



The Centre for
Public Integrity

A Seat at the Table

Embedding transparency, integrity, and
equality into the federal lobbying regime

Position Paper

July 2025

The Centre for Public Integrity

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Summary

While lobbying is accepted as a legitimate way of shaping public decision-making, a lack of integrity in the way it is conducted and regulated can contribute to a breakdown in trust between the public and government.

This paper examines the central shortcomings of the Australian regime for regulating lobbying and proposes comprehensive reform to address them. It calls on the federal government to work towards re-building trust with the public by prioritising transparency, integrity and equality in lobbying.

Widespread Unregistered Lobbying

The vast majority of lobbyists are not captured by the federal lobbying register. Current rules only require third-party lobbyists (consultants retained to lobby on behalf of clients) to be registered, excluding those in-house corporate lobbyists who engage in the majority of lobbying. As a result, details of such lobbying are not disclosed to the public.

Narrow Scope and Loopholes

Federal regulation focuses narrowly on contacts with government ministers and a few officials, overlooking lobbying directed at Members of Parliament (MPs) who are outside the ministry. The definition of 'lobbyist' also excludes unpaid lobbyists and those who influence policy informally. These gaps allow significant influence to go unregulated.

“Revolving Door” Conflicts

Many lobbyists are former government officials or politicians, raising concerns that insiders can trade on their public past for private gain. In fact, about 40% of third-party lobbyists have previously held a public office or political role.

Current law only bans former Ministers from lobbying their former colleagues for 18 months. As a result, a minister could approve policies today and (a year later) be lobbying their former parliamentary colleagues on behalf of a corporation affected by those policies. Regular MPs and advisors to opposition parties face no federal cooling-off ban at all, allowing them to transition immediately into lobbying roles. Inadequate or absent post-employment restrictions fail to prevent officials from ‘switching sides’ and selling their insider access.

Minimal Disclosure

Disclosure is minimal and curtails the transparency aims of regulation. Lobbyists must list their clients on a public register, but there is no requirement to report each lobbying contact or meeting with officials. Unlike several Australian states, the Commonwealth does not mandate publication of ministerial diaries or any real-time reporting of lobbying activity.

Important details — who met whom, when, and what outcome was sought — are undisclosed to the public. Moreover, there is no integration between lobbying and political donation disclosures, even though lobbyists and their clients often donate significant sums to the politicians they seek to influence. The lack of timely, detailed disclosure makes it unnecessarily difficult for the public and accountability institutions to ‘connect the dots’ between finance, access, and policy outcomes.

Limited Integrity and Enforcement

The Lobbying Code of Conduct is not enshrined in law and is enforced by a government department with no independent oversight. Deterrence is weak — breaches of the rules carry no fines or criminal penalties, only the risk of being removed from the lobbyist register. Simply deregistering a lobbyist provides little deterrent, since unregistered lobbying can continue behind closed doors. Other jurisdictions (like NSW, Qld, WA, Canada, and the UK) have stricter laws, independent regulators, and tougher consequences for breaches.

Additionally, federal rules still allow payments that reward lobbyists for having achieved a desired outcome — ‘success fees’ that are banned in some states due to their potential to encourage unethical pressure tactics. Overall, the federal lobbying regime falls short of domestic and international best practice on integrity measures.

An Exclusive Table

Perhaps the most neglected aspect of the current arrangements is equality of participation.

Currently, those with greater financial and social resources — big corporations, industry peak bodies, and well-connected insiders — enjoy far more access to decision-makers than others who are not as wealthy or connected. They might have contacts that enable them to secure private meetings with decision-makers, former public officials on staff to help them navigate the system, or the means to purchase access through financial contributions. As a result, policymaking risks becoming skewed towards political insiders, to the detriment of democratic legitimacy.

Despite this, the Lobbying Code of Conduct does not treat equality of opportunity as a goal, focusing only on transparency and integrity at the margins. Though some measures like cooling-off periods do help ‘equalise the playing field’ by limiting the leverage of former officials in lobbying, they are primarily directed at addressing conflicts of interest. They do not address, for example, the ability of public officials to consult only one side of a policy debate and not others.

We argue that equal participation should be formally built into lobbying regulation and measures taken to ensure that government decisions are shaped by broad input rather than clout and insider access.

Towards Reform

To address these failings, we propose wide-ranging reform to federal lobbying regulation that would strengthen and legislate the rules, widen transparency, tighten integrity measures, and actively encourage fair access.

Recommendations

1. Replace the federal Lobbying Code of Conduct with a legislative regime designed to provide transparency, uphold integrity, and encourage equality
2. Amend the definition of 'lobbyist' to capture the activity of lobbying in all relevant forms, including unpaid and in-house, or consider an exclusive focus on the activity of lobbying
3. Ensure that exclusions to the definition of 'lobbying activities' remain adequate to maintain the effective operation of democratic processes
4. Broaden the scope of regulation to include lobbying targeted at all parliamentarians
5. Require political donations made within a specified time period by applicants for registration as a federal lobbyist to be disclosed and published on the register
6. Provide for the monthly disclosure and publication of all lobbying activities by both registered lobbyists and those whom they lobby
7. Amend the Standing Orders of both the House of Representatives and the Senate to require all Bills and legislative instruments tabled therein to be accompanied by a public interest 'footprint', providing details of any consultation and lobbying that took place in respect of the proposed legislation or instrument
8. Prohibit offers, payment, and receipt of success fees for lobbying
9. Broaden the coverage of cooling-off periods to include all parliamentarians
10. Extend the duration of cooling-off periods to align with the duration of a standard parliamentary term
11. Broaden the scope of cooling-off periods to include lobbying on any subject-matter
12. Broaden the scope of cooling-off periods to include advising or consulting on lobbying
13. Task the body responsible for enforcing the lobbying regime with providing training and advice on its operation
14. Transfer responsibility for enforcing the lobbying regime to an adequately funded and independent statutory authority capable of monitoring compliance, investigating and publicly reporting on breaches, and recommending proper sanctions
15. Introduce specific obligations requiring lobbied persons to uphold equal participation

Background

Regulating influence

As a form of engagement beyond the electoral process, lobbying is a legitimate way of broadening input into government decision-making and improving its quality.

However, at the heart of lobbying is influence. Whether engaged in by corporations, trade unions, industry groups, or civil society organisations, the practice of lobbying seeks to influence public policy in a way that reflects particular preferences or perspectives.¹ And when the influence wielded through lobbying is undue or opaque, public confidence in the integrity of the democratic system deteriorates.

Around the world, public controversies involving lobbying have prompted the introduction of regulations at national, subnational, and supranational levels, the overarching aims of which include fostering greater participation, increasing transparency, preventing corruption, and ensuring equality of opportunity.²

Where it has been introduced, lobbying regulation is generally supported by the public at large, and at the highest levels of public international governance.³

In Australia, the federal government and governments of every state and territory, have introduced lobbying regulation (see **Appendix 1**).⁴

¹ John Hogan and Alberto Bitonti, 'Regulation of Lobbying: Comparative State of the Art and Developments' in Arco Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar Publishing, 2024) 344, 345.

² Organization for Economic Co-operation and Development, *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence* (OECD/LEGAL/0379, 2025) 4; John Hogan and Alberto Bitonti, 'Regulation of Lobbying: Comparative State of the Art and Developments' in Arco Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar Publishing, 2024) 344, 344–5.

³ United Nations Committee of Experts on Public Administration, *Strategy Guidance Note on Lobbying Registers* (November 2024) 8.

⁴ See *Integrity Act 2009* (Qld); Queensland Integrity Commissioner, *Queensland Registered Lobbyists Code of Conduct* (3 September 2024); *Lobbying of Government Officials Act 2011* (NSW); Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 (NSW); Legislative Assembly (ACT), *Lobbying Code of Conduct* (5 August 2014); *Lobbyists Act 2015* (SA); *Integrity (Lobbyists) Act 2016* (WA); Attorney-General's Department (Cth), *Lobbying Code of Conduct* (28 February 2022); Tasmanian Integrity Commission, *Lobbying Code of Conduct: Tasmania* (1 February 2025); Department of Premier & Cabinet (Vic), *Victorian Government Professional Lobbyist Code of Conduct* (3 March 2025).

Regulatory form

The form of lobbying regulation in Australia has tended to develop through three phases: (1) minimalist executive regulation, (2) enhanced executive regulation, and (3) legislative regimes.⁵ Queensland was the first state to legislate, followed by New South Wales, South Australia, and Western Australia. Many comparable nations, including the United Kingdom, Canada, and the United States, have had legislative regimes in place for several decades.

