Registration Scheme (1983-1996)

- 3.5 In 1983, Australia was the third country in the world, behind the United States (US) and Germany, to introduce regulation around lobbying with the Lobbyists Registration Scheme (LRS).³
- 3.6 On 14 September 1983, following increased public scrutiny around the role, and associated risks, of lobbyists in government, the Department of the Special

¹ Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018, emphasis original, pp. 38–39 (accessed 15 April 2024).

² Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018 (accessed 15 April 2024).

³ John Hogan, Gary Murphy and Raj Chari, Regulating the Influence Game in Australia, *Australian Journal of Politics and History*, Volume 57, Number 1, 2011, p. 102.

Minister of the State published a discussion paper, *Lobbyists and the Australian Government and Parliament*.⁴

- 3.7 The discussion paper identified a regulatory gap in the field of lobbying following a decade of rapid growth and increasing professionalisation of lobbyists making representations to Commonwealth Government representatives and agencies.⁵
- 3.8 Traditionally, lobbying has been carried out directly by trade unions, individual businesses, and various citizen advocacy groups. However, the 1970s and 1980s saw a rise in industry associations, foreign governments and other overseas interests, lobbying governments through the use of professional firms run by politically connected consultants.⁶
- 3.9 The only regulatory obligations in place in relation to lobbying were the *Public Duty and Private Interest—Guidelines* and the *Guidelines on official conduct of Commonwealth public servants*, a previous iteration of the *APS Code of Conduct*. These documents placed responsibility squarely with government ministers, senior officials and public servants to avoid corruption. However, no such obligations existed for non-Executive parliamentarians, political staffers or lobbyists themselves.⁷
- 3.10 The discussion paper set out an options analysis for the regulation of lobbying in Australia which included:
- (1) Self-regulation;
 - (2) Legislation, as seen operating in the US under the *Federal Regulation of Lobbying Act 1946*; and
 - (3) A non-legislative code of conduct.⁸
- 3.11 Cognisant that self-regulation was the expressly preferred option of lobbyists themselves, the authors were clear that 'a legislative scheme would probably be more credible'. However, this option was also 'likely to attract criticism'.⁹

⁴ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983 (accessed 26 January 2024).

⁵ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983, p. 3, (accessed 26 January 2024).

⁶ John Warhurst, 'Locating the Target: Regulating Lobbying in Australia' in *Parliamentary Affairs*, Oxford University Press, 1998, p. 543.

⁷ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983, p. 5 (accessed 26 January 2024).

⁸ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983, p. 9 (accessed 26 January 2024).

⁹ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983, pp. 9–11 (accessed 26 January 2024).

- 3.12 Despite this clear acknowledgment of the superiority of a legislative scheme, the discussion paper ultimately recommended a regulatory approach comprised of a system of public registration complemented by a Code of Conduct.¹⁰
- 3.13 The LRS was comprised of two confidential registers for lobbyists acting on behalf of domestic and foreign interests respectively.¹¹
- 3.14 The LRS was heavily criticised as having 'no teeth' and was lamented as being more of a public relations exercise than a genuine regulatory effort.¹²
- 3.15 In 1996, citing its underuse and subsequent ineffectiveness, the LRS was abolished by the Howard Coalition government.¹³

The Lobbying Code of Conduct (2007-present)

- 3.16 On 6 December 2007, the then Prime Minister Kevin Rudd released an amendment to the *Guide on Key Elements of Ministerial Responsibility*, 'Standards of Ministerial Ethics'. Among other things, it announced the establishment of a digitally accessible Register of Lobbyists to be administered by the Department of Prime Minister & Cabinet (PM&C).¹⁴
- 3.17 On 13 May 2008, Senator the Hon John Faulkner, then Special Minister of State and Cabinet Secretary, tabled in the Senate the Lobbying Code of Conduct and announced the establishment of the Register of Lobbyists.¹⁵
- 3.18 In his speech to the Senate, Minister Faulkner advised that:
- The Lobbying Code of Conduct is intended to promote trust in the integrity of government processes and ensure that contacts between lobbyists and government representatives are conducted in accordance with public expectations of transparency, integrity and honesty.¹⁶
- 3.19 The Code of Conduct and the Register were administered by PM&C from 2008 to 2019, with the PM&C Secretary as the Senior Responsible Officer.
- 3.20 The Code defines 'lobbying activities' as:

¹⁰ Department of the Special Minister of the State, [Lobbyists and the Australian Government and Parliament](#), 14 September 1983, p. 20 (accessed 26 January 2024).

¹¹ John Warhurst, 'Locating the Target: Regulating Lobbying in Australia' in *Parliamentary Affairs*, Oxford University Press, 1998, p. 545.

¹² John Warhurst, 'Locating the Target: Regulating Lobbying in Australia' in *Parliamentary Affairs*, Oxford University Press, 1998, p. 538.

¹³ Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 522.

¹⁴ Kevin Rudd, [Standards of Ministerial Ethics](#), 6 December 2007, p. 9 (accessed 26 January 2024).

¹⁵ *Journals of the Senate*, No. 11, 13 May 2008, p. 334.

¹⁶ The Hon Senator John Faulkner, [Ministerial statement on the Lobbying Code of Conduct and Register of Lobbyists](#), 13 May 2008, p. 1510 (accessed 15 April 2024).

communications with a Government representative in an effort to influence Government decision-making, including the making or amendment of legislation, the development or amendment of a Government policy or program, the awarding of a Government contract or grant or the allocation of funding.¹⁷

3.21 The Code defines a 'lobbyist' as:

any person, company or organisation that conducts lobbying activities on behalf of a third party client or whose employees, contractors or persons otherwise engaged by the person, company or organisation conduct lobbying activities on behalf of a third party client.¹⁸

3.22 In February 2018, the ANAO tabled and subsequently published an independent performance audit report titled *Management of the Australian Government's Register of Lobbyists*, which assessed PM&C's administration of the Code and Register.¹⁹

3.23 The audit found that while administration of the Code was 'consistent with the framework agreed by Government', it had only delivered 'a low level of compliance activity.'²⁰

3.24 The latter finding was further reinforced by the supplementary findings that:

- (1) It was not clear from the Department's records how many alleged instances of non-compliance had been reported since 2013; and
- (2) No registrants have been removed or suspended from the Register due to non-compliance since 2013 and the results of assessments did not inform future compliance activity.²¹

3.25 The recommendation of the Auditor-General was that:

The Department of the Prime Minister and Cabinet review the appropriateness of the current arrangements and Code requirements in supporting the achievement of the objectives established for the Code. To better support the ongoing regulation of lobbyists, PM&C should:

¹⁷ Attorney-General's Department, [Lobbying Code of Conduct](#), 28 November 2019, p. 2 (accessed 26 January 2024).

¹⁸ Attorney-General's Department, [Lobbying Code of Conduct](#), 28 November 2019, p. 3 (accessed 26 January 2024).

¹⁹ Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018 (accessed 15 April 2024).

²⁰ Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018, p. 8 (accessed 15 April 2024).

²¹ Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018, p. 28 (accessed 15 April 2024).

- a. implement a strategy to raise lobbyists' and Government representatives' awareness of the Code and their responsibilities;
 - b. assess risks to compliance with the Code and provide advice on the ongoing sufficiency of the current compliance management framework; and
 - c. develop a set of performance measures and establish an evaluation framework to inform stakeholders about the extent to which outcomes and broader policy objectives are being achieved.²²
- 3.26 These recommendations were accepted in part by PM&C,. However, in response to the audit, the then Secretary of PM&C, Dr Parkinson, noted that the Code was 'an administrative initiative, not a regulatory regime' and that 'some elements of the recommendation are better suited to a legislatively based regime that regulates all lobbyists.'²³
- 3.27 Some months later in May 2018, responsibility for administering the Code was transferred from PM&C to AGD following a machinery of government (MoG) change.²⁴
- 3.28 In June 2020, the ANAO tabled and subsequently published an independent follow-up performance audit report, *Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit* which assessed AGD's implementation of the recommendation from the 2018 Auditor-General Report.²⁵
- 3.29 In summary, the follow-up audit found that:
- (1) AGD had not implemented the recommendation from the 2018 Auditor-General Report;
 - (2) Governance arrangements to oversee the implementation of the ANAO recommendation were limited in effectiveness;
 - (3) AGD had not developed a strategy to raise awareness of the Code;
 - (4) AGD had not systematically assessed risks to compliance with the Code and had not advised Government about the sufficiency of

²² Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018, p. 35 (accessed 15 April 2024).

²³ Australian National Audit Office, [Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists](#), 14 February 2018, p. 38 (accessed 15 April 2024).

²⁴ Australian National Audit Office, [Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit](#), 26 June 2020, p. 7 (accessed 15 April 2024).

²⁵ Australian National Audit Office, [Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit](#), 26 June 2020, p. 8 (accessed 15 April 2024).

the current compliance framework in meeting the Code's objectives; and

- (5) AGD had not developed an evaluation framework for the Code and had not developed performance measures.

3.30 The audit revealed that, while AGD had taken a slightly more proactive approach to compliance activities than PM&C, resulting in the deregistration of eight lobbying organisations in 2020 due to non-compliance, the regulatory arrangements still resembled 'a non-legislated, light touch approach.'²⁶

3.31 The audit made two recommendations to AGD, related to governance processes for the implementation of recommendations, and the need to evaluate the sufficiency of the current regulatory regime for lobbying.

- (1) Attorney-General's Department establish effective governance processes for the implementation of the recommendation made in Auditor-General Report No.27 of 2017–18, *Management of the Australian Government's Register of Lobbyists*. This includes ensuring appropriate senior management engagement; that responsible officers understand the recommendation's intent; and that an implementation plan with achievable activities and milestones is in place;²⁷ and
- (2) Attorney-General's Department evaluate the sufficiency of the current regulatory regime for lobbying, and provide advice to Government about whether the regime is able to achieve the regulatory objective of promoting public trust in the integrity of government processes through ensuring that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.²⁸

3.32 These recommendations were accepted in full by the AGD Secretary.²⁹

²⁶ Australian National Audit Office, [*Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit*](#), 26 June 2020, p. 19 (accessed 15 April 2024).

²⁷ Australian National Audit Office, [*Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit*](#), 26 June 2020, p. 32 (accessed 15 April 2024).

²⁸ Australian National Audit Office, [*Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit*](#), 26 June 2020, p. 53 (accessed 15 April 2024).

²⁹ Australian National Audit Office, [*Auditor-General Report No.48 2019–20 Performance Audit: Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit*](#), 26 June 2020, p. 56 (accessed 15 April 2024).

3.33 In 2022, building on the recommendations of the Auditor-General, AGD made several amendments to the Code with the stated objective of enhancing its transparency objective and improving its practical operation.³⁰

3.34 In effect, these amendments included:

- (1) Granting the AGD Secretary greater powers to refuse to register or re-register a lobbyist who has committed a serious breach of the Code;
- (2) Creating additional disclosure requirements for former Government representatives to engage in lobbying;
- (3) Strengthening the statutory declaration requirements to collect further evidence around prior sentencing, convictions and executive political memberships;
- (4) Clarifying lobbyists' reporting obligations under the Code;
- (5) Broadening the definition of lobbyists to capture all employees, contractors or persons otherwise engaged; and
- (6) Highlighting linkages between the Code and other laws and regulatory frameworks, including, but not limited to, the *Statement of Ministerial Standards*, the *APS Code of Conduct* and the *Foreign Influence Transparency Scheme Act 2018*.³¹

Snapshot of the Register of Lobbyists

3.35 The Register is a publicly available, searchable database published on the Attorney-General's website. It contains the names of registered lobbyists, lobbying organisations, their clients and deregistered lobbying organisations.³²

3.36 At 3 April 2024, the Register listed:

- 691 individual lobbyists;
- 331 lobbying organisations;
- 2285 clients; and
- 186 deregistered lobbying organisations.³³

3.37 The Register does not publish data relating to reported or substantiated breaches of the Code, or actions taken by AGD following substantiated breaches.

³⁰ Attorney-General's Department, [Overview of updates to the Lobbying Code of Conduct – Effective 28 February 2022](#), 20 December 2021, p. 1 (accessed 15 April 2024).

³¹ Attorney-General's Department, [Overview of updates to the Lobbying Code of Conduct – Effective 28 February 2022](#), 20 December 2021, pp. 1–4 (accessed 15 April 2024).

³² Attorney-General's Department, [The Lobbyist Register](#) (accessed 4 April 2024).

³³ Attorney-General's Department, [The Lobbyist Register](#) (accessed 4 April 2024).

3.38 The obligation to investigate suspected or reported breaches and the power to utilise the penalty mechanisms to remove or disbar lobbyists and lobbying organisations found to have breached the Code lies with the AGD Secretary.³⁴

3.39 In their submission, AGD informed the committee that there has been an increase in the number of breach reports over the past few years, increasing from two reports of potential breaches in 2021 to sixteen reports of potential breaches in 2023.³⁵

3.40 AGD also advised the committee that:

If a breach has occurred, in the vast majority of cases it is resolved through cooperative engagement with the lobbyist.³⁶

3.41 This cooperative approach to compliance is reflected in a summary of investigations of suspected breaches of the Code provided to the Senate via the Legal and Constitutional Affairs Committee during the 2023–24 Budget estimates. This evidence revealed that in most investigations over the 2022–23 period, the final determination was that 'the department investigated the matter and determined that no further action was required.'³⁷

3.42 In light of these efforts, former Secretary Parkinson's observations remain both accurate and relevant:

Unlike some other Australian jurisdictions, the Australian Government Register of Lobbyists and the associated Code of Conduct is not enshrined in legislation, therefore it is not compulsory for lobbyists to register.³⁸

³⁴ Attorney-General's Department, *Lobbying Code of Conduct*, 28 November 2019, p. 7 (accessed 26 January 2024).

³⁵ Attorney-General's Department, *Submission 19*, p. 9.

³⁶ Attorney-General's Department, *Submission 19*, p. 9.

³⁷ Senate Standing Committee on Legal and Constitutional Affairs, *BE23-142 - Summary of investigations carried on suspected breaches of the Lobbying Code of Conduct*, 17 July 2023, https://www.aph.gov.au/Parliamentary_Business/Senate_estimates#qon (accessed 15 April 2024), pp. 2–3.

³⁸ Australian National Audit Office, *Auditor-General Report No.27 2017–18 Performance Audit: Management of the Australian Government's Register of Lobbyists*, 14 February 2018, p. 39 (accessed 15 April 2024).

Regulatory frameworks across Australian jurisdictions

New South Wales

- 3.43 In 2010, the New South Wales Independent Commission Against Corruption (NSW ICAC) investigated the lobbying of public officials and public authorities in New South Wales (NSW) and the related procedures and regulatory system.³⁹
- 3.44 The subsequent report titled *NSW public sector—lobbying of public officials and public authorities (Operation Halifax)* made 17 recommendations centred on establishing a new lobbying regulatory scheme for NSW. This scheme would require greater transparency of lobbying activity through new legal requirements for lobbyists to be registered, and for the occurrence of meetings and other communications between lobbyists and government representatives to be recorded and made publicly available.⁴⁰
- 3.45 In 2011, the NSW Parliament passed the *Lobbying of Government Officials Act 2011*, which established a Lobbyists Code of Conduct (NSW Code) and a Register of Third-Party Lobbyists, both of which are administered by the NSW Electoral Commission under the Ministerial responsibilities of the Premier and the Special Minister of State.⁴¹
- 3.46 The Act defines a lobbyist as either:
- (a) a third-party lobbyist, or
 - (b) any other individual or body that lobbies Government officials (including an individual engaged to undertake lobbying for a third-party lobbyist).⁴²
- 3.47 It is important to note that although the NSW Code applies to both third-party and other lobbyists, only third-party lobbyists are required to register.⁴³
- 3.48 Under the Act, the NSW Electoral Commission can impose sanctions for a breach of, or non-compliance with, the NSW Code. This was in response to the recommendation from the NSW ICAC that:

³⁹ New South Wales Independent Commission Against Corruption, [NSW public sector - lobbying of public officials and public authorities \(Operation Halifax\)](#), 10 November 2010, p. 15 (accessed 16 April 2024).

⁴⁰ New South Wales Independent Commission Against Corruption, [NSW public sector - lobbying of public officials and public authorities \(Operation Halifax\)](#), 10 November 2010, pp. 9–11 (accessed 16 April 2024).

⁴¹ NSW Government, [Lobbying of Government Officials Act 2011 No 5](#), 1 July 2018, p. 7 (accessed 15 April 2024).

⁴² NSW Government, [Lobbying of Government Officials Act 2011 No 5](#), 1 July 2018, p. 5 (accessed 15 April 2024).

⁴³ NSW Government, [Lobbying of Government Officials Act 2011 No 5](#), 1 July 2018, p. 8 (accessed 15 April 2024).

an independent government entity, maintains and monitors the Lobbyists Register, and that sanctions be imposed on Third-party lobbyists and Lobbying Entities for failure to comply with registration requirements.⁴⁴

- 3.49 In 2021, the NSW ICAC conducted another investigation into the regulation of lobbying, access, and influence in NSW, assessing the effectiveness of, and opportunities to improve, the *Lobbying of Government Officials Act 2011*, as well as the broader approach to managing risks associated with lobbying and influencing practices.⁴⁵
- 3.50 The subsequent report, *Lobbying and the NSW public sector—the regulation of lobbying, access and influence in NSW (Operation Eclipse)*, made 29 recommendations to address identified shortfalls in the Act and to improve the regulation of lobbying in NSW.⁴⁶
- 3.51 The *Lobbying of Government Officials Act 2011* has not been amended since the release of *Operation Eclipse*.⁴⁷

Victoria

- 3.52 In 2009, Victoria established the Victorian Government Professional Lobbyist Code of Conduct (Victorian Code) and a Register of Lobbyists, both of which were initially administered by the Public Sector Standards Commissioner. This position has since been transitioned to become the Victorian Public Sector Commissioner.⁴⁸
- 3.53 In 2013, the Victorian Code was amended to:
- (1) extend registration requirements to government affairs directors via the creation of a Register of Government Affairs Directors administered by the Victorian Public Sector Commissioner; and
 - (2) ban success fees for lobbyists, government affairs directors or companies found to have received or given a success fee on the

⁴⁴ New South Wales Independent Commission Against Corruption, [NSW public sector - lobbying of public officials and public authorities \(Operation Halifax\)](#), 10 November 2010, p. 10 (accessed 22 April 2024).

⁴⁵ New South Wales Independent Commission Against Corruption, [Lobbying and the NSW public sector - the regulation of lobbying, access and influence in NSW \(Operation Eclipse\)](#), 22 June 2021, p. 8 (accessed 16 April 2024).

⁴⁶ New South Wales Independent Commission Against Corruption, [Lobbying and the NSW public sector - the regulation of lobbying, access and influence in NSW \(Operation Eclipse\)](#), 22 June 2021, pp. 11–14 (accessed 16 April 2024).

⁴⁷ NSW Government, [Lobbying of Government Officials Act 2011 No 5](#), 1 July 2018, p. 1 (accessed 15 April 2024).

⁴⁸ Victorian Public Sector Commission, [The Victorian Government Professional Lobbyist Code of Conduct](#), 17 April 2023 (accessed 16 April 2024).

tendering or awarding of a public project from the Victorian Government or a Victorian Public Sector body.⁴⁹

3.54 The Victorian Code defines a lobbyist as:

any person, company or organisation who conducts lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client, but does not include:

- (1) charitable, religious and other organisations or funds that are endorsed as deductible gift recipients;
- (2) non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients;
- (3) individuals making representations on behalf of relatives or friends about their personal affairs;
- (4) members of trade delegations visiting Australia;
- (5) persons who are registered under an Australian Government scheme regulating the activities of members of that profession, such as registered tax agents, customs brokers, company auditors and liquidators, provided that their dealings with Government representatives are part of the normal day to day work of people in that profession;
- (6) members of professions, such as doctors, lawyers or accountants, and other service providers, who make occasional representations to Government on behalf of others in a way that is incidental to the provision by them of their professional or other services. However, if a significant or regular part of the services offered by any person employed or engaged by a firm of lawyers, doctors, accountants or other service providers involves lobbying activities on behalf of clients of that firm, the firm offering those services must register and identify the clients for whom they carry out lobbying activities; and
- (7) representatives of other Governments, or Government agencies or Inquiries.⁵⁰

3.55 The Victorian regulations are not legislated and the primary enforcement mechanism for a breach or non-compliance is deregistration.⁵¹

⁴⁹ Victorian Public Sector Commission, [Q&A: Register of Government Affairs Directors](#), 1 November 2013 (accessed 16 April 2024).

⁵⁰ Victorian Public Sector Commission, [The Victorian Government Professional Lobbyist Code of Conduct](#), 17 April 2023, Section 9.2 (accessed 16 April 2024).

⁵¹ Victorian Public Sector Commission, [The Victorian Government Professional Lobbyist Code of Conduct](#), 17 April 2023, Section 9.2 (accessed 16 April 2024).

Queensland

3.56 In 2009, Queensland passed the *Integrity Act 2009*, which established a Lobbyists Code of Conduct (QLD Code) and legislated the existing Lobbying Register, both of which are administered by the Office of the Queensland Integrity Commissioner.⁵²

3.57 The Act defines a lobbyist as:

an entity that carries out a lobbying activity for a third-party client or whose employees or contractors carry out a lobbying activity for a third-party client.⁵³

3.58 Under the Act, the Integrity Commissioner is empowered to impose sanctions for a breach of, or non-compliance with, the QLD Code.⁵⁴

Western Australia

3.59 In 2007, Western Australia became the first Australian jurisdiction to introduce lobbying regulations with the Contact with Lobbyists Code (WA Code) and the Register of Lobbyists, administered by the Director General of the Department of the Premier & Cabinet.⁵⁵

3.60 Both the WA Code and the Register were later legislated in 2016 under the *Integrity (Lobbyists) Act 2016*, with administrative responsibility transitioning to the Public Sector Commissioner.⁵⁶

3.61 The Act defines a lobbyist as:

- (a) a person whose business consists of or includes undertaking lobbying activities on behalf of another person;
- (b) a person who employs or engages one or more persons to undertake lobbying activities on behalf of another person; or
- (c) a person who is employed or engaged by a person to undertake lobbying activities on behalf of another person.⁵⁷

⁵² Queensland Government, [Integrity Act 2009](#), 13 December 2023, p. 36 (accessed 15 April 2024).

⁵³ Queensland Government, [Integrity Act 2009](#), 13 December 2023, p. 32 (accessed 15 April 2024).

⁵⁴ Queensland Government, [Integrity Act 2009](#), 13 December 2023, pp. 49–52 (accessed 15 April 2024).

⁵⁵ Mr Alan Carpenter, [Contact with Lobbyists Code – Register of Lobbyists: Statement by Premier](#), 20 March 2007, p. 1 (accessed 16 April 2024).

⁵⁶ Government of Western Australia, [Integrity \(Lobbyists\) Act 2016](#), 12 Dec 2016, p. 2 (accessed 16 April 2024).

⁵⁷ Government of Western Australia, [Integrity \(Lobbyists\) Act 2016](#), 12 Dec 2016, p. 10 (accessed 16 April 2024).

- 3.62 Although the Act does not specify, the WA Code makes clear that the regulations only apply to lobbyists acting on behalf of a third-party client or clients.⁵⁸
- 3.63 Under the Act, the Public Sector Commissioner is empowered to impose sanctions for a breach of, or non-compliance with, the WA Code.⁵⁹

South Australia

3.64 In 2009, South Australia established an administrative Lobbyists Code of Conduct (SA Code) and a Lobbying Register, both of which were legislated in 2015 under the *Lobbyists Act 2015*.⁶⁰ Both instruments are administered by the Department of Premier & Cabinet.⁶¹

3.65 The definition in the Act provides that:

a person will be taken to engage in lobbying if the person, for money or other valuable consideration, communicates with a public official (in person, in writing or by telephone or other electronic means) on behalf of a third-party for the purpose of influencing the outcome of—

- (a) legislation, or a government decision or policy, whether existing or proposed; or
 - (b) an application for any approval, consent, licence, permit, exemption or other authorisation or entitlement under any Act or law of this State; or
 - (c) the awarding of a contract or grant or the allocation of funding; or
 - (d) any other exercise by the official of his or her functions or powers,
- (whether the person is acting as a principal in so communicating or as an employee or agent of another).⁶²

3.66 The SA Code provides further clarification around exclusions to the definition of lobbyist, which includes:

- (1) persons, companies or organisations lobbying on their own behalf rather than for a client;
- (1) charitable, religious or other organisations that may receive tax deductible donations or gifts;

⁵⁸ Government of Western Australia, [Lobbyist Code of Conduct](#), 3 October 2022, Section 1.4 (accessed 16 April 2024).

⁵⁹ Government of Western Australia, [Integrity \(Lobbyists\) Act 2016](#), 12 Dec 2016, p. 10 (accessed 16 April 2024).

⁶⁰ Government of South Australia, [Department of the Premier & Cabinet Circular: PC032 - Lobbyist Code of Conduct](#), October 2014, p. 15 (accessed 16 April 2024); Government of South Australia, [Lobbyists Act 2015](#), 4 April 2016 (accessed 16 April 2024).

⁶¹ Government of South Australia, [Department of the Premier & Cabinet Circular: PC032 - Lobbyist Code of Conduct](#), October 2014, p. 5 (accessed 16 April 2024).

⁶² Government of South Australia, [Lobbyists Act 2015](#), 4 April 2016 , pp. 2–3.

- (2) non-profit organisations that represent the interests of their members;
- (3) individuals making representations on behalf of relatives of friends about personal affairs;
- (4) members of trade delegations;
- (5) registered tax agents, customs brokers, company auditors and similar professionals in the course of their normal profession;
- (6) members of other professions that make occasional representations to Government on behalf of others provided this is only incidental to their professional services; and
- (7) representatives of other Governments.⁶³

3.67 Under the Act, the Chief Executive of the Department of Premier & Cabinet, or their delegate, is empowered to impose sanctions for a breach of, or non-compliance with, the SA Code.⁶⁴

Tasmania

3.68 In 2009, Tasmania established the Lobbying Code of Conduct (Tasmanian Code) and a Register of Lobbyists, both of which were initially administered by the Department of Premier & Cabinet.⁶⁵

3.69 In 2022, responsibility for administering the Tasmanian Code and the associated Register transferred from the Department of Premier & Cabinet to the Integrity Commission.⁶⁶

3.70 The Tasmanian Code defines a lobbyist as:

any person, company or organisation who conducts lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client, but does not include:

- (1) charitable, religious, and other organisations or funds that are endorsed as deductible gift recipients;
- (2) non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients;
- (3) professional associations, guilds, trade, or union bodies who represent a class of professions, tradespersons, employers, or other workforce entities;

⁶³ Government of South Australia, [Department of the Premier & Cabinet Circular: PC032 - Lobbyist Code of Conduct](#), October 2014, pp. 6–7 (accessed 16 April 2024).

⁶⁴ Government of South Australia, [Lobbyists Act 2015](#), 4 April 2016, p. 10 (accessed 16 April 2024).

⁶⁵ Integrity Commission Tasmania, [Tasmanian Government Lobbying Code of Conduct](#), 1 July 2022, p. 1 (accessed 16 April 2024).

⁶⁶ Integrity Commission Tasmania, [Tasmanian Government Lobbying Code of Conduct](#), 1 July 2022, p. 1 (accessed 16 April 2024).

- (4) individuals making representations on behalf of relatives or friends about their personal affairs;
- (5) members of trade delegations visiting Tasmania;
- (6) persons who are registered under an Australian Government scheme regulating the activities of members of that profession, such as registered tax agents, Customs brokers, company auditors and liquidators, provided that their dealings with Government representatives are part of the normal day to day work of people in that profession; and
- (7) members of professions, such as doctors, lawyers or accountants, and other service providers, who make occasional representations to Government on behalf of others in a way that is incidental to the provision to them of their professional or other services. However, if a significant or regular part of the services offered by a person employed or engaged by a professional practice or other service provider involves lobbying activities on behalf of clients of that practice or service, the practice or service provider and the person offering those services must register and identify the clients for whom they carry out lobbying activities.⁶⁷

3.71 The Tasmanian regulations are not legislated and the primary enforcement mechanism for a breach or non-compliance is deregistration.⁶⁸

Australian Capital Territory

3.72 In 2015, the Australian Capital Territory (ACT) government introduced the ACT Lobbying Code of Conduct and the ACT Register of Lobbyists, both of which are administered by the Legislative Assembly.⁶⁹

3.73 The ACT Code defines a lobbyist as:

Any person, company or organisation who conducts lobbying activities on behalf of a third-party, or whose employees or other personnel conduct lobbying activities on behalf of a third-party, where such lobbying activities are ordinarily carried out in the expectation of receiving direct or indirect financial reward or other valuable consideration whether or not the amount thereof is ascertainable at the time such activities are conducted.⁷⁰

⁶⁷ Integrity Commission Tasmania, [Tasmanian Government Lobbying Code of Conduct](#), 1 July 2022, p. 3 (accessed 16 April 2024)

⁶⁸ Integrity Commission Tasmania, [Tasmanian Government Lobbying Code of Conduct](#), 1 July 2022, p. 7 (accessed 16 April 2024).

⁶⁹ Legislative Assembly for the Australian Capital Territory, [Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory](#), 21 March 2024, pp. 127–130 (accessed 15 April 2024).

⁷⁰ Legislative Assembly for the Australian Capital Territory, [Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory](#), 21 March 2024, p. 130 (accessed 15 April 2024).

3.74 The ACT regulations are not legislated and the primary enforcement mechanism for a breach or non-compliance is deregistration.⁷¹

Northern Territory

3.75 The Northern Territory is the only state or territory jurisdiction in Australia not to have a lobbyist register or any regulation around lobbying.

3.76 This regulatory gap has been a topic of debate in the lead up to the August 2024 Northern Territory election, though no plans to introduce lobbying regulations have been announced by the territory government.⁷²

International regulatory frameworks

3.77 Globally, only a minority of countries have implemented regulatory frameworks around lobbying, with varying degrees of robustness.⁷³

3.78 In 2010, the Organisation for Economic Cooperation and Development (OECD) adopted the *OECD Principles for Transparency and Integrity in Lobbying* which provided governments and decision-makers with guidance on fostering transparency and integrity in lobbying.⁷⁴

3.79 In 2021, the OECD published a progress report taking stock of the progress that countries had made against the principles. The progress report found that of the 41 countries analysed by the OECD in 2021, only 23 provided some level of transparency over lobbying activities.⁷⁵

3.80 Data collected in 2022 further revealed that of those countries with regulatory frameworks around lobbying only:

- 12 provided some level of transparency through a publicly available lobbying register; and
- 10 retained mechanisms to impose sanctions in the case of breaches of transparency and integrity standards defined in the regulatory framework.⁷⁶

⁷¹ Legislative Assembly for the Australian Capital Territory, [Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory](#), 21 March 2024, pp. 130–131 (accessed 15 April 2024).

⁷² ABC News, [Lia Finocchiaro promises lobbyist register for the Northern Territory if Country Liberals win government](#), 14 December 2023 (accessed 31 January 2024).

⁷³ OECD, [Lobbying in the 21st Century: Transparency, Integrity and Access](#), 20 May 2021, p. 13 (accessed 16 April 2024).

⁷⁴ OECD, [OECD Principles for Transparency and Integrity in Lobbying](#), 2010 (accessed 16 April 2024).

⁷⁵ OECD, [Lobbying in the 21st Century: Transparency, Integrity and Access](#), 20 May 2021, p. 17 (accessed 16 April 2024).

⁷⁶ OECD, [Public Integrity Indicators](#), 2022, (accessed 16 April 2024).

- 3.81 Although Australia fares reasonably favourably by international standards, it would be inaccurate to suggest it exemplifies best practice internationally.
- 3.82 In 2003, the US think tank the Centre for Public Integrity (CPI) developed an assessment tool to compare the relative strengths and weaknesses of lobbying regulations across the various US states. The general finding of this independent review was that regulations founded on legislation resulted in stronger outcomes and that regulations that relied solely on administrative registration, or 'paperwork' schemes, resulted in the weakest outcomes.⁷⁷
- 3.83 In 2019, academics Raj Chari, John Hogan, Gary Murphy, and Michele Crepez applied the CPI assessment tool to lobbying regulations across 22 countries, developing both a CPI score and a theoretical classification of either high-, medium- or low-robustness.⁷⁸
- 3.84 Their analysis classified Australia's federal lobbying regulations as medium-robustness, with a CPI score of 33. The only country to achieve high-robustness was the US, with a CPI score of 62.⁷⁹
- 3.85 One of the key lessons that Australia can learn from its international counterparts is that legislated regulations significantly improve compliance outcomes. The case studies below summarise the approaches taken by countries that outperformed Australia on the CPI metric. Importantly, they all regulate lobbyists by way of legislated schemes.⁸⁰

United States

- 3.86 In 1946, the US became the first country in the world to introduce lobbying regulations under the *Federal Regulation of Lobbying Act of 1946*.⁸¹
- 3.87 The 1946 Act was replaced by the *Lobbying Disclosure Act of 1995*, which remains in place today, administered by the Secretary of the Senate and Clerk of the House of Representatives.⁸²

⁷⁷ Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 160.

⁷⁸ Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 183.

⁷⁹ Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 183.

⁸⁰ Raj Chari, John Hogan, Gary Murphy and Michele Crepez, *Regulation Lobbying: A Global Comparison*, 2nd Edition, Manchester University Press, Manchester, 2019, p. 183.

⁸¹ OECD, [Regulations and Codes of Conduct on Lobbying in OECD countries](#), 2013, p. 1 (accessed 16 April 2024).

⁸² US House of Representatives | Office of the Clerk, [Lobbying Disclosure Act of 1995](#), 19 December 1995, Section 4 (accessed 16 April 2024).

3.88 The Act defines a lobbyist as:

any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.⁸³

3.89 Unlike in the majority of Australian jurisdictions, this definition does not preclude in-house or consultant lobbyists and instead rests on the proportion of time spent lobbying.

3.90 Under the Act, both the Secretary and the Clerk are empowered to impose sanctions for a breach of, or non-compliance with, the Act, including fines of up to US \$50,000, depending on the extent and gravity of the violation.⁸⁴

Canada

3.91 In 1989, Canada passed the *Lobbyists Registration Act*, requiring all paid lobbyists to register their names, clients and the details of their meetings and communications with government officials with the Deputy Registrar General, with secondary administrative responsibilities held by the Ethics Counsellor.⁸⁵

3.92 The Act underwent a series of amendments in 1995, 1997, 2002, 2003, 2004, 2005 and 2006 until it was renamed as the *Lobbying Act* in 2008 when administration was transitioned to the newly created Office of the Commissioner for Lobbying of Canada.⁸⁶

3.93 The Act defines a lobbyist as someone who:

for payment, on behalf of any person or organization (in this section referred to as the “client”), undertakes to:

- (a) communicate with a public office holder in respect of:
 - (i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,
 - (ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,
 - (iii) the making or amendment of any regulation as defined in subsection 2(1) of the Statutory Instruments Act,

⁸³ US House of Representatives | Office of the Clerk, [Lobbying Disclosure Act of 1995](#), 19 December 1995, Section 3, Subsection 10 (accessed 16 April 2024).

⁸⁴ US House of Representatives | Office of the Clerk, [Lobbying Disclosure Act of 1995](#), 19 December 1995, Section 7 (accessed 16 April 2024).

⁸⁵ A. Paul Pross, [‘The Lobbyists Registration Act: Its Application and Effectiveness’](#), *Volume 2: The Public Service and Transparency*, 2006, Privy Council, p. 165 (accessed 16 April 2024).