To improve compliance, provide greater certainty, and signal the importance of public integrity, the Commonwealth should introduce a legislated lobbying regime. Moreover, this process would provide a rare opportunity to examine the democratic purposes of lobbying regulation and ensure that the current measures are fit to realise them.

Towards a principled framework

Looking ahead, the approach to lobbying reform should mature beyond scandal-driven responses. Governments open to reform should embrace the development of a principled regulatory framework that, while informed by past failures, takes a more pro-active approach to fostering public trust by embedding fundamental democratic principles into the design of regulation.

Transparency

Transparency is a universally stated objective of Australian lobbying regulations.

Measures should give the public the information necessary to hold government accountable not only for their engagement with lobbyists but also for the *impact* that such engagement has on the final decision reached by government.

This should be pursued by requiring the timely disclosure of sufficiently detailed information on: lobbyists and their interaction with government; any nexus between lobbying and political donations as dual routes to influence; and ‘footprints’ disclosing the actors and lobbyists whose input shaped policies and legislation.

⁵ See, generally, Yee-Fui Ng, ‘Regulating the Influencers: The Evolution of Lobbying Regulation in Australia’ (2020) 45(2) *Alternative Law Journal* 507.

Integrity

Integrity, with a particular focus on honesty as a political value, is a stated objective of lobbying regulation in every Australian jurisdiction.

It is pursued through rules that guard against corruption and conflicts of interest and encourage ethical conduct and fair-play.

These include prohibiting success fees — which can encourage unethical lobbying by directly raising the financial stakes of securing an outcome — and imposing cooling-off periods, which limit the ability of certain political office-holders to engage in lobbying upon leaving their position.

The integrity of the regulatory regime itself should also be upheld, through ensuring that its enforcement is independent of government and appropriately transparent.

Equality

In contrast with integrity and transparency, equality of participation or opportunity is at most a peripheral concern of Australian lobbying regulations.

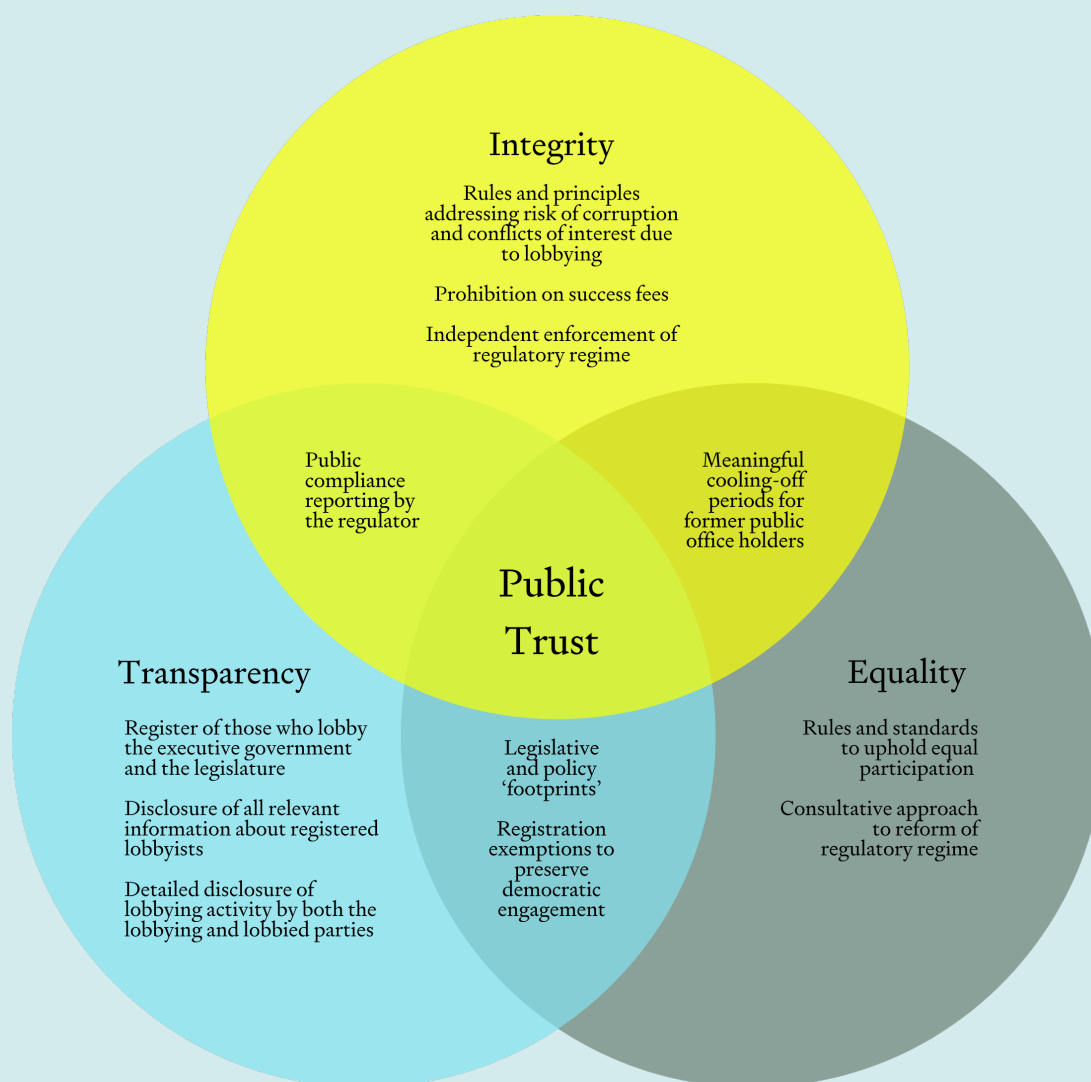
While several jurisdictions highlight the democratic legitimacy of lobbying,⁶ none currently treat equality as a necessary component of that legitimacy. Future reforms should be intentional in recognising and pursuing this aim.

Cooling-off periods incidentally equalise the playing field by addressing the leverage enjoyed by lobbyists who have a former position in government.

Additional measures, like advance public notice of consultation opportunities, and footprints of legislative and policy agendas, have the potential to broaden participation beyond those with the resources and insider connections required to contribute on short notice.

⁶ The Australian Capital Territory, Commonwealth, Queensland, Tasmania, and Victoria.

Figure 1. Aims of lobbying regulation



Recommendation 1. Replace the federal Lobbying Code of Conduct with a legislative regime designed to provide transparency, uphold integrity, and encourage equality.

Transparency

Importance of registration and disclosure

Public lobbying registers provide the public with access to information about registered lobbyists and are a primary transparency measure adopted internationally.⁷

In addition to informing the public, registers have the potential to complement freedom of information as a valuable resource for public interest journalism.⁸

Along with around twenty other countries, including every province in Canada and state in the United States of America, Australia and all its states and territories have adopted some form of register.⁹

The effectiveness of registration systems, however, depends on their coverage (who counts as a lobbyist), scope (who is considered a target of lobbying), and other aspects including the nature of the information disclosed, who discloses it, and how often.

Shortcomings in these areas significantly limit the effectiveness of Australian lobbying registers as transparency mechanisms.

Coverage of lobbying person

Currently, the majority of lobbyists are not covered by the registration system.

The following section outlines the greatest gap in coverage under the current system, that of in-house lobbying, and proposes a more clear-sighted focus on the reality of influence.

⁷ John Hogan and Alberto Bitonti, 'Regulation of Lobbying: Comparative State of the Art and Developments' in Arco Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar Publishing, 2024) 344, 350.

⁸ United Nations Committee of Experts on Public Administration, *Strategy Guidance Note on Lobbying Registers* (November 2024) 8.

⁹ United Nations Committee of Experts on Public Administration, *Strategy Guidance Note on Lobbying Registers* (November 2024) 5, 6.

Reality of lobbying landscape

Most lobbying regulation across the country adopts a narrow conception of ‘lobbyist’.¹⁰ As a result, registration and disclosure requirements generally only apply to ‘third party lobbyists’, that is, professional lobbyists who lobby government on behalf of a client. But the reality is that the majority of people who lobby government do not fit this description.

The overwhelming majority of people who engage in lobbying are ‘in-house lobbyists’, meaning they represent the interests of their employer and therefore fall outside the registration system. An estimated 75–80% of government relations work in large Australian firms is conducted ‘in-house’ by government relations staff, with only around 15% channelled through business associations, and the remainder, approximately 5–10%, through third parties.¹¹ Rather than retaining an external lobbyist to engage government on their behalf, most large firms prefer to engage in government relations directly.¹²

The discrepancy between the reality of lobbying and the coverage of regulation has been justified over the years by reference to the initial purpose of lobbying registers, which was transparency only around the *interests* that lobbyists represent. Such transparency necessitates registration of third-party lobbyists, who generally represent multiple clients, but not in-house lobbyists, whose employer is relatively clear from their job title.