⁸⁶ Officer of the Commissioner for Lobbying of Canada, [The Lobbying Act](#), 30 May 2022 (accessed 16 April 2024).

- (iv) the development or amendment of any policy or program of the Government of Canada,
- (v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada, or
- (vi) the awarding of any contract by or on behalf of Her Majesty in right of Canada; or

(b) arrange a meeting between a public office holder and any other person.⁸⁷

3.94 Under the Act, the Commissioner for Lobbying is empowered to impose sanctions for a breach of, or non-compliance with, the Act including fines and imprisonment.⁸⁸

Chile

3.95 In 2014, after 11 years of unsuccessful legislative efforts, Chile passed *Law 20730: Regulates the Lobby and Other Measures that Represent Interests Individuals Before Authorities and Officials*, establishing a lobbyists register administered by the Parliamentary Ethics Commission and the Transparency Commission.⁸⁹

3.96 The Law defines a lobbyist as someone who engages in:

remunerated management or activity, carried out by natural or legal persons, Chilean or foreign, whose purpose is to promote, defend or represent any particular interest, to influence the decisions that, in the exercise of their functions, they must adopt.⁹⁰

3.97 Under the Law, the Parliamentary Ethics Commission and the Transparency Commission are empowered to impose sanctions for a breach of, or non-compliance.⁹¹

Ireland

3.98 In 2015, Ireland passed the *Regulation of Lobbying Act 2015* establishing a Code of Conduct and a Register of Lobbying, administered by the Standards in Public Office Commission.⁹²

3.99 The Act defines a lobbyist as someone who:

⁸⁷ Government of Canada, [Lobbying Act](#), 13 September 1988, p. 7 (accessed 16 April 2024).

⁸⁸ Officer of the Commissioner for Lobbying of Canada, [Lobbying at the federal level — at a glance](#), 18 December 2023, p. 2 (accessed 16 April 2024).

⁸⁹ Nacional de Chile, [Law 20730: Regulates the Lobby and Other Measures that Represent Interests Individuals Before Authorities and Officials](#), 8 March 2014, p. 3 (accessed 16 April 2024).

⁹⁰ Nacional de Chile, [Law 20730: Regulates the Lobby and Other Measures that Represent Interests Individuals Before Authorities and Officials](#), 8 March 2014, p. 1 (accessed 16 April 2024).

⁹¹ Nacional de Chile, [Law 20730: Regulates the Lobby and Other Measures that Represent Interests Individuals Before Authorities and Officials](#), 8 March 2014, p. 10 (accessed 16 April 2024).

⁹² Houses of the Oireachtas, [Regulation of Lobbying Act 2015](#), 11 March 2015 (accessed 16 April 2024).

- (a) makes, or manages or directs the making of, any relevant communications on behalf of another person in return for payment (in money or money's worth) in any of the circumstances in which subsection (2) applies to that other person;
- (b) makes, or manages or directs the making of, any relevant communications in any of the circumstances in which subsection (2) applies to the person; or
- (c) makes any relevant communications about the development or zoning of land under the Planning and Development Acts 2000 to 2014.

The circumstances in which this subsection applies to a person are that—

- (a) the person has more than 10 full-time employees and the relevant communications are made on the person's behalf;
- (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.⁹³

3.100 Under the Act, the Standards in Public Office Commission is empowered to impose sanctions for a breach of, or non-compliance with the Code, including fines and up to two-years imprisonment.⁹⁴

⁹³ Houses of the Oireachtas, [Regulation of Lobbying Act 2015](#), 11 March 2015, pp. 6–7 (accessed 16 April 2024).

⁹⁴ Houses of the Oireachtas, [Regulation of Lobbying Act 2015](#), 11 March 2015, pp. 20–21 (accessed 16 April 2024).

Chapter 4

Access to Australian Parliament House by lobbyists

- 4.1 The Department of Parliamentary Services (DPS) administers the pass system that provides access to Australian Parliament House (APH), under the APH Private Area Access Policy (the APHPAA Policy) and the APH Security Policy and Governance Framework.¹
- 4.2 There are 14 categories of unescorted access passes to APH listed in the APHPAA Policy. While none of these are specific to lobbyists, it is generally assumed lobbyists fall under the sponsored pass category, also referred to as an 'orange pass'.²
- 4.3 At a public hearing on 8 April 2024, the Secretary of DPS, Mr Rob Stefanic, advised the committee that 'sponsored passes are not lobbyist passes'. Indeed, Mr Stefanic noted that the list of sponsored pass holders 'includes advocacy groups, academics, peak bodies, unions, non-government organisations, local government and faith-based organisations'.³
- 4.4 Further, as noted in Chapter 3, and as stated by Mr Stefanic, there is currently no interaction between the pass system administered by DPS and the Code of Conduct and Register of Lobbyists administered by the Attorney-General's Department.⁴
- 4.5 This chapter provides an overview of the administration of the sponsored pass system and finds that under the current privacy arrangements it is not possible to ascertain the scale of lobbyist access to APH.

The various pass categories

- 4.6 APH is divided into public and private areas. To access private areas of the building, either an escorted access pass or an unescorted access pass is required.⁵

¹ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 3 (accessed 17 April 2024).

² Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 18 (accessed 17 April 2024).

³ Mr Rob Stefanic, Secretary, Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 47.

⁴ Mr Rob Stefanic, Secretary of the Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 47.

⁵ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 5 (accessed 17 April 2024).

- 4.7 Escorted passes are issued to visitors to the building who present valid photographic identification, such as a driver's license or passport, and are either signed in by an authorised passholder or attending an authorised function. Escorted passes are intended to provide temporary visitor access and are generally valid for one day.⁶
- 4.8 Unescorted passes are issued to people who can demonstrate a business requirement for accessing APH on a regular basis.⁷
- 4.9 There are 14 types of unescorted access passes listed in the APHPAA Policy. These are:
- Current Senators (including those who are Ministers);
 - Current Members (including those who are Ministers);
 - Ministerial employees;
 - Protocol (including former federal parliamentarians and current and former State and Territory parliamentarians);
 - Nominated family members of current parliamentarians;
 - Staff and volunteers of current Senators and Members;
 - Australian Parliamentary Service employees;
 - Australian Public Service employees;
 - Media;
 - Contractors;
 - Sponsored persons who:
 - have a significant and regular business requirement for unescorted access;
 - are engaged by political party secretariats;
 - are official guests and visitors; or
 - are parents of children in childcare;
 - Sponsored local First Nations Recognised Elders and Custodians;
 - Special events (non-photographic); and
 - Temporary security (non-photographic) for members of the Australian Federal Police or the Parliamentary Security Service.⁸
- 4.10 This inquiry is specifically concerned with passholders in the sub-category of sponsored persons with a significant and regular business requirement for unescorted access who are also lobbyists.

⁶ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 6 (accessed 17 April 2024).

⁷ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 6 (accessed 17 April 2024).

⁸ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, pp. 15–20 (accessed 17 April 2024).

- 4.11 Mr Stefanic advised the committee that, as of 31 March 2024, of the 2052 sponsored passholders 1977 fall into the sub-category of sponsored persons with a significant and regular business requirement for unescorted access.⁹
- 4.12 However, noting Mr Stefanic's assertion that 'sponsored passes are not lobbyist passes', under the current APHPAA Policy, it would not be possible to substantiate an assumption that the majority of these passholders are lobbyists.¹⁰

The process and eligibility requirements for obtaining and maintaining a sponsored pass

- 4.13 All sponsored pass applications require the sponsorship of a parliamentarian or the head of a parliamentary department.¹¹
- 4.14 However, the process for obtaining a sponsored pass is not entirely transparent as it relies on an existing passholder, or 'insider', with knowledge of and access to the internal DPS system to access the relevant forms required to commence a pass application.
- 4.1 Mr Stefanic advised the committee that of the 2052 sponsored passholders, seven are currently sponsored by a parliamentary department head.¹²
- 4.2 In addition to the sponsorship requirements, applicants in the sub-category of sponsored persons with a significant and regular business requirement for unescorted access are subject to further suitability requirements, including:
- (a) the nominating sponsor must have known the individual or the organisation for 12 months or longer; and
 - (b) where the individual has not been known for 12 months their employing organisation must provide a letter vouching for the person and their need for significant and regular business access.¹³
- 4.3 The APHPAA Policy provides that applications for an unescorted pass require the collection of personal information including the applicant's:
- (a) name;

⁹ Mr Rob Stefanic, Secretary of the Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 49.

¹⁰ Mr Rob Stefanic, Secretary of the Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 47.

¹¹ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 18 (accessed 17 April 2024).

¹² Mr Rob Stefanic, Secretary, Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (received 16 April 2024).

¹³ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 18 (accessed 17 April 2024).

- (b) address;
- (c) contact details;
- (d) employment details;
- (e) identification; and
- (f) vehicle registration details.¹⁴

- 4.4 This information is then considered by the DPS Security Pass Office alongside supporting documentation, including a:
- Nationally Coordinated Criminal History Check (NCCHC);
 - APH Access Card Application Form;
 - APH Authorised Officer Nomination Form; and
 - DPS Access Request Risk Assessment.¹⁵
- 4.5 The information gathered via the application process is then used to assess an applicant's suitability to obtain an unescorted access pass.¹⁶
- 4.6 When a pass is granted, the passholder is required to adhere to the compliance responsibilities set out in the APHPAA Policy, including:
- clearly displaying the pass whilst in the private areas of APH;
 - protecting the pass from loss, damage, theft, or misuse;
 - immediately reporting the loss of a pass to the DPS Security Pass Office; and
 - informing the DPS Security Pass Office of changes to personal circumstances which impact their suitability to maintain the pass.¹⁷
- 4.7 Generally, sponsored passes are issued for a period of three years and remain valid until the end of the parliamentary term in which they are granted. These passes can then be renewed at the beginning of the following term of parliament.¹⁸
- 4.8 If the parliamentarian that sponsored the pass ceases to be a member of parliament, either by way of an election or for any other reason, there is an unspecified grace period in which a passholder may seek a new sponsor.¹⁹

¹⁴ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 12 (accessed 17 April 2024).

¹⁵ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 13 (accessed 17 April 2024).

¹⁶ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 12 (accessed 17 April 2024).

¹⁷ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 11 (accessed 17 April 2024).

¹⁸ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 18 (accessed 17 April 2024).

¹⁹ Mr Rob Stefanic, Secretary of the Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 50.

- 4.9 Passes that are not used for a period of 180 consecutive days are deactivated.²⁰
- 4.10 Under the APHPAA Policy, the Presiding Officers of the Parliament, being the President of the Senate and the Speaker of the House of Representatives, or their delegates, are empowered to suspend or cancel any pass where:
- (a) a person may be considered a threat to the security of the functions of the Parliament, the building itself or its occupants or visitors;
 - (b) a person has abused the privileges provided to them; or
 - (c) a person has signed in a visitor who has not complied with the terms and conditions regarding access to the private areas.²¹
- 4.11 In addition to the powers of the Presiding Officers, the sponsoring parliamentarian or parliamentary department head may also revoke their sponsorship, in effect cancelling the pass.²²
- 4.12 Sponsors also retain the ability to specify the hours that the pass provides access which, for example, may restrict the sponsored passholder's access to standard business hours, as opposed to 24/7 access.²³

Privacy and the passholder database

- 4.13 The DPS Privacy Policy provides that all personal information gathered for the purposes of assessing, granting, and managing access passes to APH is stored securely and managed in accordance with the Australian Privacy Principles contained in Schedule 1 of the *Privacy Act 1988*.²⁴
- 4.14 Unlike the Register of Lobbyists, which is a publicly accessible database, the current privacy arrangements around the passholder database prevent information from being made public regarding who holds a sponsored pass, what interests they represent, which parliamentarian sponsored their pass, and how often and for what purposes they access APH.
- 4.15 Mr Stefanic advised the committee that:

Disclosure of personal information for a purpose not connected with
'identity verification and managing the security of Australian Parliament

²⁰ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 16 (accessed 17 April 2024).

²¹ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 12 (accessed 17 April 2024).

²² Mr Rob Stefanic, Secretary of the Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 54.

²³ Department of Parliamentary Services, [APH Private Area Access Policy](#), 25 August 2023, p. 18 (accessed 17 April 2024).

²⁴ Department of Parliamentary Services, [DPS Privacy Policy](#), 25 May 2017, p. 2.

House' would be inconsistent with both the DPS Privacy Policy and the *Privacy Act 1988*, and in particular Australian Privacy Principle 6.²⁵

- 4.16 The current privacy arrangements and the absence of any interaction between the pass system and the Code of Conduct and Register of Lobbyists make it impossible to ascertain the scale of lobbyist access to APH.
- 4.17 Analysis to this effect would therefore rely on a speculative assumption that the majority of sponsored passholders are lobbyists who regularly conduct lobbying activities inside APH.

²⁵ Mr Rob Stefanic, Secretary, Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (received 16 April 2024).

Chapter 5

Options put to the committee

- 5.1 The committee received 346 public submissions to the inquiry. The overwhelming majority of submitters expressed their support for stronger regulations and increased transparency over the role of lobbyists within and beyond Australian Parliament House.
- 5.2 A significant number of the public submissions to the inquiry were received as part of the advocacy campaign #CleanUpPolitics, coordinated by Dr Monique Ryan MP, the Centre for Public Integrity (CPI), Transparency International and the Australian Democracy Network with the stated aim of improving the regulation of lobbying activities at the Commonwealth level. Collectively, these submitters echoed many of the points that were put forward in Dr Ryan's submission.¹
- 5.3 This chapter sets out the views and recommendations of submitters about key issues relating to the Terms of Reference of the inquiry.

Opportunities to improve the Lobbying Code of Conduct

- 5.4 As noted in the introduction in Chapter 1, there are three main purposes for regulating lobbying:
- to prevent corrupt behaviour by lobbyists and public officials;
 - to help ensure greater fairness in government policy-making and decision-making processes by increasing transparency and reducing the incidence of hidden lobbying by vested interests and reducing the risk of regulatory capture by government; and
 - improving the quality of government decision-making and policy-making by ensuring government decisions are made according to merit, rather than towards narrow sectional interests.²
- 5.5 Many of the potential options for reform that were put to the committee would aim to address one or more of the above purposes.
- 5.6 Submitters and witnesses presented a range of options to improve the Lobbying Code of Conduct (Code). Arguably the most fundamental of these reform proposals would be to legislate the Code. As noted in Chapter 3, legislation of the Code would include automatically enshrining the Register in law.

¹ Dr Monique Ryan MP, *Submission 17*, pp. 2–3.

² See Associate Professor Yee-Fui Ng, *Submission 1*, p. 2; see also Yee-Fui Ng, 'Regulating the influencers: The evolution of lobbying regulation in Australia', *The Adelaide Law Review*, vol. 41, no. 2, 2020, p. 543.

- 5.7 Many of the other proposed reforms would flow from and, to some extent, rely on this legislative approach, namely:
- amending the Code to include in-house lobbyists;
 - introducing an appropriate sanctions regime; and
 - introducing independent administration of the Code.

Legislating the Lobbying Code of Conduct

- 5.8 As noted in earlier chapters, the Commonwealth's current lobbying regime is voluntary. Legislating the Code would align it with the United States (US) and Canada as well as several Australian states.³
- 5.9 Several submitters identified shortcomings with the optional approach embodied in the current administrative scheme. These submitters argued that the current scheme does little to incentivise compliance or deter breaches as there are minimal or no effective consequences for non-compliance. These submitters therefore argued that a legislated lobbyists regulatory scheme would be inherently more robust than the current administrative scheme.⁴
- 5.10 The NSW ICAC submitted that its review of international best practice lobbying regulations found that 'statutory schemes impose higher levels of transparency over lobbying registration' by making registration and compliance with the Code compulsory by law.⁵
- 5.11 The CPI submitted that legislating the Code would incentivise compliance and deter breaches because a legislated Code could impose penalties for breaches.⁶
- 5.12 Further, a legislated scheme could potentially include the ability to enforce a separation period between the time an ex-minister or senior public official held a government position and their engagement as a lobbyist.⁷
- 5.13 The Uniting Church of Australia, Synod of Victoria and Australia submitted that a legislated approach to lobbying is essential to any serious attempt to reduce corrupt methods of influencing policy.⁸

³ Dr Jennifer Lacy-Nichols and Dr Katherine Cullerton, *Submission 13*, p. 2; The Centre for Public Integrity, *Submission 18*, p. 9.

⁴ See, for example, New South Wales Independent Commission Against Corruption, *Submission 32*, p. 3; The Centre for Public Integrity, *Submission 18*, p. 9; Cancer Council Australia, *Submission 27*, p. 5; Public Health Association of Australia, *Submission 22*, p. 4; Dr Adam Lucas, *Submission 8*, p. 14, Mr Denis Burns & Mrs Rosalie Burns, *Submission 7*, p. 1; Alliance for Gambling Reform, *Submission 29*, p. 2; and Our Democracy, *Submission 47*, p. 4.

⁵ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 3.

⁶ The Centre for Public Integrity, *Submission 18*, p. 9.

⁷ The Centre for Public Integrity, *Submission 18*, p. 9.

⁸ Uniting Church of Australia, Synod of Victoria and Australia, *Submission 33*, p. 6.

5.14 Similarly, Mr John Menadue, a former Secretary of the Department of Prime Minister & Cabinet, submitted that legislating the Code would help ensure the public interest is 'paramount' by enabling effective regulation of lobbyists.⁹

Expanding the definition of lobbyists

5.15 Most submitters and witnesses expressed concern that the limited definition of a lobbyist under the current Code has resulted in a partial and incomplete picture of lobbyists at the Commonwealth level. These submitters and witnesses therefore argued for a more comprehensive definition to support a broader capturing of lobbyists and lobbying activity.¹⁰

5.16 As noted in Chapter 3, under the current regulations, only third-party lobbyists are captured. That is, any person, company or organisation that conducts lobbying activities on behalf of a third-party client or whose employees, contractors or persons otherwise engaged by the person, company or organisation conduct lobbying activities on behalf of a third-party client.¹¹

5.17 The Code does not apply to lobbyists who undertake lobbying activities on behalf of their employer (in-house lobbyists). The Attorney-General's Department (AGD) submitted that in-house lobbying is already 'sufficiently transparent as it is clear whose interests in-house lobbyists represent'.¹²

5.18 By contrast, almost every other submitter and witness argued that the current regime is severely deficient because it fails to include in-house lobbyists and, to that extent, also lacks transparency.

5.19 For example, the CPI submitted that the way in which 'lobbying' and 'lobbyist' are currently defined under the Code 'restricts the Code's application and undermines its effectiveness by capturing only communications made to a government representative in an effort to influence government decision-making'. Instead, the CPI argued that the definition of 'lobbying' should be 'broadened to include any attempt to influence the decision-making of parliamentarians'.¹³

5.20 Likewise, Professor Ray Ison and Mr Ed Straw jointly submitted that there are gaps evident in the current regulations, which are too narrowly focussed on

⁹ Mr John Menadue, *Submission 21*, p. 1.

¹⁰ See, for example, Dr Jennifer Lacy-Nichols and Dr Katherine Cullerton, *Submission 13*, p. 2; NSW Council for Civil Liberties, *Submission 46*, p. 3; Associate Professor Yee-Fui Ng, *Submission 1*, p. 2; Royal Australasian College of Surgeons, *Submission 28*, p. 2; and Healthy Food Systems Australia, *Submission 36*, p. 2.

¹¹ Attorney-General's Department, *Submission 19*, p. 4.

¹² Attorney-General's Department, *Submission 19*, p. 4.

¹³ The Centre for Public Integrity, *Submission 18*, p. 9.

registered third-party lobbyists and therefore fail to capture all relevant lobbying activities.¹⁴

- 5.21 Hawker Britton, a government relations firm based in Canberra, submitted that the current definition places undue emphasis on the business model of individuals engaged in lobbying rather than focusing on the actual activities undertaken. Hawker Britton argued that the current model falls short of achieving the regulatory objective of promoting public trust in the integrity of government processes set out in the Code. Hawker Britton therefore recommended that the definitions related to lobbying should be amended to include in-house lobbyists and focus more on the activities of lobbyists, rather than the business model they are employed under.¹⁵
- 5.22 Similarly, Executive Counsel Australia, a government relations firm based in Canberra, submitted that an amended definition should be centred on capturing all individuals who are remunerated to engage with and influence any level of the Commonwealth bureaucracy. It was argued that this should necessarily include in-house lobbyists, board members, and senior employees of industry associations, companies, consultancies, and not-for-profit organisations.¹⁶
- 5.23 The Australia Institute submitted that 'in-house lobbyists for corporations are the most glaring omission from the official definition'. However, it also highlighted other groups, including not-for-profit associations, trade associations and other peak industry bodies that are known to regularly lobby government. It was argued that the current definition is too narrow and so should be amended and expanded to include these groups.¹⁷
- 5.24 Drawing on regulations in the US, the Australia Institute proposed a more effective definition of lobbyists would consider the amount of time spent lobbying as a proportion of professional duties.¹⁸

Independent administration of the Code

- 5.25 As set out in Chapter 3, New South Wales, Queensland, and Western Australia each administer their respective codes of conduct independent from executive government.
- 5.26 Several submitters drew attention to the need for independent administration of the Code and the Register. Many of these submitters recommended that a

¹⁴ Professor Ray Ison and Mr Ed Straw, *Submission 59*, p. 2.

¹⁵ Hawker Britton, *Submission 4*, p. 2.

¹⁶ Executive Counsel Australia, *Submission 31*, p. 4.

¹⁷ The Australia Institute, *Submission 16*, p. 3.

¹⁸ The Australia Institute, *Submission 16*, p. 3.

dedicated lobbying commissioner within the National Anti-Corruption Commission (NACC) would be a more appropriate regulator than AGD.¹⁹

5.27 Associate Professor Ng submitted that:

The independence of the regulator is essential, and it is best if the scheme is administered by an independent statutory authority, rather than a department within the executive.²⁰

5.28 CPI submitted that the Code should be overseen by an independent regulator, rather than by AGD. This would mitigate a potential conflict of interest caused by a department under the direction of the executive being tasked with investigating breaches that may involve, directly or tangentially, members of the government and other parliamentarians.²¹

5.29 Our Democracy submitted that breaches of the Code should be investigated by the NACC, or another independent regulatory body with sanction powers, in line with the approach taken in several Australian states.²²

Strengthening the compliance posture of the regulator

5.30 As outlined in Chapter 3, AGD rarely exercises the compliance tools currently available under the Code.²³

5.31 Several submitters drew attention to the limited compliance measures contained in the current regulations, which largely rely on temporary de-registration as the primary enforcement mechanism. These submitters suggested that the compliance and sanctions regime could be usefully strengthened.²⁴

5.32 Professor Ison and Mr Straw submitted that the current regulations are further undermined by the inadequacy and the underuse of enforcement mechanisms and penalties for non-compliance. Accordingly, they argued there are minimal incentives for compliance and seemingly no real consequences for non-

¹⁹ See, for example, Dr John Davison-Mowle, *Submission 26*, p. 2; The Australia Institute, *Submission 16*, p. 12; Dr Monique Ryan MP, *Submission 17*, p. 2; The Centre for Public Integrity, *Submission 18*, p. 11; Mr Denis Rothwell, *Submission 251*, p. 1; Dr Patricia Cretchley, *Submission 255*, p. 1; and Mr John Wood, *Submission 275*, p. 1.

²⁰ Associate Professor Yee-Fui Ng, *Submission 1*, p. 2.

²¹ Centre for Public Integrity, *Submission 18*, p. 10.

²² Our Democracy, *Submission 47*, p. 4.

²³ Attorney-General's Department, *Submission 19*, p. 9.

²⁴ See, for example, The Centre for Public Integrity, *Submission 18*, p. 11; The Australia Institute, *Submission 16*, p. 11; Grattan Institute, *Submission 12*, p. 6; Dr Monique Ryan MP, *Submission 17*, p. 9; and Dr Christina Watts, *Submission 9*, p. 2.

compliance, resulting in a regulatory framework that is ultimately a symbolic, administrative exercise.²⁵

5.33 Our Democracy submitted that registration and compliance with the Code should be legislatively mandated for all lobbyists, including in-house lobbyists. They highlighted the need for sanction powers to deal with unregistered lobbying and non-compliance, including warnings, fines and bans on future registration.²⁶

5.34 At the public hearing, Ms Kate Griffiths from the Grattan Institute commented that:

The only listed sanction for violating the code of conduct is being deregistered. There is no listed sanction for lobbyists lobbying while unregistered. We recommend a review into possible stronger sanctions for non-compliance.²⁷

Publication of diaries

5.35 NSW, Victoria, and the ACT all require the quarterly disclosure of Ministerial diaries. In Queensland this disclosure occurs monthly and includes the diaries of Ministers, Assistant Ministers, and their respective Chiefs of Staff. Disclosure requirements generally centre on the dates of meetings and organisations represented and are published online in an accessible PDF format. None of these jurisdictions have legislated this requirement, opting to rely on the proactive disclosure of diaries by officials.²⁸

5.36 Many submitters argued that the disclosure of Ministerial and parliamentarians' diaries is an important transparency and accountability mechanism as it enables public monitoring of any interests meeting with decision-makers and other parliamentarians in a position to exercise influence over government decision-making.²⁹

5.37 The NSW ICAC submitted that Ministerial diary disclosures can bolster transparency over the lobbying of ministers by providing a counter reference

²⁵ Professor Ray Ison and Mr Ed Straw, *Submission 59*, pp. 2–3.

²⁶ Our Democracy, *Submission 47*, p. 3.

²⁷ Ms Kate Griffiths, *Proof Committee Hansard*, 8 April 2024, p. 10.

²⁸ NSW Government, [Ministers' diary disclosures](#) (accessed 23 April 2024); Victorian Government, [2023 ministerial diary disclosures](#) (accessed 23 April 2024); Queensland Government Department of Premier and Cabinet, [Ministers, Assistant Ministers and Chiefs of Staff Diaries](#) (accessed 23 April 2024); and ACT Government, [Ministerial Diaries Disclosure](#) (accessed 23 April 2024).

²⁹ See, for example, Foundation for Alcohol Research and Education, *Submission 30*, p. 3; Brisbane Residents United, *Submission 44*, p. 4; Mr Graeme Booth, *Submission 2*, p. 2; Mr Laurence Comerford, *Submission 306*, p. 1; Mr Ruchira Abeyratna, *Submission 6*, p. 8; and Dr Richard Barnes, *Submission 23*, p. 2.

point for lobbying registers, allowing for a comparison of what is disclosed on both platforms.³⁰

- 5.38 The Australia Institute submitted that Commonwealth adoption of similar disclosure requirements to the above-mentioned jurisdictions 'would provide critical insight into the scale, access, and influence of lobbying in federal parliament'.³¹
- 5.39 Associate Professor Ng submitted that diary disclosures are most effective when extended to Ministers, ministerial advisers and senior public servants, and when they include sufficient detail on the subject matter discussed at the meeting, and whether it relates to any legislation, grants, or contracts.³²
- 5.40 CPI and Dr Ryan submitted that diary disclosure requirements should extend beyond public officials to include lobbyists themselves.³³
- 5.41 Cancer Council Australia submitted that both officials and lobbyists diaries should be published alongside one another on the same digitally accessible platform to allow for streamlined comparison of lobbyists' interactions with officials without having to navigate two separate virtual systems.³⁴
- 5.42 Our Democracy submitted that diary disclosure requirements should be legislated, as this would make them more effective, and not reliant on voluntary transparency.³⁵
- 5.43 At the public hearing, Professor Anne Twomey commented that any effort to mandate Ministerial diary disclosures should necessarily extend to all parliamentarians, including backbenchers and crossbenchers.³⁶

The APH pass system

- 5.44 As detailed in Chapter 4, very little is known about the 1977 sponsored passholders that have a significant and regular business requirement to access APH. It is often assumed that most access APH to lobby government officials. However, this is not known with any degree of certainty.
- 5.45 Submitters and witnesses raised concerns that the current privacy arrangements, in effect, work to conceal information about sponsored passholders and their activity inside APH. These concerns centre on the lack of

³⁰ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 3.

³¹ The Australia Institute, *Submission 16*, p. 13.

³² Associate Professor Yee-Fui Ng, *Submission 1*, p. 5.

³³ Centre for Public Integrity, *Submission 18*, pp. 9–10; Dr Monique Ryan MP, *Submission 17*, p. 2.

³⁴ Cancer Council Australia, *Submission 27*, p. 5.

³⁵ Our Democracy, *Submission 47*, p. 5.

³⁶ Professor Anne Twomey AO, *Proof Committee Hansard*, 8 April 2024, p. 5.

any interaction between the Register of Lobbyists and the APH passholder database, the lack of transparency over the database and the need to balance genuine privacy concerns with the transparency and accountability objectives of the Code.

Interaction between the Register of Lobbyists and the APH passholder database

5.46 As noted in Chapters 3 and 4, there is currently no interaction between the pass system administered by DPS and the Code of Conduct and Register of Lobbyists administered by AGD.³⁷

5.47 Several submitters pointed to a regulatory gap, namely that the lack of any interaction between the Register of Lobbyists and the APH passholder database creates a risk that deregistered lobbyists may be able to conduct unregistered lobbying inside APH without any oversight.³⁸

5.48 AGD submitted that the Code does not currently interact with the arrangements set out in the Private Area Access Policy (PAAP) for managing access to APH. However, AGD advised that it is 'open to exploring options to enhance the interoperability of these frameworks, in particular avenues to facilitate information sharing':

- for the purpose of improving compliance with the Code; and
- to provide Parliament with information about a person's compliance with the Code which could inform decisions about their eligibility to hold a sponsored access card.³⁹

Transparency and publication of the sponsored passholder database

5.49 While the Register provides some transparency over which third-party lobbyists are making representations to government, it is currently unknown who has access to officials inside APH. As noted in Chapter 4, DPS currently manages the APH pass database in accordance with the Australian Privacy Principles contained in Schedule 1 of the *Privacy Act 1988*.⁴⁰

5.50 The NSW ICAC submitted that unregulated lobbying creates opportunities for organisations or special interest groups to obtain unfair advantages and disproportionate access to, and influence over, official decision-making. With

³⁷ See Mr Rob Stefanic, Secretary, Department of Parliamentary Services, *Proof Committee Hansard*, 8 April 2024, p. 47.

³⁸ See, for example, Associate Professor Yee-Fui Ng, *Submission 1*, p. 2; Dr Jennifer Lacy-Nichols and Dr Katherine Cullerton, *Submission 13*, p. 3; Public Health Association of Australia, *Submission 22*, p. 5; Alliance for Gambling Reform, *Submission 29*, p. 3; and Hawker Britton, *Submission 4*, p. 3.

³⁹ Attorney-General's Department, *Submission 19*, p. 11.

⁴⁰ See Department of Parliamentary Services, *DPS Privacy Policy*, 25 May 2017, <https://www.aph.gov.au/About-Parliament/Parliamentary-Departments/Department-of-Parliamentary-Services/DPS-Privacy-Policy> (accessed 17 April 2024), p. 2.

no system of formal oversight to safeguard against unregistered lobbying inside APH, this is a genuine risk under the current arrangements.⁴¹

- 5.51 Professor Twomey submitted that sponsored passes on the grounds of a significant and regular business requirement should only be granted to registered lobbyists to mitigate the risk of unregistered lobbying taking place inside APH.⁴²
- 5.52 The Grattan Institute submitted that DPS's justification for not making public the passholder database on privacy and security grounds is out of step with international best-practice, citing other jurisdictions like the United Kingdom (UK), US, and New Zealand, which have demonstrated the ability to manage these risks and publish lists of passholders.⁴³
- 5.53 Professor Twomey submitted that:
- the excuse for denying such transparency has been that such a record could amount to a security risk. However, anyone with malicious intent who wished to steal or duplicate a parliamentary pass could surely do so from the large number of others who hold such passes.⁴⁴
- 5.54 The Australian Professional Government Relations Association (APGRA), the professional association for consulting and in-house government relations practitioners in Australia, were confident that the current arrangements for sponsored pass holders are robust, efficient, and fair. APGRA submitted that the publication of the sponsored passholder database would be 'duplicative to the existing lobbyist register' and create an undue administrative burden for government relations practitioners.⁴⁵
- 5.55 By contrast, Professor Twomey reminded the committee that, with respect to the suggestion that regulations creating administrative burdens, 'if people want the pass, then they choose to take the burden of registration.'⁴⁶
- 5.56 Indeed, public relations firms such as Hawker Britton supported a public register of Parliament House pass holders and their sponsors.⁴⁷
- 5.57 Emeritus Professor Mike Daube AO noted that information regarding the pass system is difficult to find and suggested that the APH website should publish

⁴¹ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 2.

⁴² Professor Emerita Anne Twomey AO, *Submission 5*, p. 3.

⁴³ Grattan Institute, *Submission 12*, p. 5.

⁴⁴ Professor Emerita Anne Twomey AO, *Submission 5*, pp. 3–4.

⁴⁵ Australian Professional Government Relations Association, *Submission 25*, p. 6.

⁴⁶ Professor Anne Twomey AO, *Proof Committee Hansard*, 8 April 2024, p. 5.

⁴⁷ Hawker Britton, *Submission 4*, p. 3.

comprehensive information about how to obtain a pass, as well as policies and regulations relating to maintaining a pass.⁴⁸

Privacy concerns regarding the publication of diaries and the passholder database

- 5.58 Health Equity Matters drew the attention of the committee to the need to balance transparency and accountability objectives with efforts to ensure that non-commercial interests, particularly those relating to marginalised social groups, are not exposed or disadvantaged by amended regulations.⁴⁹
- 5.59 Health Equity Matters submitted that increased transparency of the passholder database risks 'exposing lobbyists who are members of marginalised and stigmatised communities to unwelcome attention' and creating 'a platform for open hostility and physical violence against these communities.'⁵⁰
- 5.60 Health Equity Matters recommended that any amendments to the current regulations should necessarily consider a public interest exemption to full transparency for marginalised community members seeking a sponsored parliamentary pass.⁵¹
- 5.61 Professor Twomey pointed out that where sensitive information is being communicated to parliamentarians, for example from whistleblowers, there are several alternative places and platforms for meetings between parliamentarians that are less conspicuous than APH, as well as the option to obtain an escorted visitor pass.⁵²
- 5.62 Some evidence also suggests that a clear demarcation of the differences between various sub-groups of sponsored passholders, discerning lobbyists from advocates, activists, whistleblowers, and others would also go some way to alleviating the issue identified here.

Restoring the unescorted day pass

- 5.63 A smaller number of submitters to the inquiry argued that greater transparency over who has access to APH should not create a barrier to access by creating additional administrative burdens for passholders and their sponsors. One possible solution put to the committee was the restoration of the unescorted day pass. This pass category is not captured in DPS policy documents relating to the pass system.

⁴⁸ Emeritus Professor Mike Daube AO, *Submission 58*, p. 1.

⁴⁹ Health Equity Matters, *Submission 345*, p. 2.

⁵⁰ Health Equity Matters, *Submission 345*, p. 2.

⁵¹ Health Equity Matters, *Submission 345*, p. 2.

⁵² Professor Anne Twomey AO, *Proof Committee Hansard*, 8 April 2024, p. 5.

- 5.64 The Australia Institute noted this category of pass was in use until recently, discontinued in 2014 as part of a broader security and counter-terrorism effort.⁵³
- 5.65 The Australia Institute submitted that the re-introduction of the unescorted day pass could allow occasional visitors to benefit from unescorted movement, without the need to hold a permanent pass. Moreover, it noted that this could ease the burden on parliamentary offices, who would no longer have to spend large parts of their day chaperoning visitors, as they do now.⁵⁴

⁵³ SBS News, *Security ramped up at parliament*, <https://www.sbs.com.au/news/article/security-ramped-up-at-parliament/rw3oe6869> (accessed 22 April 2024).