However, the purpose of transparency through public disclosure extends beyond the identification of clients. As Dr Yee-Fui Ng has observed:

This is a very narrow reading of the purpose of regulating lobbying which [...] has broader purposes of preventing corruption and enhancing political equality through transparency, enabled through public disclosure.¹³

¹⁰ In South Australia, the relevant statutory term is ‘lobbying’ as the *Lobbyists Act 2015* does not expressly define ‘lobbyist’.

¹¹ Stephen Bell, ‘Large Firms in Australian Politics: the Institutional Dynamics of the Government Relations Function’ (2023) 58(1) *Australian Journal of Political Science* 124, 128–29.

¹² Stephen Bell, ‘Large Firms in Australian Politics: the Institutional Dynamics of the Government Relations Function’ (2023) 58(1) *Australian Journal of Political Science* 124, 129.

¹³ Yee-Fui Ng, ‘Regulating the Influencers: The Evolution of Lobbying Regulation in Australia’ (2020) 45(2) *Alternative Law Journal* 507, 538.

For over a decade, there have been calls to address the reality of the lobbying landscape by widening the ambit of regulation beyond third-party lobbyists.

In the report of its *Investigation into Corruption Risks Involved in Lobbying*, the New South Wales Independent Commission Against Corruption ('NSW ICAC') recommended that registration and disclosure requirements should apply not only to third party lobbyists but also 'lobbying entities', which it defined as a 'body corporate, unincorporated association, partnership, trust, firm or religious or charitable organisation' that lobbies on its own behalf.¹⁴

Its position was re-affirmed in the report of its *Investigation into the Regulation of Lobbying, Access and Influence in NSW*, recommending that 'professional lobbyists', whether third-party or in-house, be subject to equivalent registration and disclosure obligations.¹⁵

In-house lobbyists have long been subject to registration requirements in comparable international jurisdictions such as the United States and Canada.

United States

In the United States, the requirement to register is enlivened by a blanket threshold test that covers both third-party lobbyists and in-house lobbyists.

The term 'lobbyist' is defined simply as 'any individual who is employed or retained by a client', who is paid or otherwise compensated to lobby, and whose lobbying constitutes at least 20 percent of the time they spend servicing the client over a period 5 months.¹⁶

Canada

In Canada, third-party lobbyists and in-house lobbyists are both covered but are subject to slightly different requirements.¹⁷

¹⁴ Independent Commission Against Corruption (NSW), *Investigation into Corruption Risks Involved in Lobbying* (Report, November 2010) 9–10, recs 2, 7, 8 ('*Operation Halifax*')

¹⁵ Independent Commission Against Corruption (NSW), *Investigation into the Regulation of Lobbying, Access and Influence in NSW* (Report, June 2021) 12, recs 7, 8 ('*Operation Eclipse*')

¹⁶ Lobbying Disclosure Act (LDA) of 1995, s 3(10).

¹⁷ *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp)).

Both kinds of lobbyist are required to register and disclose information about their lobbying, but in-house lobbyists are only required to register where their lobbying duties ‘constitute a significant part of the duties of one employee if they were performed by only one employee’ (‘significant duties threshold’).

In its guidance on the interpretation of the threshold, the Canadian Lobbying Commissioner has effectively adopted the quantitative approach of the United States. To meet the threshold, in-house lobbyists’ lobbying duties are required to constitute at least 20% of their overall duties.¹⁸

In-house lobbyists are also permitted a longer period in which to register, and are permitted to register collectively (by the employing corporation or organisation) rather than individually.¹⁹

Capturing in-house lobbyists

For the most part, the calls to widen coverage have not been answered. Tasmania, Victoria, and New South Wales have taken some steps, though mostly only in extending the application of rules of conduct. Only Tasmania and, to a limited extent, Victoria, require any transparency around in-house lobbyists through registration.

Tasmania

In Tasmania, recent reforms to lobbying regulation due to take effect in July 2025 will make it the only jurisdiction in Australia to expressly cover ‘in-house lobbyists’, which it defines as ‘any person whose role is primarily to conduct lobbying activities on behalf of an entity, excluding not-for-profit organisations, other public authorities and unions) as an employee’.²⁰

Like third-party lobbyists, in-house lobbyists will be required to register and adhere to a code of conduct.²¹

¹⁸ Office of the Commissioner of Lobbying of Canada, *Improving the Lobbying Act: Preliminary Recommendations* (February 2021) 2.

¹⁹ *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp)) s 7.

²⁰ Tasmanian Integrity Commission, *Lobbying Code of Conduct: Tasmania* (1 February 2025) [3].

²¹ Tasmanian Integrity Commission, *Lobbying Code of Conduct: Tasmania* (1 February 2025) [5],[9].

Victoria

In Victoria, only in-house lobbyists that meet the definition of a ‘government affairs director’ are regulated. Government affairs director is defined as ‘a person who makes regular enquiries, advocates changes to public policy or seeks specific assistance from government for a wide variety of reasons, in a paid capacity of an organisation or business or professional or trade association’.²²

Like third-party lobbyists, government affairs directors are subject to a code of conduct. However, the registration requirements applicable to government affairs directors are weaker than those applicable to third-party lobbyists.²³

All third-party lobbyists are required to register and disclose certain details. By contrast, only government affairs directors with a former ‘political affiliation’ of a prescribed kind are required to register, and fewer of their details are required to be disclosed.

New South Wales

In New South Wales, ‘lobbyist’ is defined to include both third-party lobbyists and ‘any other individual or body that lobbies government officials’.²⁴ In-house lobbying is covered by the relatively broad definition of lobbying.²⁵

While all lobbyists are subject to the code,²⁶ only third-party lobbyists are required to be registered.²⁷

Commonwealth

Despite their predominance in the lobbying landscape, in-house lobbyists fall entirely outside the regulation in the remaining jurisdictions. Under the Commonwealth Code, only lobbying that is conducted on behalf of a third party client attracts registration requirements.²⁸

²² Department of Premier & Cabinet (Vic), *Victorian Government Professional Lobbyist Code of Conduct* (3 March 2025) [3.1].

²³ Department of Premier & Cabinet (Vic), *Victorian Government Professional Lobbyist Code of Conduct* (3 March 2025) [5.1], [5.2].

²⁴ *Lobbying of Government Officials Act 2011* (NSW) s 3.

²⁵ *Lobbying of Government Officials Act 2011* (NSW) ss 4(2)(a),(b),(c).

²⁶ *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014* (NSW) cl 3.

²⁷ *Lobbying of Government Officials Act 2011* (NSW) s 9(1).

²⁸ Attorney-General’s Department (Cth), *Lobbying Code of Conduct* (28 February 2022) ss 5(2),

Embracing a functional approach

To ensure that regulation responds to the reality of influence, a more functional approach should be adopted to coverage, as contemplated by both the Victorian Broad-based Anti-corruption Commission ('Victorian IBAC') and the South Australian Independent Anti-Corruption Commission ('SA ICAC') in their respective reports into lobbying.

In its *Special Report on Corruption Risks Associated with Donations and Lobbying*, the Victorian IBAC recommended defining lobbyist 'in a way that focuses on the **activity** being undertaken, not persons in the business of lobbying'.²⁹

This call to focus on the activity was echoed by the SA ICAC in its 2024 report *The Room Where it Happens: Lobbying and Influence in South Australia* in which it recommended broadening coverage of lobbyists on to 'focus on the purpose of the **activity** being undertaken', rather than the 'the identity of the individual making the representation, whether they receive payment for making the representations, or on whose behalf they act'.³⁰

A more functional approach to coverage through focussing on the activity of lobbying would provide more meaningful transparency to the public by ensuring that lobbying registers reflect the reality of influence. Ireland is one of many jurisdictions which have taken such an approach.

Ireland

Lobbying regulation in Ireland captures all relevant communications that are made, managed, or directed to be made — either directly or through a third party — by:

- entities with more than 10 full-time employees, where the communications are made on behalf of the entity itself; and
- bodies with at least 1 full time employee, whose functions consist mainly of representing members, when communicating on those members' behalf; and

²⁹ Independent Broad-based Anti-corruption Commission (Vic), *Special Report on Corruption Risks Associated with Donations and Lobbying* (Special Report, October 2022) 11, rec 3(b)(ii).