⁵⁴ The Australia Institute, *Submission 16*, p. 9.

Chapter 6

Committee view and recommendations

Introduction

- 6.1 Having your voice heard, and making representations to elected members and to the processes of the parliament is a fundamental part of our parliamentary democracy. Lobbying is a legitimate and important part of that process, assisting individuals and organisations to communicate their views to the respective elements of the parliament and government.
- 6.2 That being recognised, certain issues have become apparent in this inquiry.
- 6.3 Firstly, although the Commonwealth of Australia moved early with the introduction of lobbying regulation in 1983, and despite modifications to what may be described as a moderately robust scheme, lobbying regulations at the Commonwealth level have not maintained pace with the developments in both the lobbying landscape nor the nuances of the makeup of the parliament and those ultimately influencing decision making.
- 6.4 Much of the evidence to the committee, including from the New South Wales Independent Commission Against Corruption (NSW ICAC), pointed out that incomplete regulations increase the risk of corrupt behaviour and allow an unregulated 'off the record' space in which vested interests may exert undue influence over official decision-making, which diminishes trust in government.
- 6.5 Further, Commonwealth lobbying regulations have not kept pace with best-practice developments in other jurisdictions, including state jurisdictions within Australia such as NSW, Queensland and Western Australia, and overseas jurisdictions particularly the United States, but also Canada.
- 6.6 It seems to the committee that there are clearly aspects of the Commonwealth lobbying regulations that could be usefully amended to improve its effectiveness.
- 6.7 Secondly, there is some conflation between the Lobbying Code of Conduct and the Register of Lobbyists administered by the Attorney-General's Department on one hand and the Australian Parliament House sponsored pass system administered by the Department of Parliamentary Services on the other. These two different systems serve two different purposes.
- 6.8 Accordingly, the committee's recommendations are directed at improving the current regulatory arrangements for lobbyists, maintaining the independence and integrity of the Australian Parliament House sponsored pass system, and supporting increased access to Australian Parliament House.

Improving the regulatory arrangements for lobbyists

An appropriate definition of lobbyists

- 6.9 The current Lobbying Code of Conduct applies only to lobbyists conducting lobbying activities on behalf of third parties.
- 6.10 Most submitters and witnesses expressed concern that this limited definition of a lobbyist under the current Code provides only a partial and incomplete picture of lobbyists at the Commonwealth level, and that this falls short of achieving the regulatory objective of promoting public trust in the integrity of government processes as set out in the Code.
- 6.11 Accordingly, a broad range of submitters and witnesses, including government relations firms such as Hawker Britton and Executive Counsel Australia, recommended that the definitions related to lobbying should be amended to include in-house lobbyists and focus more on the activities of lobbyists.
- 6.12 The committee notes the justification for the exclusion of in-house lobbyists from the Code put forward by AGD.
- 6.13 The committee notes evidence from parties seeking a system that would allow them to understand in a timely manner who was engaged in lobbying on a particular matter that would enable them to be satisfied that a balance of views was heard.
- 6.14 To that extent, the committee considers that lobbying activity that is neither subject to the Code nor captured on the Register is not sufficiently transparent, and that efforts must be made to extend the coverage of the Code.
- 6.15 That said, the committee also considers that changes to the definition of lobbying must not impede other forms of civic participation. This would include advocacy, research, and whistleblowing. The committee considers these activities should not be subject to the same regulations.
- 6.16 The committee therefore recommends that the definition of lobbyists under the Lobbying Code of Conduct be expanded to capture a broader range of actors. Given the narrow field of views heard by the committee during the hearing and the need to better understand a broader perspective, the committee does not make a specific recommendation relating to scope but notes that the desire expressed relating to transparency of lobbying cuts all ways and the interests of transparency are not directional.
- 6.17 The committee therefore recommends the Australian Government review the Lobbying Code of Conduct with a view to including an expanded definition of a lobbyist.

A legislated Code of Conduct

- 6.18 The bulk of the evidence received by the committee identified shortcomings with the optional approach of the Commonwealth administrative scheme covering lobbyists. Many submitters argued that this framework does little to incentivise compliance or deter breaches as it has minimal or no effective consequences for non-compliance.
- 6.19 The committee notes the evidence from the NSW ICAC that found legislated schemes impose higher levels of transparency over lobbying when they make registration and compliance with the Code compulsory.
- 6.20 The committee notes that the United States and Canada as well as NSW, Queensland, Western Australia, and South Australia have all legislated lobbying regulations.
- 6.21 Noting the widespread experience with legislated schemes both within Australia and internationally, the committee therefore recommends that the review of the Lobbying Code of Conduct incorporates consideration of the Australian Government introducing legislation to require all lobbyists to adhere to the Lobbying Code of Conduct and maintain registration on the Register of Lobbyists.

Independent administration of the Code

- 6.22 The Lobbying Code of Conduct and the Register of Lobbyists are currently administered by the Attorney-General's Department. Evidence from the NSW ICAC and Professor Ng both noted that independent administration is best practice because it removes the real or perceived conflict of interest that exists under the current regulatory arrangements where the executive government is responsible for regulating its own relationships.
- 6.23 The committee agrees that independent administration would remove this potential conflict of interest.
- 6.24 The committee notes that in NSW, the lobbying regulations are administered by the NSW Electoral Commissioner, and in Queensland by the Integrity Commissioner.
- 6.25 The committee therefore recommends that the government review considers what may be the most appropriate body to administer the Code at the Commonwealth level.
- 6.26 The committee received evidence from the NSW ICAC that independent administration of regulations in NSW had resulted in the regulator ensuring increased compliance activity by the lobbying sector.
- 6.27 The committee is of the view that breaches and non-compliance with the Code should incur real penalties beyond deregistration, reflecting the seriousness of the breach. In other jurisdictions, penalties for non-compliance with lobbying regulations include sanctions, fines, and imprisonment. There is, therefore, a

need for a Commonwealth regulator with both the appropriate powers and the responsibility, authority, and mandate to enforce compliance with the Code.

Recommendation 1

6.28 The committee recommends the Australian Government commission an independent review of the Lobbying Code of Conduct to consider:

- **an expanded definition of a lobbyist;**
- **introducing legislation to require all lobbyists to adhere to the Lobbying Code of Conduct and maintain registration on the Register of Lobbyists; and**
- **the most appropriate body to administer the Lobbying Code of Conduct and the Register of Lobbyists at the Commonwealth level.**

Publication of diaries

6.29 The committee heard from a range of submitters and witnesses that the publication of diaries, particularly Ministerial diaries, would provide a useful transparency and accountability measure around lobbyists interactions with government officials.

6.30 This broader transparency requirement would recognise the evolving make up of Australian parliaments, particularly as crossbenchers and minor parties may hold a 'balance of power' and use that power to persuade governments to pursue (or refrain from) certain courses of action, and that they may also wield significant influence over public discourse.

6.31 The committee notes that under various ministerial codes of conduct, in NSW, Victoria, and the Australian Capital Territory, Ministers are required to disclose their diaries on a quarterly basis. In Queensland, Ministers, Assistant Ministers, and ministerial chiefs of staff are all required to disclose their diaries monthly. These disclosures are expected to provide sufficient detail with respect to the date, location, and attendance at the meeting.

6.32 The committee recognises that visibility over diaries can provide a valuable counter reference point to the information available on lobbyist registers, allowing for a comparison of what is disclosed on both platforms and analysis of how these meetings may align with legislative and regulatory changes and the awarding of government contracts.

6.33 The committee also notes evidence put forward by Professor Twomey that any diary publication requirements should necessarily be extended to all parliamentarians, not just Ministers.

6.34 The committee notes that this proposition raises several issues including matters of parliamentary privilege which would need much more scrutiny than possible via this inquiry, including consideration by the respective House and Senate privileges committees.

- 6.35 It is also critical that the interests of vulnerable populations be protected, and it is appropriate that some meetings be discrete.
- 6.36 As such, the committee notes the evidence but makes no specific recommendations in relation to publication of diaries.
- 6.37 It is, however, clearly open to any Member of Parliament or Senator to publish their diary in the interests of transparency.

The current APH sponsored pass system

Interaction between the Code and the sponsored pass system

- 6.38 The committee is of the view that it is in the interests of the democratic process that as many people as possible have access to Parliament House and therefore the democratic process.
- 6.39 For example, parliamentarians rely on the access of citizens to Australian Parliament House to better understand critical issues beyond the border of their own constituencies, issues that they may have to make decisions on as legislators. Australian Parliament House is a large building and has useful spaces for people to work and prepare for meetings without interfering with the work of the parliament. Public use of these facilities should be encouraged when used in appropriate ways by people participating in the democratic process.
- 6.40 Access to Parliament House should be facilitated not hindered and the primacy of deciding who comes and goes should remain at the discretion of the parliament.
- 6.41 At the outset, therefore, the committee recognises the evidence from DPS that the sponsored pass, or 'orange pass', is not a lobbyist pass.
- 6.42 The committee considers that the most effective accountability and transparency measures relate to legislating a properly representative Lobbying Code of Conduct based on a comprehensive definition of a lobbyist as discussed in previous sections. Given that the Register of Lobbyists that sits under the Lobbying Code of Conduct is a publicly searchable database, this system would provide the necessary transparency.
- 6.43 MP's and Senators remain free to declare who they have sponsored for Australian Parliament House passes.
- 6.44 Accordingly, the committee considers that there is no need to publish the names of sponsored pass holders contained on the Department of Parliamentary Services database (noting also that the database is managed in accordance with the Australian Privacy Principles contained in Schedule 1 of the *Privacy Act 1988*).
- 6.45 Further, the Lobbyists Register would only contain the names of lobbyists, not those persons exercising other forms of civic participation, including advocates.

Therefore, the privacy of advocates sponsored by parliamentarians would remain unaltered by the changes the committee is proposing. Based on the evidence it received in the hearing, the committee recognises that this is fundamentally important to encouraging and facilitating legitimate civic activity in a democratic society.

- 6.46 Noting the evidence from Health Equity Matters, the committee recognises that increased transparency of the passholder database risks exposing marginalised and stigmatised communities to unwelcome attention and the politicisation of relationships between parliamentarians and advocates, whistleblowers, and their constituents.
- 6.47 Therefore, the call to publish the names of all sponsored passholders would unnecessarily capture a range of persons accessing Australian Parliament House for legitimate civic purposes. This proposal is not something that the committee could recommend.
- 6.48 That said, the committee considers that the current lack of any interaction between the Code and the sponsored pass system undermines the regulatory effectiveness of both systems.
- 6.49 Therefore, the committee considers that a structured notification system advising of a breach of either of the two systems presents a genuine opportunity to improve the compliance posture of both the Code and the pass system and related policies administered by DPS.
- 6.50 This could, for example, take the form of automatically generated mutual compliance alerts between the two systems.
- 6.51 Decisions relating to such alerts should then be a matter for either the parliament in respect of eligibility to hold an Australian Parliament House sponsored pass, or those administering the Lobbyist register in accordance with the provisions of the Code to decide.
- 6.52 The committee therefore recommends that the Department of Parliamentary Services and the administrator of the Lobbying Code of Conduct explore opportunities for regulatory interaction.

Recommendation 2

- 6.53 The committee recommends that the Department of Parliamentary Services and the administrator of the Lobbying Code of Conduct explore opportunities for regulatory interoperability to improve the effective regulation of lobbyists including appropriate procedures for managing respective notifications received, regardless of whether the Lobbying Code of Conduct is a voluntary or legislated scheme.**

Restore the unescorted day pass

- 6.54 The committee agrees with evidence it received that argued that the previous unescorted day pass was an important access mechanism for individuals and organisations who visited Australian Parliament House only occasionally, but nevertheless benefitted from the freedom of movement afforded by unescorted access.
- 6.55 The requirement for escorted visitors to be accompanied at all times creates an onerous burden on both visitors to Australian Parliament House and the staff of the parliamentarians they are meeting, who are often required to move back and forth between private and public areas to escort visitors around the building.
- 6.56 Restoring the unescorted day pass would reduce the burden on a parliamentarian's staff and create efficiencies for occasional visitors to Australian Parliament House to make the most of their time in the building, including by being able to move freely from one meeting to another without repeatedly signing in as a visitor, or being constantly escorted.
- 6.57 Unescorted day pass holders would require the sponsorship of a passholder with policy rights and would be subject to identity verification checks and security screening.
- 6.58 The committee firmly believes that restoring the unescorted day pass would help to improve the accessibility of Australian Parliament House for individuals and organisations that visit Australian Parliament House only occasionally, without subjecting them to the same processes as sponsored passholders under the current arrangements.
- 6.59 Therefore, the committee recommends that the Department of Parliamentary Services restore the unescorted day pass for persons who require only occasional access to Australian Parliament House.

Recommendation 3

- 6.60 The committee recommends that the Department of Parliamentary Services restore the unescorted day pass for persons who require only occasional access to Australian Parliament House.**

Senator the Hon Richard Colbeck
Chair
Liberal Senator for Tasmania

Labor Senators Additional Comments

- 1.1 Labor Senators support the view that it is in the interests of the democratic process that as many people as possible have access to Parliament House and our nation's democratic processes. On the other hand, public confidence in our democracy requires oversight, transparency and accountability for what happens within. We need strong and robust transparency and accountability that doesn't stifle participation. This means our accountability frameworks need to be fit for purpose and targeted at key risk areas.
- 1.2 While those unfamiliar with Parliament might presume that a visit to the heart of democracy might focus on watching Parliament or meeting with a Minister, MP, or Senator, the reality is far more dynamic and diverse. Many of these diverse activities are designed not just to influence parliamentarians, but also to raise awareness, reach wider audiences, or deepen understanding of diverse points of view and build common ground or momentum around issues.
- 1.3 As a result, our Commonwealth Parliament is a busy and vibrant place. On any sitting day, there will be a myriad of events. This includes activities from more than 100 parliamentary friendship groups engaging in topics as diverse as:
 - Child abuse and neglect
 - Bringing Julian Assange Home
 - The Screen Industry
 - The Australian Spirits Industry
 - Blockchain
 - Foreign aid
 - Electric vehicles and future fuels transport
 - Medical Technology
 - Nuclear Industries
 - Public Health
 - Orchestral Music
 - Timber Products
- 1.4 In addition, there are events and meetings associated with country groups covering the globe. Parliamentary passes are needed for a myriad of reasons, many pass holders are regular visitors engaged in activities like:
 - Industry Associations hosting forums and events for their own members and inviting Senators and Members to attend and participate alongside their own members and make contributions to their discussions.
 - Advocacy groups doing media and launching reports to elevate recognition of the issues they raise not just to the Parliament but also to the wider public.

- Medical technology companies will showcase innovations while health advocacy organizations may do onsite health checks so that Senators and Members can do social media to promote such checks in their communities.
 - Science meets Parliament, where scientists come from around the country to promote their work and equally importantly to understand how their work might apply to public policy debates.
 - Showcases of products from different regions or industries to elevate national understanding of their place in our diverse economy.
 - Recognition of leaders in different industries through awards nights.
- 1.5 Many of the activities are designed to lift the profile of issues or interests, while others are targeted at specific policy outcomes. Most importantly, for a place of vibrant democratic engagement, people meet and network and exchange ideas; a chance encounter can sometimes inspire momentum for policy and legislative outcomes.
- 1.6 This, of course, all exists alongside what one might typically expect in the building, including those seeking meetings with Ministers, opposition spokespeople, lobbying backbenchers as well as seeking the attention of crossbench MPs.
- 1.7 In the midst of all this, lobbyists play a role. While many people seeking to influence decisions might be lobbying, and many do this professionally, there are also many lobbyists paid by third parties who are valued by their clients for their understanding of how Parliament and Government work and their ability to support clients to communicate their views.
- 1.8 Senator Faulkner highlighted the role of third-party lobbyists when he tabled the first federal lobbying Code of Conduct (the Code) on 13 May 2008:
- The government recognizes that lobbying is a legitimate activity and part of the democratic process. Lobbyists can help individuals and organizations communicate their views on matters of public interest to the government and, in doing so, improve outcomes for the individual and community as a whole.¹
- 1.9 However, there are specific concerns about risks inherent in the role of third-party lobbyists which led to the first Code introduced in 2008. Senator Faulkner highlighted at the time that there is:
- ...legitimate concern that ministers, their staff, and officials who are the target of lobbying activities are not always fully informed as to the identity of the people who have engaged a lobbyist to speak on their behalf. The government believes that this information can be fundamental to the

¹ The Hon Senator John Faulkner, [*Ministerial statement on the Lobbying Code of Conduct and Register of Lobbyists*](#), 13 May 2008, p. 1510.

integrity of its decisions and should be freely available to those who are lobbied and to the wider public.²

- 1.10 The Lobbying Code of Conduct is but one important plank in a broader framework of obligations and reporting mechanisms that support ministerial accountability, establishing a clear and regulated framework that governs interactions with third-party lobbyists.
- 1.11 The Attorney General's Department highlighted that the Lobbying Code of Conduct is part of a broader integrity framework that includes significant regulations like the Code of Conduct for Ministers, the Public Service Act, and the Australian Public Service Code of Conduct. This integration reinforces ministerial accountability by creating a comprehensive system where ethical standards are upheld across different levels of government interaction. This system enhances transparency, manages conflicts of interest, and ensures that executive Government is clear about whose interests registered lobbyists represent.
- 1.12 Notably, these interests can vary considerably depending on a lobbyist's client base. The expansion of the Register of Lobbyists (the Register) was not an explicit part of the Terms of Reference for the inquiry, nor were the implications of its expansion considered in the context of supporting the broader ministerial accountability framework. Given that lobbyists can represent a diverse array of entities, it is crucial for the Register to provide transparent information about these entities, ensuring that Ministers are not indirectly influenced when making decisions.
- 1.13 Many of the third-party lobbyists required to register under the Code also contribute to the organization of the diversity of the activities highlighted above, alongside their work involving ministerial engagements which leads them to the requirement to register under the Code.
- 1.14 Labor Senators note that expanding the registry to include parliamentary pass holders would not necessarily increase transparency in a way that enhances accountability. Labor Senators also note that the evidence to the committee and the recommendations drawn from them, while a welcome contribution to the issues, do not sufficiently address the dynamic way in which influence occurs in our parliament and government.
- 1.15 Although many individuals, corporations, private interests, health and rights groups, and organizations such as peak bodies seek to influence government and other key decision-makers, who they represent is self-evident. If, on the other hand, they are in fact a paid lobbyist making representations for a

² The Hon Senator John Faulkner, [Ministerial statement on the Lobbying Code of Conduct and Register of Lobbyists](#), 13 May 2008, p. 1510.

commission, fee, or other payment, we would expect these entities and individuals to be registered under the Code.