³⁰ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 12, rec 4.

- bodies with at least 1 full time employee, whose functions consist mainly of advocating on particular issues, when communicating to further those issues.³¹

Preserving democratic engagement

It is, of course, imperative that any broadening in coverage does not cast the net too widely by deterring constituents or members of the community from freely approaching their elected members to discuss matters of personal or community concern. Fortunately, the experience of international jurisdictions provides useful guidance on ways in which coverage can be appropriately limited.

Intensity of lobbying

Some jurisdictions limit coverage according to ‘the intensity or frequency of lobbying activity, for instance, the amount or percentage of time spent lobbying’,³² for example, the ‘significant part of duties’ test applicable to in-house lobbyists in Canada, and the ‘20 per cent rule’ applicable to all lobbyists in the United States.

Such threshold tests are one way of limiting coverage to those who lobby on a systematic, rather than ad hoc, basis. In practice however, their effectiveness has been questioned on the grounds that the ‘20 per cent rule’ gives lobbying parties too much room ‘for a subjective interpretation regarding who should register’,³³ and the ‘significant part of duties’ test is difficult to apply and enforce.³⁴

Accordingly, the Canadian Lobbying Commissioner has recommended abolishing the ‘significant part of duties’ test applicable to in-house lobbyists and replacing it with an obligation to register by default unless a limited exemption based on objective criteria applies.³⁵ In-house lobbyists would be automatically required to register (by way of their employer).

³¹ *Regulation of Lobbying Act 2015* (Ireland) s 5.

³² Yee-Fui Ng, ‘Regulating the Influencers: The Evolution of Lobbying Regulation in Australia’ (2020) 45(2) *Alternative Law Journal* 507, 539.

³³ United Nations Committee of Experts on Public Administration, Strategy Guidance Note on Lobbying Registers (November 2024) 19.

³⁴ Office of the Commissioner of Lobbying of Canada, *Improving the Lobbying Act: Preliminary Recommendations* (February 2021) 1.

³⁵ Office of the Commissioner of Lobbying of Canada, *Improving the Lobbying Act: Preliminary Recommendations* (February 2021) 1–6.

This would increase the coverage and transparency of the registration system, and reduce the administrative burden on employers, in respect of compliance, and the regulator, in respect of verifying compliance. Only employers who meet *all* of the following criteria would be exempt:

- it, and any entity of which it is a subsidiary or controlled by, employs fewer than six (6) employees; and
- its employees spend less than 8 hours (collectively and cumulatively) in the preceding three-month period on lobbying-related activities, inclusive of time spent preparing to lobby; and
- one of its primary purposes is *not* to represent its members' interests or to promote or oppose issues.

Importance of exclusions

As in most jurisdictions, the federal lobbying regime already excludes certain kinds of communications from its definition of lobbying, including 'petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision'.³⁶

Provided they are carefully circumscribed, sensible exclusions ensure that the enhanced transparency secured through a more functional approach to regulating lobbying does not discourage genuine democratic participation.

Recommendation 2. Amend the definition of 'lobbyist' to capture the activity of lobbying in all relevant forms, including unpaid and in-house, or consider an exclusive focus on the activity of lobbying.

Recommendation 3. Ensure that exclusions to the definition of 'lobbying activities' remain adequate to maintain the effective operation of democratic processes.

³⁶ Attorney-General's Department (Cth), *Lobbying Code of Conduct* (28 February 2022) s 5(1).

Scope of lobbying

Focus on executive power

Lobbyists who engage with the executive branch of government are the exclusive focus of most regulation in Australia.

To fall within the scope of the registration system, the relevant communication must be made to a person holding one of a number of positions, described collectively in most jurisdictions as ‘government representatives’ or ‘public officials’.

Ministers, Parliamentary Secretaries, and Ministerial Advisers are universally covered. Agency heads and other public servants are also covered in all jurisdictions except the Commonwealth and Tasmania.

In contrast to many overseas jurisdictions, including Ireland, Canada, and the United States, lobbying of members of parliament more broadly currently falls outside the scope of registration and disclosure requirements in most Australian jurisdictions.

Only in Queensland, the Australian Capital Territory, and South Australia does any lobbying of this kind fall within the scope of registration.

Opposition

Queensland includes lobbying of certain opposition figures within the scope of its regulation. In addition to relevant communications made with government representatives, its definition of lobbying includes relevant communications made with ‘opposition representatives’, itself defined to include the leader of the opposition (and their staff), deputy leader of the opposition, opposition spokesperson, opposition assistant spokesperson.³⁷

³⁷ *Integrity Act 2009* (Qld) ss 42, 45.

Parliamentarians

South Australia, the Australian Capital Territory, and more recently Tasmania, go further by including lobbying that is targeted at all members of parliament within the scope of their respective registration systems. These jurisdictions define the target of lobbying broadly as a ‘public official’, which they define to include all members of parliament,³⁸ regardless of their party.

Bringing in the legislature

Regulation of lobbying directed at the executive government is appropriate because direct decision-making power lies with the executive, making ministers a prime target of lobbying. However, they are by no means the only locus of actual or perceived public power.³⁹

It is also important to consider the trusted role that parliamentarians play in the democratic process, particularly in circumstances of minority government. They may, for example, be a shadow minister, hold the ‘balance of power’ in the upper house, or chair a powerful parliamentary committee.⁴⁰

Accordingly, there is broad support for regulating lobbying that is targeted at any member of parliament — including from the Victorian IBAC, which has recommended defining the target of lobbying in a way that includes members.⁴¹ When assessing the relative strength of regulatory systems across the world, those that include both executive and legislative lobbying are regarded as more robust.⁴²

Recommendation 4. Broaden the scope of regulation to include lobbying targeted at all parliamentarians.

³⁸ *Lobbyists Act 2015* (SA) s 3; Tasmanian Integrity Commission, *Lobbying Code of Conduct: Tasmania* (1 February 2025).

³⁹ Joo-Cheong Tham and Yee-Fui Ng, *Regulating Direct Lobbying in New South Wales for Integrity and Fairness* (Report, New South Wales Electoral Commission, 2014) 27.

⁴⁰ Joo-Cheong Tham and Yee-Fui Ng, *Regulating Direct Lobbying in New South Wales for Integrity and Fairness* (Report, New South Wales Electoral Commission, 2014) 27.

⁴¹ Independent Broad-based Anti-corruption Commission (Vic), *Special Report on Corruption Risks Associated with Donations and Lobbying* (Special Report, October 2022) 11, rec 3(b)(ii).

⁴² Jack O’Neill and Raj Chari, ‘Lobbying Regulation in Comparative Context and Reflections on the Future’ in Arco Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar Publishing, 2024) 79, 82.

Disclosure of information

Once relevant lobbying falls within the scope of regulation, transparency requires that sufficient information about both the lobbyist themselves, their lobbying activities, and the outcomes sought to be influenced by their lobbying, is made available to the public.

Information on registered lobbyists

Most Australian lobbying registers provide information about the *identity* of registered lobbyists, rather than the details of the lobbying *activity* in which they engage, consistent with their original purpose of ‘interest identification’. All include, at a minimum, the:

- name of the lobbyist;
- position title of the lobbyist (except in New South Wales and Western Australia);
- name of the lobbying business; and
- client(s) of the lobbyist.

Information about registered lobbyists’ *political involvement*, either as a former public office-holder or as a political donor, is also essential if the register is to serve its aims of transparency, integrity, and ultimately, enhancing public trust.

Disclosure of former public office-holding

Lobbying regulation is particularly concerned with lobbying by former public office-holders, imposing **cooling-off periods** to address the heightened risk of conflicts of interest and privileged access that arise in this context.

Accordingly, most Australian jurisdictions disclose, in addition to the above, information about former office-holding on the register: specifically, the title of the public office previously held by the registered lobbyist, and the date on which they ceased to hold it.⁴³

⁴³ *Integrity Act 2009* (Qld) s 66M(e)(i); Legislative Assembly (ACT), *Lobbying Code of Conduct* (5 August 2014) cl 133; Attorney-General’s Department (Cth), *Lobbying Code of Conduct* (28 February 2022) s 7(c); Tasmanian Integrity Commission, *Lobbying Code of Conduct: Tasmania* (1 February 2025) cl 5.2; Department of Premier & Cabinet (Vic), *Victorian Government Professional Lobbyist Code of Conduct* (3 March 2025) cl 5.1. Victoria additionally discloses whether a lobbyist has held senior political party roles, such as State or National Secretary or Director (or Deputies or Assistants of such).