- 1.16 Whereas, the need for the Code as introduced in 2008 remains clear, ministerial decision-makers need a clear line of sight to who representations being made by a third party are being made on behalf of. Expanding the Register may, in fact, result in diminishing the focus on the need for this transparency. Expanding the Register to include every entity, or simply more entities without clear purpose, will not necessarily increase accountability and transparency.
- 1.17 Labor Senators work with a great diversity of stakeholders every day. We know our Ministers are required to actively engage with them to meet their ministerial responsibilities too.
- 1.18 We see firsthand hundreds, and collectively thousands, of stakeholders from our community. We frequently hear from for-profit interests who are active in seeking to influence outcomes both for their own and the public interest. We understand our role is to listen and make decisions that focus entirely on the public interest that serves the best interests of our nation.
- 1.19 Expanding the Register, unless carefully considered in its scope and application, will not necessarily make meaningful contributions to insights about influence on policy outcomes.
- 1.20 Further limiting passes or creating obligations to register as a lobbyist may inadvertently quash the vibrancy of democratic activity in our parliament.
- 1.21 Labor Senators note that the increased number of pass holders is a response to the end of the unescorted day pass. Labor Senators recognize that those attending meetings or events often require an escort several times a day to and from security, are required to both show their identification and have a pass holder sign for them each time. Backbench offices often only have one staff member in the parliament with their senator or member. At times, people miss scheduled meetings because staff must prioritize the needs of their member in preparing for speeches and urgent attendance in the chamber. Often, these interruptions happen many times a day. That said, the opportunity for exchange and a walk down the corridor is welcome when time permits.
- 1.22 The building is large, and escorts often take unnecessary time at the expense of other parliamentary business. Labor Senators note that the removal of the day pass does indeed impact the ability of people to participate in the parliament and the many and varied democratic processes within.
- 1.23 On this basis, Labor Senators also strongly support the return of the unescorted day pass for the reasons outlined in the Chair's report as well as those above. However, the committee believes their restoration needs to be weighed up by Presiding Officers alongside a current assessment of any arising security risks or concerns.

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- 1.24 Labor Senators are also very concerned that the publication of the passholder database risks exposing marginalized and stigmatized communities to unwelcome attention and the politicization of relationships between parliamentarians and advocates, whistleblowers, and constituents. Labor Senators note that for example, some witnesses to parliamentary committees have been subjected to online hate, including becoming targeted by people inciting violence towards them. As highlighted by Health Equity Matters, it is not inconceivable that the disclosure of some passholders' identities could also make them targets.³
- 1.25 Therefore, Labor Senators believe the call to publish the names of all sponsored passholders would unnecessarily capture a range of persons accessing Australian Parliament House for legitimate civic purposes. Labor Senators concur with the Chair's report findings. (noting also that the database is managed in accordance with the Australian Privacy Principles contained in Schedule 1 of the *Privacy Act 1988*).
- 1.26 Labor Senators note that the Attorney General's Department highlighted that some paid lobbyists became aware of their obligations to be on the Register when seeking ministerial meetings and were informed by ministerial offices of their registration requirements before meetings with Ministers take place.
- 1.27 It is therefore unsurprising that compliance with the Code has seen the Register has grown substantially since its inception.
- 1.28 The committee report canvassed how the pass system could help support the further capture of those who should be on the lobbying register but may not yet have registered.
- 1.29 Labor Senators believe that while the passes are a matter for the parliament, and the Register pertains to the transparency of executive government, DPS can help ensure that pass holders are aware of the obligations under the lobbyist Code and the clear circumstances to which they apply.
- 1.30 We note that many stakeholders that might be covered by an expanded requirement to join the Register and comply with the Code engage not only with Executive Government but also contribute to the myriad of parliamentary friendship groups and events. Labor Senators believe that expanding the Register without proper consideration could potentially inhibit the kinds of activities that we would expect to see take place from a wide variety of actors participating in a vibrant and contested democracy. We don't want to inadvertently set administrative traps for those who participate, we need clear justification in response to clearly identified problems to justify an increased

³ Health Equity Matters, *Submission 345*, p. 2.

administrative burden and liability for all those players participating in good faith in our already complex democracy.

- 1.31 Labor Senators are also concerned that the recommendations in the report extend beyond the consideration of the “current transparency arrangements relating to the lobbyist register”. This means that while the evidence given to the committee includes some valuable insights and arguments, other submitters were not able to contribute their own views about their viability or effectiveness. Labor Senators cannot on that basis endorse the recommendations without qualification.
- 1.32 Labor Senators recognize and welcome the advice and evidence given by submitters including academics to the committee. They include valuable insights that Attorney General the Hon Mark Dreyfus MP has also welcomed. However, Labor Senators are concerned that some recommendations as drafted need consideration in the context of the Ministerial Code of Conduct and broader accountability frameworks.
- 1.33 Labor Senators do offer some simplified recommendations consistent with the Chair's report.

Recommendation 1

- 1.34 Labor Senators recommend that the Presiding Officers oversee the Department of Parliamentary Services to ensure that orange pass applicants are made aware of the Register of Lobbyists and can consider if the Code applies to their activities in Parliament.**

Recommendation 2

- 1.35 Labor Senators also firmly support the restoration of the unescorted day pass for persons who require only occasional access to Australian Parliament House for the reasons outlined in the Chair's report. However, Labor Senators believe their restoration needs to be weighed up by Presiding Officers alongside a current assessment of any arising security risks or concerns.**

Senator Louise Pratt
Deputy Chair
Labor Senator for Western Australia

Senator Jana Stewart
Member
Labor Senator for Victoria

Australian Greens Additional Comments

- 1.1 For many years, the Greens have championed lobbying reforms to make sure that politicians work for the public not vested interests. We welcome the Committee recommendations but believe that more needs to be done to address the secrecy around lobbyists influencing government decisions.
- 1.2 The Greens support the proposed independent review of the Lobbying Code of Conduct. We note that any consideration of an expanded definition of a lobbyist must explicitly include in-house lobbyists, who are not currently captured in the official definition. An expanded definition of a lobbyist must recognise the intent of lobbying, which is to influence the decision-making of parliamentarians, irrespective of who does it. The review should also consider strong penalties for breaching the Lobbying Code of Conduct including a ban from future meetings within the parliamentary precinct, and measures for greater transparency.
- 1.3 We welcome the recommendation to improve regulatory interoperability between the Department of Parliamentary Services and the administrator of the Lobbying Code of Conduct. In the interest of effective regulation of lobbyists we believe there is also a need to introduce measures for greater transparency of sponsored passholders.
- 1.4 We are disappointed that the Committee did not recommend requiring Ministers to publish meeting diaries. This already happens in many State parliaments and voters should be able to expect the same level of transparency federally.
- 1.5 More broadly, the Greens would like to see the cooling off period for former Ministers and senior staff becoming lobbyists and meeting with current Ministers and Shadow Ministers extended from 18 months to 5 years. Former Ministers and their staff should not be entitled to lobby their colleagues for the benefit of harmful industries.
- 1.6 It's time to restore trust in our democracy by increasing transparency, shining a light on who is meeting who, and stopping the revolving door giving donors, former politicians and industry mates lucrative perks.

Senator Larissa Waters
Australian Greens spokesperson on Democracy
Senator for Queensland

Dissenting report from Senator David Pocock

- 1.1 Federal lobbying rules in Australia are broken and need urgent reform. Our weak and ineffective regulation of lobbyists, and a secretive system of allowing access to Parliament House, undermines public trust in our parliamentary institutions.
- 1.2 When Australians think about lobbying, they see money buying influence and access. They see politicians prioritising vested interests over the public interest. Even when behaviour is not untoward, the perception alone is damaging to public trust in the Government, the Parliament, and the policy development process more broadly.
- 1.3 The Committee's Report recognises the need for change in the regulation of lobbying at a federal level. Unfortunately, the Committee Report's principal recommendation is for a review that just kicks the can down the road. The response to this inquiry shouldn't be another inquiry, it should be real action to fix a broken system sitting at the heart of our democracy.
- 1.4 The committee received nearly 350 submissions from experts, academics, civil society groups and interested members of the public. Submissions and the evidence provided by witnesses during the public hearing was of exceptionally high quality and cut across a broad range of perspectives and backgrounds.
- 1.5 Evidence to the committee clearly identified issues, proposed simple and elegant solutions, and has laid the path to comprehensive reform to restore public trust in our federal parliamentary institutions.
- 1.6 Lobbying reform has been the subject of significant advocacy from the crossbench in both houses of parliament. Indeed, Monique Ryan MP currently has a bill to reform the system in front of the House of Representatives.¹
- 1.7 We know the problems; the committee was given the solutions. It's time to get on with the job of fixing the broken system that regulates the conduct and access of federal lobbyists.

Reform lobbying rules

- 1.8 The committee heard substantial evidence that the Lobbying Code of Conduct falls well short of meeting its own objectives. The preamble to the Lobbying Code of Conduct states that the Code is:

intended to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is

¹ See [Lobbying \(Improving Government Honesty and Trust\) Bill 2023](#).

conducted in accordance with public expectations of transparency, integrity and honesty.²

- 1.9 Experts like Professor Twomey³ and even professional lobbying firms like Hawker Britton gave evidence that the code has manifestly failed to achieve this objective.⁴ The absence of a functional regime to regulate lobbying at a federal level is not new. Chapter 3 of the Committee's Report provides a good summary of the history of ineffective regulation in paragraphs 3.1 to 3.42.
- 1.10 The delay in proper reform at a federal level is a problem and opportunity. A problem because the federal government, collecting 85% of tax revenue and making decisions that impact all Australians, is arguably the most powerful government in the country. An opportunity because the jurisdiction can look to the successes and failures of other jurisdictions to formulate a best-practice Lobbying Code of Conduct and that can restore public trust at pace.

A definition of 'lobbyist' that includes all lobbyists

- 1.11 At the core of the Lobbying Code of Conduct lies a deliberately embedded corrosive oxymoron that undermines the entire regime. Only third-party lobbyists, organisations and individuals that lobby on behalf of others, are required to register as lobbyists.
- 1.12 As a result, approximately 80 per cent of lobbyists are not subject to the Lobbying Code of Conduct and therefore operate without any oversight, restrictions, or transparency obligations.⁵
- 1.13 It is absurd that 'lobbyist' as defined by the Code does not include lobbyists employed by companies like Santos, Glencore, Woodside, Sportsbet and McDonalds. In fact, it's worse than absurd, it's misleading. Members of the community expect lobbyists to be regulated and excluding whole categories of lobbyists can only be described as a major failure in Australian public policy.
- 1.14 As noted in the Committee's report, most submitters and witnesses to this inquiry, including government relations firms Hawker Britton and Executive Counsel Australia, raised concerns that the definition of "a lobbyist" is too narrow.
- 1.15 The only submitter to defend the current definition was the lobbyist for lobbyists, the Australian Professional Government Relations Association (APGRA).

² Attorney-General's Department, [Lobbying Code of Conduct Preamble](#), 28 November 2019 (Accessed 6 May 2024).

³ Professor Emerita Anne Twomey AO, *Submission 5*, p. 1

⁴ Hawker Britton, *Submission 4*, p. 2.

⁵ Associate Professor Yee-Fui Ng, Monash University, *Proof Committee Hansard*, 8 April 2024, p. 3.

- 1.16 APGRA gave evidence that the current lobbying rules were fit-for-purpose. This is significantly undermined by the fact that the body has established a self-regulatory code to help build greater professional standards among in-house lobbyists, who aren't captured by any codes of ethics or practice.
- 1.17 Under the APGRA code, a serious breach of professional standards results in a lobbyist's membership to their association being cancelled. Given membership is voluntary and that they only have approximately 25 in-house lobbyists as members, this is an utterly ineffective deterrent. It is not a serious alternative to a strong legislated code of conduct that promotes public trust and addresses unethical lobbying behaviour.
- 1.18 I respect the APGRA's mission to drive better professional standards within their industry, but as a regulatory solution, their proposal is a dud.
- 1.19 It's also not a view shared by their own members, one of whom sat next to them at the witness table — Hawker Britton — and argued for greater transparency around sponsored passholders and a rethink of definitions to include all actors that seek to influence government and parliamentary decision-making.
- 1.20 According to the submission made by Simon Banks, Managing Director of Hawker Britton:

Hawker Britton believes in the necessity of ensuring that individuals engaging in lobbying activities, irrespective of the business model of their organisation, are bound by the proposed Code of Conduct and transparency measures. Furthermore, we advocate for the codification and legislative establishment of the existing regulation of lobbyists.⁶

- 1.21 This view is echoed by the Australia Institute:

...the false distinction between third-party and in-house lobbyists creates the largest loophole. The Australian Government Register of Lobbyists only records contracted, third-party lobbyists, allowing in-house lobbyists to operate without oversight. Any increased restrictions or transparency measures applied to the current register, without efforts to capture in-house lobbyists, would have limited effectiveness.⁷

- 1.22 And the Centre for Public Integrity:

The way in which 'lobbying' and 'lobbyist' are currently defined under the Code restricts the Code's application and undermines its effectiveness by capturing only communications made to a government representative in an effort to influence government decision-making. Instead, the definition of 'lobbying' should be broadened to include any attempt to influence the decision-making of parliamentarians.⁸

⁶ Hawker Britton, *Submission 4*, p. 2.

⁷ The Australia Institute, *Submission 16*, p. 11.

⁸ Centre for Public Integrity, *Submission 18*, p. 9.

- 1.23 At paragraphs 6.16 and 6.18 of the Committee's Report, the committee recommends that the definition of lobbyists under the Lobbying Code of Conduct be expanded to capture a broader range of actors and that a review should consider this.
- 1.24 However, the Committee's report does not give sufficient weight to the evidence of submitters that in-house lobbyists should be included in an expanded definition of lobbyist. Instead at paragraph 6.12, it notes the Department's justification for the exclusion of in-house lobbyists from the Code.
- 1.25 There is great consensus, including among Committee members, that the definition of a lobbyist under the Lobbying Code of Conduct is too narrow and that it undermines the object of the Code. The definition should be expanded and must include in-house lobbyists.
- 1.26 Regulations around ethics in this sector should be uniform, irrespective of the business model a lobbyist works within.

Effective penalties for breaches and a legislated Lobbying Code of Conduct

- 1.27 The penalties for breaches of the Lobbying Code of Conduct are woefully inadequate. The most severe penalty that can be given for a serious breach is a three-month suspension from lobbying.
- 1.28 This means that a lobbyist can still work in their practice and provide advice to their clients, they just can't actually talk to a government representative for the duration of that period. In short, the most serious breach of the Code is punished by something akin to a holiday. It cannot be considered a substantial disincentive for breach.
- 1.29 Worse, there is no penalty for an unregistered lobbyist such as an in-house lobbyist should they engage in conduct that would be considered a breach of the Code. This is captured neatly in the Australia Institute's submission:
- The system lacks oversight, the only sanction for violating the code of conduct is deregistration, and no penalty applies for lobbying while unregistered.⁹
- 1.30 Appropriate penalties for breaches of the Code are crucial to ensuring lobbyists act with integrity, and do not act in a way that subverts the public interest. In other jurisdictions, there are civil and sometimes criminal penalties available to prevent inappropriate lobbying to discourage unethical behaviour.
- 1.31 For penalties to match the seriousness of breaches the Lobbying Code of Conduct must be legislated. Recommendation 1 in the Committee's Report in relation to a further review includes consideration of legislating a Code of

⁹ The Australia Institute, *Submission 16*, p. 11.

Conduct. Although a further review is not needed, acknowledgement of the need for a legislated code is welcome.

- 1.32 However, it is disappointing that Recommendation 1 does not address the need for appropriate penalties to ensure there is an adequate disincentive for unethical behaviour by lobbyists.

Extending the Lobbying Code of Conduct beyond interactions with government

- 1.33 The substantive section of the Lobbying Code of Conduct is titled 'Principles of Engagement with Government Representatives'. It is unclear why these principles do not apply to interactions between lobbyists and all parliamentarians and parliamentary staff. Throughout the inquiry, the Chair was often at pains to point out that the interactions between lobbyists and non-government MPs and senators should also be scrutinised, given every parliamentarian has influence in the political process.

- 1.34 I completely agree and recommend further that the Lobbying Code of Conduct be broadened so that it applies to all interactions between lobbyists and MPs and senators, no matter their political affiliation.

The need for an independent, well-resourced regulator

- 1.35 Paragraphs 5.25 to 5.29 of the Committee's Report outline convincing evidence from no fewer than nine submitters in favour of an independent regulator of the Lobbying Code of Conduct. No evidence is cited that contradicts the need for an independent regulator similar to those in New South Wales, Queensland and Western Australia.