Queensland additionally includes details of the ‘official dealings’ with which they were involved during the two years prior to departing the public office, further tracking the scope of its cooling-off period.⁴⁴

Disclosable offices typically mirror those—such as ministerial, parliamentary secretarial, ministerial advisory, or senior public service positions—that attract a cooling-off period.

Similar information is published on the Canadian register, but consistently with the wider coverage of that register, the information encompasses third-party and in-house lobbyists.⁴⁵

Disclosure of political donations

In addition to leveraging a former public office, lobbyists may complement their pursuit of influence through the practice of political donating. As Professor Joo-Cheong Tham has stated:

Political lobbying invariably is funded political activity, and both political lobbying and political contributions are often deployed as different strategies directed at the same goal of influencing the political process.⁴⁶

The nexus between lobbying and political donations as dual routes to influence is illustrated in the investigation of the Victorian IBAC in *Operation Sandon*.

Case study: Operation Sandon

As part of *Operation Sandon*, the Victorian IBAC investigated the conduct of a registered lobbyist and property developer whose donating was not isolated from his lobbying activity but rather formed part of a broader strategy to influence planning outcomes in his favour.

⁴⁴ *Integrity Act 2009* (Qld) s 66M(e)(ii).

⁴⁵ *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp) ss 5(2)(h.1), 7(3)(h)).

⁴⁶ Joo-Cheong Tham, ‘Democracy before Dollars: the Problems with Money in Australian Politics and How to Fix Them’ (April 2018) 28.

This lobbyist engaged in sustained personal and delegated lobbying of public officials, including councillors and members of parliament, while simultaneously making substantial political contributions to both major parties and the campaigns of individual members of parliament.

IBAC found that the improper influence that the lobbyist exerted on planning decisions was made possible ‘in large part by using **donations and lobbying** to explicitly or implicitly gain favour’.⁴⁷

The phenomenon brought to light in *Operation Sardon* is unlikely to be limited to Victoria.

In recognition of their shared significance for influence, the public disclosure of lobbying and donating should be more integrated. This could be achieved by requiring donation history from a defined time-period prior to registration to be published on the lobbying register, as required in Tasmania, or by otherwise developing an integrated disclosure framework that includes both donors and lobbyists.

Information on lobbying activity

On a more functional approach, the information available to the public cannot be limited to information about registered lobbyists; it must also include details of their lobbying *activity*.

Disclosure of ministerial diaries

In the jurisdictions where ministerial diaries are disclosed, lobbying activity may be directly or indirectly reflected in the diaries.

Mandated or discretionary diary disclosure currently occurs in most Australian jurisdictions except for the Commonwealth, Western Australia, and South Australia.⁴⁸

⁴⁷ Independent Broad-based Anti-corruption Commission (Vic), *Operation Sardon* (Special Report, July 2023) 15.

⁴⁸ Tasmania publishes ministerial diaries as part of its ‘routine disclosure’ under section 12(2)(b) of the *Right to Information Act 2009*. In the Australian Capital Territory, ministerial diaries constitute ‘open access information’ of Ministers required to be made public under section 24(1) of its *Freedom of Information Act 2016*. In Queensland, clause 3.12 of the *Cabinet Handbook* requires disclosure of the diaries of ministers and assistant ministers. In Victoria, clause 5.3 of the *Ministerial Code of Conduct* requires disclosure of ministerial diaries. In New South Wales, the requirement is imposed by *Premier’s Memorandum M2015-05*.

While an important transparency measure, the scope of ministerial diary publication limits its capacity to provide adequate transparency over lobbying activity, in at least two ways.

First, only lobbying activity that occurs in scheduled meetings and events is made public by way of ministerial diary disclosure. It does not capture other modes of communication which may constitute lobbying, such as telephone calls and other oral communication.

Requiring all lobbying communications to be documented and diarised could partially address this transparency limitation of ministerial diary disclosure. The NSW ICAC has recommended that ‘all communications with lobbyists, including those held away from government premises, apart from immaterial or ephemeral communications’ be documented.⁴⁹

However, it would not address the second limitation which is that only lobbying of *Ministers*, and in Queensland, *Assistant Ministers*, is made public through ministerial diary disclosure. It necessarily does not capture other kinds of lobbying falling within the scope of lobbying regulation, such as that directed at *Parliamentary Secretaries* or *Ministerial Advisers*.

While lobbying reform advocates have traditionally called for the publication of ministerial diaries, greater transparency over lobbying could be better achieved through more targeted disclosure requirements for lobbying.

Disclosure of lobbying activity

Specific disclosure of lobbying activity already occurs in Tasmania, Queensland, and to a lesser extent — South Australia.

Tasmania requires *lobbied persons* (public officials), to disclose lobbying activity targeted at them to the Integrity Commission within ‘5 working days of the contact’ for recording on a ‘contact disclosure log’,⁵⁰ which will be published by the Integrity Commission on a regular basis.⁵¹

Queensland and requires *lobbying persons* to disclose lobbying activity for publication on the lobbying register. Lobbyists registered in Queensland are required to report ‘each and every

⁴⁹ Independent Commission Against Corruption (NSW), *Investigation into the Regulation of Lobbying, Access and Influence in NSW* (Report, June 2021) 11, rec 3(a) (*‘Operation Eclipse’*).

⁵⁰ *Lobbying Code of Conduct: Tasmania* (1 February 2025) cl 11.

⁵¹ ‘FAQs for Public Officials’ *Integrity Commission Tasmania* (Web Page, 21 May 2025) <link>.

lobbying communication by them, during that month' to the Integrity Commissioner, which are then published on a monthly basis on the register as 'contact logs'.⁵²

South Australia, though lacking a ministerial diary disclosure requirement, also provides for some disclosure of lobbying activity by *lobbying persons*. Registered lobbyists in South Australia are required to lodge with the responsible department (currently the Attorney-General's Department) on an annual basis a return containing the following details in relation to the prior year:⁵³

- clients for on whose behalf they have lobbied or with whom they have agreed to lobby;
- public officials (name) whom they have lobbied;
- subject matter of the lobbying; and
- names of persons employed or engaged to lobby.

All three jurisdictions require the *lobbied person* to be named in the disclosure. Queensland and Tasmania additionally require disclosure of the *date* of the lobbying, the relevant *mode of communication*, and the *outcome* sought by the lobbying; and South Australia requires the broader *subject matter* of the lobbying.

In contrast, the absence at the federal level of any requirement to disclose ministerial diaries or to specifically report lobbying activity constitutes a failure of the Commonwealth lobbying regime to fulfil its aim of transparency.

Responsibility for disclosure

The Commonwealth should therefore introduce a system for the disclosure of lobbying activity by both the lobbied and lobbying persons.

Two-way disclosure enables 'data to be triangulated to crosscheck and verify the information provided by each party and more easily detect omissions' thereby 'enhancing the effectiveness of

⁵² *Integrity Act 2009* (Qld) ss 55(5), 66L(2)(b); *Queensland Registered Lobbyists Code of Conduct* (3 September 2024) cl 4.

⁵³ *Lobbyists Act 2002* (SA) s 8(b).

disclosures⁵⁴ and assisting the lobbying regulator in their compliance and enforcement functions.⁵⁵

It is also consistent with the approach taken in respect of political donations, which must be disclosed by both donors and recipients.

Details of disclosure

Following the recommendations of the SA ICAC, lobbying activity disclosures should include the following information about communications that satisfy the relevant definition of lobbying:

- mode of lobbying communication, e.g. whether meeting or telephone;
- names of all parties to the communication (including links to lobbying register);
- date on which the lobbying communication occurred; and
- purpose or outcome associated with the communication.⁵⁶

In relation to government contracting, less stringent requirements for disclosure should apply in cases of genuine confidentiality, as recommended by the SA ICAC.⁵⁷

On a monthly basis, lobbying activity disclosures should be submitted to (and published by) the body responsible for administering the lobbying regulation, currently the Attorney-General's Department.⁵⁸

⁵⁴ Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) 45(2) *Alternative Law Journal* 507, 516.

⁵⁵ Independent Broad-based Anti-corruption Commission (Vic), *Special Report on Corruption Risks Associated with Donations and Lobbying* (Special Report, October 2022) 12, rec 3(f)(ii).

⁵⁶ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 14, rec 11.

⁵⁷ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 14, recs 11, 12.

⁵⁸ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 14, recs 13 and 14. Enforcement of lobbying regulation is discussed [here](#).