- 1.36 The Attorney-General's Department is not an appropriate regulator. A proactive, powerful, independent regulator is needed to uphold public trust in our parliamentary institutions. As Associate Professor Yee-Fui Ng pointed out, "the mentality of a government department is quite different to that of an independent statutory regulator."¹⁰ The approach of government departments is to administer a scheme, rather than regulate a multi-billion dollar a year business dominated by sophisticated players with corporate backing.¹¹

- 1.37 During the public hearing, I asked the Attorney-General's Department to provide the framework used to measure and report the success or failure of the Lobbying Code of Conduct. It is noteworthy here that a 2020 ANAO performance audit identified the absence of such a framework.

- 1.38 The response was provided on notice. The Department told me that its performance targets are:

¹⁰ Associate Professor Yee-Fui Ng, Monash University, *Proof Committee Hansard*, 8 April 2024, p. 4.

¹¹ Julian Fitzgerald, *The Need for Transparency in Lobbying* (Discussion Paper No 16/07, Democratic Audit of Australia, September 2007), p. 2.

- greater than 85% of new registrations being published within three weeks, and
 - greater than 85% of updates being published within five working days.
- 1.39 Neither of these metrics have a substantial relationship with the objects of the Code. That is, “to ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.”¹² The targets reveal a mentality within the Department focussed on process not outcome. Only an independent regulator will focus squarely on outcomes.
- 1.40 The benefits of an independent regulator are clear in the experiences of other jurisdictions. Professor Yee-Fui Ng gave evidence that since the NSW Electoral Commission started administering that state’s lobbying scheme, there have been numerous enforcement actions to deregister lobbyists and additions to a watchlist.¹³
- 1.41 Even an independent regulator may be ineffective if it is not properly resourced. An independent regulator would require far greater resources than the mediocre current resource allocation within the Department.
- 1.42 In response to a written question on notice, the Attorney-General’s Department revealed that the Transparency Frameworks Section of the Attorney-General’s Department which administers the Lobbying Code of Conduct, has an average staffing of between 2.5 and 4 FTE. This is a remarkably small team to oversee a multi-billion dollar industry.
- 1.43 Recommendation 1 of the Committee’s Report states that a review should consider ‘the most appropriate body’ to administer the Lobbying Code of Conduct and the Lobbying Register. Implied in this recommendation is an acceptance that the Attorney-General’s Department is not an appropriate regulator. This is a step forward but it fails to clearly stipulate the imperative that the regulator must be independent.
- 1.44 The evidence in favour of an independent regulator for the Register of Lobbyists and the Lobbying Code of Conduct is overwhelming and the change should be made as soon as reasonably practicable.

¹² Attorney-General’s Department, [Lobbying Code of Conduct Preamble](#), 28 November 2019 (Accessed 6 May 2024).

¹³ Attorney-General’s Department, [Lobbying Code of Conduct Preamble](#), 28 November 2019 (Accessed 6 May 2024).

Recommendation 1

1.45 The definition of lobbyist should be expanded so that all lobbyists, including in-house lobbyists, are on the Register of Lobbyists and subject to the Lobbying Code of Conduct.

Recommendation 2

1.46 The Lobbying Code of Conduct should extend to include interactions between lobbyists and all parliamentarians.

Recommendation 3

1.47 The Lobbying Code of Conduct must be legislated and include appropriate penalties for breaches.

Recommendation 4

1.48 An independent regulator should be appointed and properly resourced to oversee the Lobbying Code of Conduct and Lobbyist Register.

Transparency around sponsored passes

1.49 Access to Parliament House is a good thing. It is important for people to have the opportunity to advocate in the building, including the many NGOs and community groups that run with very meagre resourcing. I'm not advocating for lobbyists to be banned from the building, nor was this suggested in the evidence tendered to the inquiry.

1.50 A pass sponsored by a parliamentarian provides immensely privileged access. Access that allows certain perspectives to be put forward to decision-makers in preference of others.

1.51 The impact of this privilege is summarised by the Grattan Institute:

When certain interests get a lot more access to decision makers, there is a risk that policy gets skewed in their favour at the expense of public interest. Good policy depends on the best ideas prevailing, not simply the loudest voices... Transparency around lobbying activity can help level the playing field and protect the public interest. Greater public scrutiny might encourage policymakers to seek out a wider range of views. And it can alert under-represented groups to speak up when a particular policy issue is 'live'.¹⁴

1.52 Privileged access is not necessarily a problem where there is democratic accountability. However, in the absence of transparency it becomes a significant issue. As the Hon. John Hatzistergos put it:

...lobbyists provide an essential function to the operating of a democratic government, but the shrouding of it in secrecy has led to situations of

¹⁴ Grattan Institute, *Submission 12*, p. 4.

distrust, and it permeates, I think, a lot of the anecdotal information and perceptions about lobbyists and the activities that they engage in.¹⁵

- 1.53 It's not for me to judge whether the decisions made by other Parliamentarians to sponsor passes are the right ones. We have a robust Parliament, and that is something that should be celebrated.
- 1.54 However, the public should be given the opportunity to consider whether the decisions of their elected representatives and to whom they give sponsored passes are in the public interest. This can only be done if we allow transparency and public debate over whether access aligns with our values.
- 1.55 This is not an unusual practice in an international context. In its submission, the Grattan Institute notes that the UK, the US, and New Zealand all publish lists of passholders.
- 1.56 Paragraph 6.43 of the Committee's report finds that it should be for individual MPs and Senators to decide whether they make public the details of the lobbyists to whom they provide sponsored passes. This ignores the insight provided by the Chief Commissioner of the NSW Independent Commission Against Corruption. Secrecy is corrosive to public trust.
- 1.57 The reason given for maintaining the shroud of secrecy around sponsored passes is that to do otherwise would restrict access to Parliament House and so damage democracy. This is deeply cynical. This committee has an opportunity to recommend measures to restore public trust and instead it claims democratic principle as the reason for secrecy. It is essentially a recommendation to do nothing, in spite of all the evidence tabled to this Committee that the secrecy is unfair and corrosive to a healthy democracy.
- 1.58 It would continue a system where the public are prevented from holding their representatives accountable for the people they give privileged access to the people's house to lobby for causes that may not be in the public interest. I can almost guarantee that if the list was public, Big Tobacco would be handing back their passes, because I doubt Australians would accept any of their representatives giving the tobacco industry a greater voice in Parliament than the average Australian.
- 1.59 Recommendation 2 of the Committee's report is welcome insofar as interoperability between the Lobbying Register and the system for registering sponsored passes. However, it does not go anywhere near far enough. The public deserves to know the name of the passholder, the passholder's employer and the identity of the sponsoring parliamentarian.

¹⁵ The Hon. John Hatzistergos, NSW Independent Commission Against Corruption, *Proof Committee Hansard*, 8 April 2024, p. 41.

The arguments made against transparency

1.60 The committee received variations of the following as reasons not to allow transparency on details of sponsored passholders and I want to briefly address them in light of evidence tendered to the inquiry.

Sponsored passes just allow for people with regular requirements to access the building with easier access to get to meetings

1.61 I have no doubt that the vast majority of lobbyists in the building conduct themselves professionally and use their passes solely for the purpose of attending meetings booked in advance. But such behaviour is not universal.

1.62 Sponsored passes provide more than the convenience of being able to walk unescorted between meetings. They provide opportunities to engineer chance meetings with Parliamentarians and parliamentary staffers. They allow passholders to knock on any door in Parliament and show up, unannounced to advocate for themselves or on behalf of the organisation or client they represent. The overwhelming majority of Australians will never have their voices heard in the Halls of Parliament in the way sponsored passholders do.

The Privacy Act and the DPS Privacy Policy prohibit the publication of the information of sponsored passholders

1.63 Privacy policies are updated constantly, and no convincing evidence has been provided to the committee that the Privacy Act operates to prohibit the publication of details about sponsored passholders.

1.64 It is clearly within the power of the Department of Parliamentary Services (DPS) to update its own Privacy Policy and the forms used for issuing sponsored passes in a way that allows information to be gathered from a sponsored passholder and for that information to be made public.

1.65 However, DPS has claimed that the Privacy Act would prevent them from changing the policy, referring me to Privacy Principle 6 in the Act. What they neglect to mention is that Privacy Principle 6 also contains several exemptions that allow personal information to be disclosed if (among other things) people are told and consent to that information being disclosed.

1.66 I requested any advice sought or received by the Department of Parliamentary Services (DPS) in relation to the *Privacy Act 1988*, and the response was "Questions on Notice are for the provision of information, not requests for the provision of documents." This answer is not satisfactory, as Questions on Notice routinely ask for provision of documents.

1.67 I have no doubt that a move to greater transparency will require change management, but this should not be an insurmountable obstacle. Permission to publish details could easily form part of the application process and a process to gain consent from current sponsored passholders could likewise be undertaken.

Publishing the details of sponsored passholders would make Parliament House more liable to foreign interference

- 1.68 It is not hard to find out who has a pass to the building.
- 1.69 Professor Anne Twomey gave convincing evidence dismissing the concern about any security risk posed by publicising the details of sponsored pass holder:

My observation is that, if that's a genuine concern, it's a genuine concern that would arise in relation to a plethora of other passes.

There are lots of people who hold parliamentary passes, be they staff members who just work in Parliament House and the Parliamentary Library, the cafeteria, the people who work for politicians, the ministerial advisers, and politicians themselves and their family members.

For the most part, the identity of these people are known. If someone was going to deliberately go around targeting people who have passes for the purposes of stealing or copying them then that's going to be a problem anyway. The mere fact that you've got some people on a register of lobbyists whose names are known is not actually going to really increase that risk; it's an existing risk.

There are already people who are known to have those passes. I don't think it exacerbates the problem in any way. To the extent that it's a problem, then Parliament House needs to deal with that problem across the board; it's not just a problem in relation to lobbyists.¹⁶

- 1.70 The briefest Google or LinkedIn search using the term “press gallery” or “advisor to...” can show you pretty easily who has a pass.
- 1.71 If all that is standing in the way of foreign interference is the supposedly secret identities of the 2000 lobbyists in the building, then someone needs to have another look at the risk assessment.
- 1.72 It is important to note that the committee received no evidence from any security agency that raised any concern about the prospect of foreign interference should the details of sponsored passes be made public.

Not all sponsored passholders are lobbyists

- 1.73 This argument is highlighted in the Committee's report at section 6.41: “At the outset, therefore, the committee recognises the evidence from DPS that the sponsored pass, or ‘orange pass’, is not a lobbyist pass.”
- 1.74 We know that not all sponsored passholders conduct lobbying activities, but we also know that the majority do.
- 1.75 It seems obvious that if the Parliament was sufficiently motivated to allow the public some transparency around the sponsored pass system, then it could pick

¹⁶ Professor Anne Twomey, University of Sydney, *Proof Committee Hansard*, 8 April 2024, p. 3.

another colour for the lanyard and carve out the people who have a sponsored pass but who are not undertaking lobbying activities.

- 1.76 I am supportive of Recommendation 3 of the Committee Report, the recommendation to restore unescorted day passes if the sponsored pass list is made public. Restoration of unescorted day passes does not lessen the urgent need to add transparency to sponsored passes. If the major parties decide to cherry pick this suggestion from the hearings, and not act on others like making the sponsored pass list public and publishing ministerial diaries, then this is a cynical move and may result in even less transparency.
- 1.77 The rules should be made for the majority not the exception, and it is clear that specific arrangements could be made in the very limited number of special circumstances warranting this to protect particularly vulnerable visitor cohorts.

Recommendation 5

- 1.78 Details of sponsored passes should be published, including the name of the passholder, the passholder's employer and the identity of the sponsoring parliamentarian.**

Ministerial diaries

- 1.79 Transparency on who has access to Parliament House must be complemented by transparency around who has access to Federal Government Ministers. Federal Government Ministers make decisions on behalf of all Australians, many of which have dramatic impacts on all of our lives. Australians deserve to know who influenced the decisions to invest in new AI or defence capability, to subsidise a new fossil fuel project or how they decide to regulate an industry like gambling.
- 1.80 For better or worse, these decisions are often based to some extent on interactions between ministers and lobbyists. For the most part, this is for the better. Representatives of groups within our community should have the opportunity to make their case to elected Federal Government Ministers in a way that facilitates and promotes more informed decisions.
- 1.81 At the very least, Australians deserve to know who has a seat at the table; who has a voice to power in the conversations that lead to important decisions being made.
- 1.82 At pages 42 and 43, the Committee's Report outlines the substantial evidence provided to the committee in favour of publishing Ministerial diaries. This includes convincing evidence from no fewer than 13 submitters.¹⁷

¹⁷ Foundation for Alcohol Research and Education, *Submission 30*, p. 3; Brisbane Residents United, *Submission 44*, p. 4; Mr Graeme Booth, *Submission 2*, p. 2; Mr Laurence Comerford, *Submission 306*, p. 1; Mr Ruchira Abeyratna, *Submission 6*, p. 8; and Dr Richard Barnes, *Submission 23*, p. 2; The

1.83 Of particular note is evidence from the NSW ICAC, which is summarised at paragraph 5.37 of the Committee's Report:

Ministerial diary disclosures can bolster transparency over the lobbying of ministers by providing a counter reference point for lobbying registers, allowing for a comparison of what is disclosed on both platforms.¹⁸

1.84 Absent from the Committee's Report is the positive impact that increased transparency could have on increasing equity and diversity of views being heard by ministers. According to the Grattan Institute:

Publishing ministerial diaries would enable journalists and others to know who ministers are meeting – and, perhaps even more importantly, who they're not meeting – which could encourage politicians to seek more diverse input.¹⁹

1.85 The publication of Ministerial diaries has been previously advocated for by Senator Jacqui Lambie, former Senator Rex Patrick and most recently Monique Ryan MP. I acknowledge their strong and sustained advocacy on this point.

1.86 Despite the overwhelming evidence in favour of publishing Ministerial diaries, and an acknowledgement of the value that publishing diaries can provide, the Committee's Report fails to make any recommendation on this issue. At paragraphs 6.34 to 6.36, the rationale provided is that there are 'several issues' that would need more scrutiny before a recommendation can be made.

1.87 On this issue it seems even a review is a step too far for the major parties, both of whom have called for greater transparency in opposition but dialled back their enthusiasm when in government. Transparency, accountability, and integrity should not be political lines used in opposition and discarded in government. The public takes a dim view of this duplicitous approach and the impact this has on public confidence harms our democracy.

1.88 In many Australian jurisdictions, publishing of ministerial diaries is already standard practice. Ministerial diaries are currently being published in Queensland, New South Wales, Victoria, and the ACT.²⁰ That such disclosure is already happening in these jurisdictions without adverse consequence and with demonstrable benefit adds even more weight to the argument of adopting this practice at a federal government level.

Australia Institute, *Submission 16*, p. 13; New South Wales Independent Commission Against Corruption, *Submission 32*, p. 3; Associate Professor Yee-Fui Ng, *Submission 1*, p. 5; Centre for Public Integrity, *Submission 18*, pp. 9–10; Dr Monique Ryan MP, *Submission 17*, p. 2; Cancer Council Australia, *Submission 27*, p. 5; Our Democracy, *Submission 47*, p. 5.

¹⁸ New South Wales Independent Commission Against Corruption, *Submission 32*, p. 3.

¹⁹ Grattan Institute, *Submission 12*, p. 1.

²⁰ Grattan Institute, *Submission 12*, p. 4.

- 1.89 The committee heard convincing evidence from the NSW ICAC, the Grattan Institute, and the Australia Institute that a model in which diaries are published on a monthly basis should be preferred. The Hon. John Hatzistergos indicated that quarterly publishing of diaries in NSW resulted in reduced transparency. The Queensland model under which diaries are published monthly was seen as superior by witnesses and submitters.
- 1.90 Publishing ministerial diaries, while potentially uncomfortable for parties of government, would be a powerful tool to guard against state capture, and expose any bias — conscious or otherwise — to listen to sections of the community that align with a political party and an unwillingness to consider a breadth of views.
- 1.91 The reluctance to move towards this level of transparency, already operating successfully in state and territory jurisdictions and internationally, is out of line with community expectations and the evidence the committee heard.

Recommendation 6

1.92 A model should be developed for monthly publication of Ministerial diaries. The starting point for design of that model should be the system currently in force in Queensland.

- 1.93 The Committee's report raises the possibility of extending the publishing of diaries to Parliamentarians generally. This is strange for two reasons. First, it contradicts the justification for no recommendation on the publishing of Ministerial diaries. Second, it does not appear to be in response to any submission received by the committee or evidence given by a witness.
- 1.94 In raising this issue, the Committee's Report states that Professor Twomey gave evidence that diary publication should be extended to all parliamentarians. Professor Twomey's evidence was that:

...if it's a matter of ministers opening their diaries—as happens in New South Wales—for meetings and appointments, I can't see why backbenchers and the like shouldn't be open about those sorts of matters as well.²¹

- 1.95 Evidence from Ms Griffiths, Deputy Program Director from the Grattan Institute was also instructive. She said:

I think the reason to start with ministerial diaries is that they're the most senior decision-makers and they have better resources for compiling and publishing this information on a regular basis and getting it out there in a timely manner et cetera. Ideally, all parliamentarians would publish their meetings. It's just a question of the resourcing capacity of crossbenchers and backbenchers to implement something like that, so I would say you start

²¹ Professor Anne Twomey, University of Sydney, *Proof Committee Hansard*, 8 April 2024, p. 5.

with ministerial diaries, you test the model, and you find out what level of resources it takes.²²

- 1.96 Publishing the diaries of all Parliamentarians may be a good idea, and I am certainly open to it. However, no evidence was provided to the committee on the potential benefits or costs of doing so. No doubt additional resources would need to be allocated to achieve this and it is unclear whether deployment of resources would represent good value for Australian taxpayers.

Whistleblower protections

- 1.97 During the public hearing, Senators raised concerns about the impact of changes to sponsored passes on whistleblowers. As I understand it, the concern is that publishing the identity of sponsored pass holders could reveal the identity of whistleblowers.