Quality of disclosure

In addition to requiring disclosure of lobbying activity, it is important that steps are taken to ensure the quality of information disclosed. Whether due to inadvertent oversight or intentional circumvention, incomplete or ambiguous information all but defeats the purpose of disclosure.⁵⁹

Requiring selection from pre-set menu options is one means of guaranteeing a certain standard of disclosure which is used in Queensland and has been recommended by the NSW ICAC.⁶⁰

For example, disclosing the purpose associated with lobbying should involve selecting from a list of options reflecting the outcomes in the definition of ‘lobbying activities’: influencing ‘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’.⁶¹

Once an option is selected, further open-ended questions should require the relevant outcome to be specified in greater detail.

Information on lobbying outcomes

Information about the *outcomes* which lobbying seeks to influence should also be disclosed alongside the outcomes themselves, particularly where it is legislation or delegated legislation.

The term ‘legislative footprint’ refers to ‘short reports that flank pieces of legislation or policies in general’ that ‘explain the process that led to the approval of the final decision, including the inputs of stakeholders involved’.⁶² Their use has been recommended by the OECD in the latest version of its Recommendation on Transparency in Lobbying and Influence, as revised in 2025.⁶³

New South Wales is currently the only Australian jurisdiction to mandate legislative footprints. Government Bills tabled in the NSW Upper House are required to be accompanied by a

⁵⁹ Yee-Fui Ng, ‘Regulating the Influencers: The Evolution of Lobbying Regulation in Australia’ (2020) 45(2) *Alternative Law Journal* 507, 527.

⁶⁰ Independent Commission Against Corruption (NSW), *Investigation into the Regulation of Lobbying, Access and Influence in NSW* (Report, June 2021) 12, rec 13 (‘Operation Eclipse’)

⁶¹ Attorney-General’s Department (Cth), *Lobbying Code of Conduct* (28 February 2022) 2 5(1).

⁶² John Hogan and Alberto Bitonti, ‘Regulation of Lobbying: Comparative State of the Art and Developments’ in Arco Timmermans (ed), *Research Handbook on Public Affairs* (Edward Elgar Publishing, 2024) 344, 349.

⁶³ Organization for Economic Co-operation and Development, *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence* (OECD/LEGAL/0379, 2025) 8.

Statement of Public Interest.⁶⁴ Among the questions that the Statement is required to address is whether the views of the affected stakeholders were sought and considered in making the policy.⁶⁵ The question is to be addressed by ‘describing the consultation that occurred prior to or following the introduction of the Bill’.⁶⁶

Recommendation 5. Require political donations made within a specified time period by applicants for registration as a federal lobbyist to be disclosed and published on the register.

Recommendation 6. Provide for the monthly disclosure and publication of all lobbying activities by both registered lobbyists and those whom they lobby.

Recommendation 7. Amend the Standing Orders of both the House of Representatives and the Senate to require all Bills and legislative instruments tabled therein to be accompanied by a public interest ‘footprint’, providing details of any consultation and lobbying that took place in respect of the proposed legislation or instrument.

Integrity

By enabling the public to hold government accountable for their engagement with lobbyists, transparency measures have an important role in advancing integrity.

Other measures such as codes of conduct and cooling-off periods promote integrity more directly by addressing the manner and circumstances in which lobbying is conducted.

⁶⁴ Legislative Council, Parliament of New South Wales, *Standing Rules and Orders* (17 November 2022) so 143.

⁶⁵ Legislative Council, Parliament of New South Wales, *Standing Rules and Orders* (17 November 2022) so 143(1)(f).

⁶⁶ New South Wales Government, ‘Template Statement of Public Interest’ *M2024-01 Statements of Public Interest* <link>.

On a broader level, independent enforcement of all measures safeguards the integrity of the regulatory regime.

Codes of conduct

In every jurisdiction except South Australia, registered lobbyists are subject to a Code of Conduct. In jurisdictions with legislation to regulate lobbying, the Code takes the form of subordinate legislation. In other jurisdictions, the Code constitutes the entirety of the regulatory regime. In the Australian Capital Territory, the Code is a parliamentary resolution. In all other jurisdictions including the Commonwealth, the Code is a policy instrument (see **Appendix 1**).

Ethical standards

All Codes require adherence to certain rules or principles when engaging in lobbying. For instance, every Code prohibit lobbyists from engaging in conduct that is corrupt, dishonest, or illegal,⁶⁷ and impose obligations in respect of the truthfulness and accuracy of the information they provide in the course of lobbying.

Success fees

Another measure aimed at discouraging unethical conduct is the prohibition of ‘success fees’, that is, remuneration contingent on achieving a lobbying outcome. The concern that such fees incentivise unethical lobbying practices is the basis for their banning in most jurisdictions. The Commonwealth, Australian Capital Territory, and Northern Territory are exceptional in continuing to permit success fees for lobbying.

Recommendation 8. Prohibit offers, payment, and receipt of success fees.

Political connections

Codes also address the risk that lobbyists’ *political connections* will generate unacceptable conflicts of interest and distort public decision-making.

⁶⁷ New South Wales prohibits ‘misleading’ not ‘illegal’ conduct.

Conflicts of interests may arise where a lobbyist engages in political activity in their personal capacity. Accordingly, all Codes require lobbyists to keep their lobbying activities separate from their personal activity or involvement in a political party. The legislation in Queensland goes further by prohibiting lobbyists from engaging in ‘dual hatting’, that is: ‘performing a substantial role in the election campaign of a political party’.⁶⁸

Post-separation employment restrictions

Conflicts of interests also arise where a lobbyist has previously *held* an official public role themselves.

As shown in Figure 2, this is a relatively common occurrence. At the close of the 2024/25 financial year, **40%** of lobbyists on the federal register had a disclosable former political affiliation.⁶⁹

In this context, the risk that decisions are improperly influenced is most apparent in two situations. First, where the person lobbying a public official is their former colleague or superior. Second, where a decision of a public official concerning a private sector or industry is influenced by the prospect of securing future employment in that sector or industry.⁷⁰

Post-separation employment restrictions — ‘cooling-off periods’ — are a measure used by all jurisdictions in Australia to mitigate these integrity risks and are considered to be a feature of the stronger regimes, internationally.⁷¹

Cooling-off periods restrict certain public officials from engaging in certain kinds of lobbying for a certain period after leaving their position, and may or may not be waivable in certain circumstances.

Their effectiveness is greatly influenced by their coverage, duration, and scope, all of which stand to be improved at the Commonwealth level.

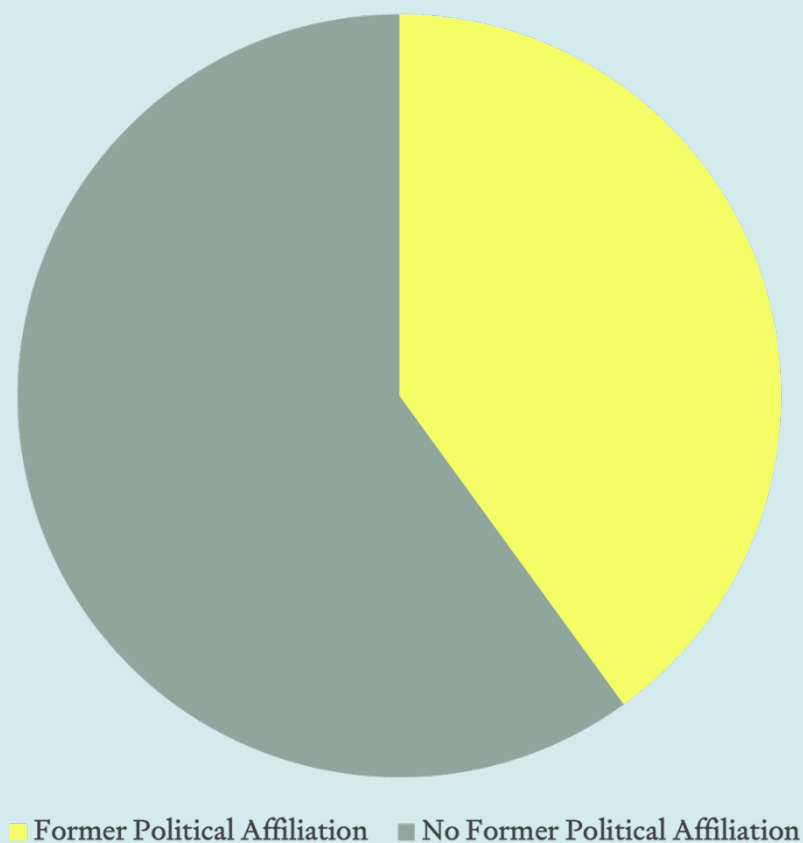
⁶⁸ *Integrity Act 2009* (Qld) s 58.

⁶⁹ Attorney-General’s Departments (Cth), *The Lobbyist Register* (Web Page, 30 June 2025) <link>.

⁷⁰ Joo-Cheong Tham, ‘Democracy before Dollars: the Problems with Money in Australian Politics and How to Fix Them’ (April 2018) 29.

⁷¹ Jack O’Neill and Raj Chari, ‘Lobbying Regulation in Comparative Context and Reflections on the Future’ in David Coen and Alexander Katsaitis (eds), *Handbook on Lobbying and Public Policy* (Edward Elgar Publishing, 2024) 79, 82.

Figure 2. Percentage of Lobbyists on Federal Register with a Disclosable Former Political Affiliation(s)



Coverage of restriction

Nation-wide, not all public officials who are considered lobbying targets for the purposes of registration are themselves subject to a cooling-off period.

Ministers are the only class of public official who are universally covered by a cooling-off period.

Ministerial Staff and Senior Executives are also widely covered, although not in New South Wales or Tasmania.

There is limited coverage of Members of Parliament, despite, as discussed [here](#), their entrustment with significant public power.

Members are already subject to a cooling-off period in the Australian Capital Territory, Western Australia, and to a lesser extent, Queensland. In both the Australian Capital Territory and Western Australia, a restriction applies to all Members.⁷² In Queensland, a restriction applies to the same Opposition Members who are treated as targets of lobbying.

At the Commonwealth level, Ministers, Ministerial Staff, Parliamentary Secretaries, Agency Heads, Senior Executives, and Senior Members of the Australian Defence Force are each subject to a cooling-off period upon leaving their office or position. A restriction should also apply to all Members of Parliament, and Advisers to Shadow Ministers, as recommended by the SA ICAC.⁷³

Recommendation 9. Broaden the coverage of cooling-off periods to include all parliamentarians.

Duration of restriction

If cooling-off periods are to uphold integrity in lobbying, they must be of a sufficient duration to allow the influence and connection accrued by the regulated persons to substantially dissipate.

Durations vary, from **2 years** in Queensland to **6 months** in the Northern Territory. In New South Wales it is **1.5 years**, and in both the Western Australia and Tasmania, it is **1 year**.

In other jurisdictions, the cooling-off period varies depending on the office or position. In South Australia, it is **2 years** for Ministers and **1.5 years** for others.⁷⁴ In the Commonwealth, and Victoria, it is **1.5 years** for Ministers, Parliamentary Secretaries (in the Commonwealth), and Cabinet Secretaries (in Victoria), and **1 year** others. In the Australian Capital Territory it is **1.5 years** for Members and **1 year** for others (see [Appendix 1](#)).

⁷² The Australian Capital Territory also considers them as targets of lobbying while Western Australia does not.

⁷³ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 15, rec 16.

⁷⁴ *Lobbyists Act 2002* (SA) s 13.

Even the high watermark of **2 years** represented by South Australia and Queensland falls well short of the international standard of **5 years** in Canada.⁷⁵

Parliamentary terms

One reference point for determining an appropriate duration, at least for elected offices like Ministers and their associates, might be the length of a standard term of parliament.

Ministers who are not successful at a federal election should be restricted from lobbying for the entirety of the following parliament, but are currently only restricted for around half that time. A cooling-off period of **3 years** would more closely track the duration of the next parliament, align with the proposal of the SA ICAC,⁷⁶ and bring Australia closer to the Canadian standard.

Recommendation 10. Extend the duration of cooling-off periods to align with the duration of a standard parliamentary term.

Scope of restriction

Subject-matter bans

Most cooling off-periods in Australia are not absolute but technically only ‘subject-matter bans’, restricting only lobbying in relation to ‘official’ or portfolio-related dealings or matters (as the case may be).

South Australia and Western Australia, the only jurisdictions to restrict *all* lobbying that meets the statutory definition,⁷⁷ recognise that the insider information and connections which accrue to regulated parties in their public role cannot be readily compartmentalised into such matters.

⁷⁵ *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp) s 10.11(1).

⁷⁶ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 17, rec 17.

⁷⁷ In South Australia, only the lengthier ban (currently applicable to Ministers) applies broadly (see Appendix 1). The cooling-off period in Western Australia is formulated as a bar to registration rather than a positive prohibition.

Recommendation 11. Broaden the scope of cooling-off periods to include lobbying on any subject-matter.

Consultation and advice

Personally engaging in lobbying is not the only way for former officials to instrumentalise the connections and information gained in public office to the benefit of private interests.

Their network and knowledge may also be used to *consult* or *advise* private actors on how they might best conduct their own lobbying.⁷⁸

Indeed, it has been reported that lobbyists in Queensland, following the introduction of lobbying regulation in that state, re-modelled their businesses to offer consulting, rather than direct lobbying services.⁷⁹

While consulting or advising may not pose an integrity risk in the sense of generating a conflict of interest, it nevertheless undermines the equality aims of lobbying regulation, advantaging private entities with the resources to acquire advice from a former public official.

To support equal opportunity, the scope of post-separation employment restrictions should be widened to include advising or consulting on lobbying.

This could be achieved by expanding the conduct prohibited by the cooling-off period, or broadening the wider definition of lobbying, following the approach of the United States.

The legislation in the United States distinguishes between ‘lobbying contact’ which defines the actual communication, and the broader ‘lobbying activity’ which, in addition to ‘lobbying contact’, includes ‘efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others’.⁸⁰

⁷⁸ Joo-Cheong Tham, ‘Democracy before Dollars: the Problems with Money in Australian Politics and How to Fix Them’ (April 2018) 29.

⁷⁹ Queensland Integrity Commissioner, *Annual Report 2015–16* (Report, 2016) 6.

⁸⁰ Lobbying Disclosure Act (LDA) of 1995, s 3(7),(8).

Case study: Christopher Pyne

The widely reported upon activities of Christopher Pyne provide an example of how the ministerial cooling-off period can be navigated in practice.⁸¹

Approximately one month after his time as Defence Minister ended in May 2019, Pyne commenced a role at Ernst & Young ('EY') providing strategic advice on how to expand its defence business⁸² — an area over which (only weeks earlier) he had held ministerial responsibility. Later that same year, Pyne established his own government relations and lobbying firm, which is now registered at the federal level and in several states.⁸³

Cases such as these exemplify the potential for former ministers to monetise the insider knowledge and connections gained in public office by taking up consulting work in the private sector. Consulting can even function as a placeholder, facilitating a transition into lobbying once the cooling-off period expires.

Recommendation 12. Broaden the scope of cooling-off periods to include advising or consulting on lobbying.

Exemptions to restriction

Expansions and increases in the coverage, scope, and duration of cooling-off periods strengthen the case for allowing exemptions to avoid burdening those who not pose an integrity risk.

In particular, the lengthy 5 year cooling-off period in Canada should be considered in light of the possibility for exemptions to be granted to the restriction.

⁸¹ Nothing should be taken to suggest that Christopher Pyne has engaged in wrong-doing of any kind.

⁸² Matthew Doran, 'Christopher Pyne Discussed Defence Industry Job While Still a Member of Cabinet, Consultancy Firm Confirms', *Australian Broadcasting Corporation* (online, 13 August 2019) <[link](#)>

⁸³ 'Pyne and Partners Launches in Brisbane, 4th Office Nationally', *Consultancy.com* (online, 05 March 2023) <[link](#)>.

Canada

In Canada, persons who would otherwise be subject to a cooling-off period are permitted to apply to the Lobbying Commissioner for an exemption. The Commissioner has the power to grant the exemption where doing so would not be contrary to the purposes of the lobbying legislation.

In forming its view, the Commissioner may have regard to any circumstances and factors considered relevant by it, including whether the person held the relevant public office ‘for a short period’, ‘on an acting basis’, was employed ‘under a program of student employment’, or ‘had administrative duties only’.

Exemptions are required to be made public.⁸⁴ At the time of writing, 68 had been granted.⁸⁵ Noting that many exemptions rely on multiple grounds, the ‘short period’ ground was cited the most (45), followed by the ‘student program’ exemption (32), the ‘administrative duties’ exemption (25), and the ‘acting basis’ exemption (1).

Western Australia

Western Australia is the only Australian jurisdiction to provide for exemptions to its cooling off period. Unlike Canada, however, its legislation does not provide any guidance to the Commissioner on how to exercise its discretion.⁸⁶ Additionally, there is no requirement to publish exemptions granted.

Commonwealth

Should the possibility for exemptions be introduced at the Commonwealth level, is essential to ensure that they can only be granted on grounds that are narrow and transparent, and by a regulator that is sufficiently independent.