- 1.98 This concern was roundly dismissed in evidence provided to the committee. As Professor Twomey put it, "...if you don't want an inference of your relationship with a particular lobbyist, then don't sponsor them for a pass."²³ Professor Twomey went on to say:

If you are wandering around Parliament House, where there are a whole lot of people from different parties with different interests who will observe your movements in Parliament House, I think one should assume that you will be seen wandering around there with your orange pass and that it's quite possible that someone might mention it. If you were whistleblowing and wanting to do it confidentially, presumably you wouldn't do it in a public place—or a semi-public place—of that kind.²⁴

- 1.99 In early 2023, during a Senate Estimates hearing, I tabled documents I had obtained from a whistleblower. I would not have risked revealing that person's identity by providing documentation of any kind to anyone. It is inconceivable that a whistleblower should be provided a sponsored pass to protect their identity. To do so would present an unacceptable risk that their identity would be revealed.

- 1.100 Sponsored passes do nothing to protect whistleblowers and publicising the details of lobbyists that are sponsored pass holders presents no risk to whistleblowers.

- 1.101 The fact that whistleblowers are approaching Parliamentarians and seeking the protection offered by parliamentary privilege reveals a gap in the federal integrity framework. Whistleblower laws are confusing and inconsistent and

²² Kate Griffiths, Grattan Institute, *Proof Committee Hansard*, 8 April 2024, p. 14.

²³ Professor Anne Twomey, University of Sydney, *Proof Committee Hansard*, 8 April 2024, p. 5.

²⁴ Professor Anne Twomey, University of Sydney, *Proof Committee Hansard*, 8 April 2024, p. 5.

those looking to blow the whistle do not receive the support they need to reveal corruption and maladministration.

1.102 Rather than a secretive and opaque system for sponsored passes, we need a Whistleblower Protection Authority to provide support and protection to whistleblowers. Alongside my colleagues in the House, Andrew Wilkie MP and Helen Haines MP, I will continue to call for the establishment of a Whistleblower Protection Authority.

1.103 Where whistleblowers seek the protection that can be provided by parliamentary privilege, such an authority could provide support in interactions with Parliamentarians and ensure their identity is protected.

Recommendation 7

1.104 Establish a Whistleblower Protection Authority to ensure that whistleblowers using parliamentary privilege are adequately protected.

Senator David Pocock

Participating Member

Independent Senator for the Australian Capital Territory

Appendix 1

Submissions and additional information

- 1 Associate Professor Yee-Fui Ng
- 2 Mr Graeme Booth
- 3 Mr Jonathon Rose
- 4 Hawker Britton
- 5 Professor Anne Twomey
- 6 Mr Ruchira Abeyratna
- 7 Mr Denis Burns & Mrs Rosalie Burns
- 8 Dr Adam Lucas
- 9 Dr Christina Watts PhD
- 10 Mr David Tehr
- 11 Publish What You Pay Australia, Jubilee Australia Research Centre and the Mineral Policy Institute
- 12 Grattan Institute
- 13 Dr Jennifer Lacy-Nichols & Dr Katherine Cullerton
- 14 Mr Greg Dunstone & Mrs Eileen Dunstone
- 15 Alcohol Change Australia
- 16 The Australia Institute
- 17 Dr Monique Ryan MP
- 18 The Centre for Public Integrity
- 19 Attorney-General's Department
- 20 Australian Council on Smoking & Health
- 21 Mr John Menadue AO
- 22 Public Health Association of Australia
- 23 Dr Richard Barnes
- 24 Polipedia
- 25 Australian Professional Government Relations Association
- 26 Dr John Davison-Mowle
- 27 Cancer Council Australia
- 28 Royal Australasian College of Surgeons

- 29 Alliance for Gambling Reform
- 30 Foundation for Alcohol Research and Education
- 31 Executive Counsel Australia
- 32 NSW Independent Commission Against Corruption
- 33 Uniting Church in Australia, Synod of Victoria and Tasmania
- 34 Australian Turkish Advocacy Alliance
- 35 Fusion Party Australia
- 36 Healthy Food Systems Australia
- 37 National Catholic Education Commission
- 38 Democracy Matters
- 39 Drug ARM
- 40 Religions for Peace Australia
- 41 The Wilderness Society
- 42 Ms Nicolette Boele
- 43 Common Sense Party of Australia
- 44 Brisbane Residents United
- 45 Ms Elizabeth Handley
- 46 NSW Council for Civil Liberties
- 47 Our Democracy
- 48 Mr Bradley Durnin
- 49 Mr Stanley Holmes
- 50 Mr Donnacha McGrath
- 51 Ms Birgit Graefner
- 52 Mr William Vasilij Schlusser
- 53 Ms Lorraine Yudaeff
- 54 Ms Eve Stocker
- 55 Mr Des O'Shaughnessy
- 56 Mr David Arthur
- 57 Ms Helen Gould
- 58 Emeritus Professor Mike Daube AO
 - Attachment 1
- 59 Professor Ray Ison & Mr Ed Straw

-
- 60 Name Withheld
61 Name Withheld
62 Name Withheld
63 Ms Angela Munro
64 Ms Elizabeth Johnston
65 Confidential
66 Ms Diane Kilpatrick
67 Mr Dale Rattle
68 Mr Quentin Dresser
69 Mr Mark Stuart-Jones
70 Mr Frank Bernabei
71 Nauzad Tantra
72 Mr Geoffrey Bricknell
73 Mr Nicholas Robinson
74 Mr John Hocking
75 Mr Jason Burrows
76 Ms Jess McGregor
77 Mr Marco Setiawan
78 Mr Robert Day
79 Ms Anne Silbereisen
80 Mr Peter Craig
81 Ms Catriona Sinclair
82 Mr Alexander Lindsay
83 Ms Jane Clifton-Bassett
84 Ms Jane Osborne
85 Mr Martin Scurrah
86 Ms Jocelyn Gray
87 Mr David Mackay
88 Ms Sandra Englart
89 Mr Peter Lawrence
90 Ms Barbara Leonard
91 Ms Bridget Payton

- 92 Ms Janet Taylor
- 93 Ms Lucy Worgan
- 94 Ms Margaret Atkin
- 95 Ms Deborah Claydon
- 96 Ms Colleen Wysser-Martin
- 97 Mr David Dyer
- 98 Mr Gregory Tate
- 99 Vic Cherkoff
- 100 Ms Shery Busto
- 101 Ms Melissa Corbett
- 102 Mr Paul Herman
- 103 Anura Sooriyabandara
- 104 Ms Holly Norton
- 105 Mr Richard Lloyd
- 106 Ms Coco Venaglia
- 107 Ms Ann Potter
- 108 Ms Sharee McCammon
- 109 Ms Nancy Otis
- 110 Ms Elizabeth Doig
- 111 Mr Joe Lenzo
- 112 Ms Judith Corner
- 113 Ms Katja Petrovic
- 114 Ms Jennifer Allen
- 115 Mr Darryl Nelson
- 116 Dr John Godfrey
- 117 Ms Moira Were
- 118 Mr Mike Cusack
- 119 Mr Geoff Simpson
- 120 Mr Mariusz Nykiel
- 121 Ms Julia Simpson
- 122 Karsten Winter
- 123 Mr Graham Wand

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- 124 Mr Tim Preston
125 Mr Douglas Francis
126 Ms Shauna Harrison
127 Ms Dawn Shipley
128 Mr Peter Barnett
129 Mr Tim Davidson
130 Mr Darryl Cloherty
131 Ms Margaret Lamerton
132 Mr David Blore
133 Name Withheld
134 Mr Trevor Hoare
135 Mr Fernando Longo
136 Mr Rees Barrett
137 Mr John Trounce
138 Mr Robert Blattman
139 Mr Martin Carey
140 Ms Deborah Kellock
141 Mr Anthony Spierings
142 Mr David Piddle
143 Mr Peter Strous
144 Mr Michael Searle
145 Ms Lynne Besant
146 Ms Sandra Hand
147 Mr Steve M Gates
148 Ms Simone Lacar
149 Mr Lance Kennedy
150 Ms Simone Booth
151 Ms Ann Butcher
152 Mr Michael Murphy
153 Mr Warwick Law
154 Mr Chris Hawthorne
155 Ms Vivien Masala

- 156 Ms Bernadette Schroeder
- 157 Ms Patsy Asch
- 158 Ms Christina Pead-Erbrederis
- 159 Ms Robyn Walsh
- 160 Ms Julie Bozicevic
- 161 Mr Rupert Macgregor
- 162 Mr Anthony Panayotides
- 163 Ms Pernille Day
- 164 Mr Duncan Conley
- 165 Mr John Ticehurst
- 166 Ms Julia Underhill
- 167 Mr Lee Jeffrey
- 168 Ms Margaret Pickup
- 169 Mr Barry Dyson
- 170 Mr Murray Hopkins
- 171 Ms Joanne Irvine
- 172 Ms Rowena Parkes
- 173 Ms Ophelia Orello
- 174 Mr Ross Lawrence
- 175 Mr Greg Forster
- 176 Ms Jennifer Medway
- 177 Ms Kate Seselja
- 178 Mr James Buchanan
- 179 Mr Peter Grimshaw
- 180 Ms Patricia England
- 181 Ms Mary Maher
- 182 Mr Martin McAvoy
- 183 Ms Horst Thiele
- 184 Ms Cresta Markovic
- 185 Ms Janet Taylor
- 186 Ms Deborah Lynch
- 187 Mr Michael Constable

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- 188 Ms Sharne Vogt
189 Ms Heather Laurie
190 Ms Nalika Edi
191 Mr Bruce Dymock
192 Mr Paul Byrnes
193 Ms Lorna Henderson
194 Mr Ron Deane
195 Mr Chris Pearson
196 Mr Paul Markham
197 Mr Marcus Dwyer
198 Mr Warren Birkinshaw
199 Ms Kerry Gray
200 Ms Janet Robertson
201 Mr Duncan Bone
202 Ms Dora De Blasio
203 Mr Ken Preece
204 Mr Carlos Whiley
205 Kris Railton
206 Mr Charlie Begg
207 Mr Allan Medway
208 Ms Barbara Finch OAM
209 Mr Brett Mason
210 Mr John Robinson
211 Mr Aidan Sen
212 Mr Adrian Thompson
213 Mr Andrew Marsden
214 Ms Dianne Stewart
215 Ms Susan MacCallum
216 Chris & Judith Schull
217 Ms Jan O'Leary
218 Ms Kelli Tangney
219 Ms Susan Ditter

- 220 Mr Peter Carey
- 221 Ms Michelle Murch
- 222 Mr Len Sparkes
- 223 Dr Richard Ruffin
- 224 Ms Rosina Johnson
- 225 Ms Keri James
- 226 Mr Andrew Douglas
- 227 Ms Jill French
- 228 Mr Terry Woronov
- 229 Ms Cathy Gill
- 230 Ms Janet Thompson
- 231 Ms Kylie Salisbury
- 232 Mr Joe Zammit
- 233 Mr Martin Mansfield
- 234 Ms Fiona Baker
- 235 Ms Amy Hiller
- 236 Ms Robyn Berrington
- 237 Ms Christine Archer
- 238 Ms Cassandra Burns
- 239 Ms Cheryl Kneipp
- 240 Laurel Kanost
- 241 Les Johnston
- 242 Mr David McMaster
- 243 Mr Paul Desmond
- 244 Ms Sheri Lochner
- 245 Mr Chris Gulland
- 246 Ms Grace Foulds
- 247 Mr John Pettit
- 248 Ms Shannon Walsh
- 249 Ms Monica Coyle
- 250 Mr Thomas Luck
- 251 Mr Denis Rothwell

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- 252 Ms Andrea Paul
253 Mr Jonathan Barnett
254 Ms Lucinda Man
255 Dr Patricia Cretchley
256 Ms Sue Ganz
257 Mr Roger Burke
258 Ms Christina Martin
259 Ms Leisa Lance
260 Ms Phoebe Coyne
261 Mr Paul Koller
262 Dr John Stance
263 Ms Deborah Knott
264 Mr Craig Poulton
265 Ms Crina Virgona
266 Mr John Cayless
267 Mr Iain Stubbs
268 Ms Emily Edwards
269 Ms Sue Hewett
270 Ms Helga Saunders
271 Mr Paul Toohey
272 Ms Alli Grimison
273 Ms Bronwyn David
274 Mr Stefan Norrvall
275 Mr John Wood
276 Ms Kym Kilpatrick
277 Ms Cheryl Mathews
278 Ms Katharine Clarke
279 Ms Sarah Neal
280 Brynn Mathews
281 Mr Aaron Favell
282 Ms Fiona Leiper
283 Ms Daria Levy

- 284 Ms Anne Gibbins
- 285 Mr Timothy Roskams
- 286 Ms Jo Vallentine
- 287 Mr David Mark Leifer
- 288 Mr Henry Wellsmore
- 289 Ms Yolante Daly
- 290 Ms Leslie McIntyre
- 291 Mr Paul Atkins
- 292 Mr Carl Kneipp
- 293 Mr Jason Kimberley
- 294 Mr Barry Sheridan
- 295 Mr Rod Teale
- 296 Mr Grahame Hackney
- 297 Mr Barclay Tabone
- 298 Mr William Hancock
- 299 Mr Michael West
- 300 Dr Jemma King
- 301 Denn Bro
- 302 Mr Luke Lanza
- 303 Mr John Lock
- 304 Mr Gerrit Ligtermoet
- 305 Ms Laura Colloridi
- 306 Mr Laurence Comerford
- 307 Mr Dave Rowlings
- 308 Mr John Brennan
- 309 Ms Deborah Moseley
- 310 Ms Sue Edmondson
- 311 Ms Keelah Lam
- 312 Mr Adam Blake
- 313 Mr David McLaughlin
- 314 Mr Rocky Henry
- 315 Ms Catherine Cox

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- 316 Mr Bruce McQueen
317 Des O'Shaughnessy
318 Ms Edilia Ford
319 Mr Michael Leeming
320 Ms Leena Sudano
321 Ms Peta Newbound
322 Mr Mark Cramond
323 Mr Shaun Stephens
324 Ms Kay Birkinshaw
325 Ms Simone Hunter
326 Ms Lucy Teusner
327 Ms Elizabeth Maddox
328 Ms Annie Mason
329 Ms Lesley Walker
330 Ms Carol Kerstholt
331 Ms Jo Bower
332 Ms Pam King
333 Mr Benjamyn Leith
334 Mr Cian de Bhaldrathe
335 Mr Stephen Spencer
336 Ms Louise Kirumba
337 Wies Schuiringa
338 River Satya
339 Ms Deborah Brown
340 Medical Association for Prevention of War
341 Ms Cynthia Smith-Alexander
342 Mr Phil Llyod
343 Ms Simone Abbot
344 Mr Randal Perkins
345 Health Equity Matters
346 Mr Alan Tarlinton

Additional Information

- 1 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 2 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 3 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 4 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 5 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 6 Additional documentation provided by Dr Jennifer Lacy Nichols, 11 April 2024
- 7 Additional documentation provided by the Attorney General's Department, 26 April 2024
- 8 Additional documentation provided by the Attorney General's Department, 26 April 2024

Answer to Question on Notice

- 1 Yee-Fui Ng, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 12 April 2024)
- 2 Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (Received April 16 2024)
- 3 Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (Received April 16 2024)
- 4 Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (Received April 16 2024)
- 5 Department of Parliamentary Services, answers to questions on notice, 8 April 2024 (Received April 16 2024)
- 6 Grattan Institute, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 18 April 2024)
- 7 Attorney General's Department, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
- 8 Federal Chamber of Automotive Industries, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
- 9 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)

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- 10 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 11 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 12 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 13 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 14 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 15 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 16 Department of Parliamentary Services, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 19 April 2024)
 - 17 Dr Jennifer Lacy-Nichols, answers to questions on notice, 8 April 2024 (Received 11 April 2024)
 - 18 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 19 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 20 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 21 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 22 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 23 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 24 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 25 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 26 Attorney General's Department, answers to questions on notice, 8 April 2024 (Received 26 April 2024)
 - 27 Attorney General's Department, answers to written questions on notice from Senator David Pocock, 12 April 2024 (Received 26 April 2024)

Appendix 2

Public hearing and witnesses

Monday, 8 April 2024

Senate Committee Room 2S1

Parliament House

Canberra

Associate Professor Yee-Fui Ng, Private capacity (by video conference)

Professor Emerita Anne Twomey AO, Private capacity (by video conference)

Grattan Institute

- Ms Kate Griffiths, Deputy Program Director, Budgets and Governments (by video conference)

The Australia Institute

- Mr Bill Browne, Director

The Australia Institute

- Ms Vivien Clark, Researcher

Hawker Britton

- Mr Simon Banks, Managing Director

Australian Professional Government Relations Association

- Mr Andrew Cox, President

Australian Professional Government Relations Association

- Ms Sally MacKenzie, Vice President

Dr Jennifer Lacy-Nichols & Dr Katherine Cullerton

- Dr Jennifer Lacy-Nichols

Dr Christina Watts Private capacity (by video conference)

Public Health Association of Australia

- Mr Malcolm Baalman, Senior Policy and Advocacy Adviser

Health Equity Matters

- Mr Dash Heath-Paynter, Chief Executive Officer (by video conference)

Federal Chamber of Automotive Industries

- Mr Tony Weber, Chief Executive

Federal Chamber of Automotive Industries

- Mrs Dianne O'Hara, Director Industry Operations

NSW Independent Commission Against Corruption

- The Hon John Hatzistergos AM, Chief Commissioner (by video conference)

Department of Parliamentary Services

- Mr Rob Stefanic, Secretary

Department of Parliamentary Services

- Ms Leanne Tunningley, Acting First Assistant Secretary

Attorney-General's Department

- Ms Elizabeth Brayshaw, Acting First Assistant Secretary, Integrity Frameworks Division

Attorney-General's Department

- Mr Stephen Still, Assistant Secretary, Transparency & Administrative Law Branch