⁸⁴ *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp) s 10.11(3),(4).

⁸⁵ Office of the Commissioner of Lobbying of Canada, ‘Exemptions granted under the Lobbying Act’ *Registry of Lobbyists* (Web Page, 30 April 2025) <[link](#)>.

⁸⁶ *Integrity Act 2016* (WA).

Institutional integrity

Regulatory body

The rules and restrictions surrounding registration as a lobbyist reflect a commitment to integrity at the level of individuals. But as the late Emeritus Professor Paul Finn observed:

[T]here must be integrity in the **system** of government, in the **processes** of government, in the **practice** of government. These, as much as probity in our officials, are necessary to maintain public confidence in government.⁸⁷

Integrity in both the structure and substance of lobbying regulation is required if lobbying and regulation are to serve their democratic purpose. Inadequate enforcement, at worst, deepens public distrust — reinforcing the perception that the rules are hollow.

Transparency over lobbying enables political accountability to the people through the electoral process. In terms of formal arrangements, enforcement of lobbying regulation in Australia currently rests with one of three types of body (see **Appendix 1**).

In the majority of jurisdictions — New South Wales, Victoria, Queensland, Western Australia, and Tasmania — the lobbying regime is administered by a **statutory authority**, specifically: the Integrity Commissioners of Tasmania and Queensland, Public Sector Commissioners of Western Australia and Victoria, and Electoral Commission of New South Wales.

The Australian Capital Territory is unique in tasking the **Clerk** of its Parliament, the Legislative Assembly, with administering its regime.

Only at the Commonwealth level, in South Australia, and in the Northern Territory does responsibility for enforcing the rules around lobbying rest with a **government department**: that of the Attorney-General in both the Commonwealth and South Australia, and of the Chief Minister and Cabinet in the Northern Territory.

⁸⁷ Paul Finn, 'Integrity in Government' (1992) 3 *Public Law Review* 243, 253.

Regulatory functions

Education and advice

Although a primary function of lobbying regulators is ensuring awareness of the rules,⁸⁸ training is not a central focus in most Australian lobbying regimes.

Queensland is a noteworthy outlier in this regard. An express function of its Integrity Commissioner is providing ‘education and training’ to both lobbying and lobbied persons.⁸⁹ Lobbyists are required to complete a training program approved by the Commissioner as a condition of their registration.⁹⁰

Regulators in other jurisdictions are generally not expressly tasked with providing training on lobbying rules. However, in jurisdictions where the regulator is a statutory authority rather than a department, this may fall under their broader ethics or integrity training mandate.⁹¹

The importance of education about cooling-off periods has been emphasised by the SA ICAC, recommending that it be included as part of ‘standard exiting employment procedures’ for those who fall within their scope.⁹²

Recommendation 13. Task the body responsible for enforcing the lobbying regime with providing training and advice on its operation.

Independent enforcement

Another primary function of lobbying regulators is to enforce the rules, such as those around registration and disclosure, conduct, and cooling-off periods. Yet the lack of an independent

⁸⁸ United Nations Committee of Experts on Public Administration, Strategy Guidance Note on Lobbying Registers (November 2024) 12.

⁸⁹ *Integrity Act 2009* (Cth) s 7(1)(c).

⁹⁰ *Integrity Act 2009* (Cth) ss 53, 56.

⁹¹ For example, the functions of the Tasmanian Integrity Commission include providing training on conduct, propriety and ethics, to public officers: *Integrity Commission Act 2009* (Tas) s 8(1)(c).

⁹² Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 16, rec 21.

regulator in many Australian jurisdictions and paucity of consequences for breaking the rules has contributed to an apparent absence of enforcement activity.⁹³

Responsibility for enforcing lobbying regulation should lie with a body that has a reasonable degree of distance from the kinds of decision-makers sought to be influenced via lobbying.

The Attorney-General's Department, while playing its own important role in keeping government accountable, is too institutionally proximate to lobbying targets to enforce lobbying regulation. Moreover, they may 'regard themselves as mere administrators' rather than active regulators of the regime.⁹⁴

Statutory authorities like Integrity Commissioners are generally recognised as best placed to minimise partisan interference, maintain investigative neutrality,⁹⁵ and 'take a more active role in monitoring and enforcing compliance' with lobbying rules.⁹⁶

Options for independent enforcement at the federal level include the National Anti-Corruption, Australian Public Sector, or Australian Electoral Commissions, and the Commonwealth Ombudsman. The latter body is especially worth considering, given the recent proposal of the SA ICAC to transfer responsibility for its lobbying regime from the Attorney-General's Department to the South Australian Ombudsman.⁹⁷

Even where breaches are identified, the current sanctions provide little deterrence. In comparison to stronger measures available elsewhere — civil penalties in New South Wales, Western Australia, Queensland and South Australia, and criminal sanctions in the latter two states — breaches of the federal lobbying regime can at most result in 'deregistration', which simply revokes the permission to lawfully engage in lobbying.

⁹³ Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) 45(2) *Alternative Law Journal* 507, 542.

⁹⁴ Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) 45(2) *Alternative Law Journal* 507, 542.

⁹⁵ United Nations Committee of Experts on Public Administration, Strategy Guidance Note on Lobbying Registers (November 2024) 12.

⁹⁶ Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) 45(2) *Alternative Law Journal* 507, 542.

⁹⁷ Independent Commission Against Corruption (SA), *The Room Where It Happens: Lobbying and Influence in South Australia* (Report, August 2024) 12, rec 24.

Recommendation 14. Transfer responsibility for enforcing the lobbying regime to an adequately funded and independent statutory authority capable of monitoring compliance, investigating and publicly reporting on breaches, and recommending proper sanctions.

Equality

Towards greater opportunity

Insiders and outsiders

In its consideration of political finance regulation, the highest court in Australia has affirmed the importance of equal participation in the democratic process and identified the risk posed to such equality by the ‘uncontrolled use of wealth’.⁹⁸

A similar concern arises in relation to lobbying, the other primary means of influencing public decision-making. As put by Professor Joo-Cheong Tham, the practice of lobbying is apt to create ‘insiders’ and ‘outsiders’ to the political process, who are often distinguished by their relative access to resources:

The [insiders] consists of a tightly circumscribed group that includes commercial lobbyists and in-house lobbyists of companies, trade unions and non-government organisations. The [outsiders] is the rest of us. Of course, not all are equal within the group of ‘insiders’ and here the ‘privileged position of business’ speaks with a loud voice.⁹⁹

⁹⁸ *McCloy v New South Wales* (2015) 257 CLR 178 [45] French CJ, Kiefel, Bell and Keane JJ.

⁹⁹ Joo-Cheong Tham, ‘Democracy before Dollars: the Problems with Money in Australian Politics and How to Fix Them’ (April 2018) 30.

Case study: Planning Decision Exchange

The kind of ‘insider’ status that lobbyists may enjoy can be demonstrated by an exchange between a former Chief of Staff to the Acting Minister for Planning and a lobbyist for a private property developer (himself a former Minister), an exchange which the Western Australian Corruption and Crime Commission found created a clear perception of preferential treatment.¹⁰⁰

In this conversation, the lobbyist enquired about the likely timing of a discretionary ministerial decision regarding a planning appeal that affected the interests of his client. His enquiry appeared intended to inform the strategy of his client — that, is whether to await a decision or instead relist the matter before the tribunal.

When the Chief of Staff began to refer to a decision, the lobbyist interjected, asking him to ‘just nod your head’. The lobbyist then sought to confirm that he had ‘read between the lines’, that is, accurately inferred that a ministerial decision might yet be made.

Lobbying and equality

Opportunities to directly involve citizens in the decision-making process, such as citizen’s assemblies, are garnering interest as an innovative means of extending participation in democratic decision-making to a wider cross-section of society.¹⁰¹

The importance of exploring fora for direct participation need not obscure the importance of addressing the regulation of lobbying, an existing feature of Australian representative democracy, as a foundational step. Though recognised as a legitimate means of participation, existing lobbying regulation include few measures aimed at ensuring equality of opportunity to participate.

¹⁰⁰ Corruption and Crime Commission (WA) *Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyist and Other Persons* (Report, November 2008) 32.

Independent Commission Against Corruption (NSW), *Investigation into the Regulation of Lobbying, Access and Influence in NSW* (Report, June 2021) 12, recs 7, 8 (‘*Operation Eclipse*’)

¹⁰¹ See, eg, Organization for Economic Co-operation and Development, *Exploring New Frontiers in Citizen Participation in the Policy Cycle* (Public Governance Review, 2025).

Organization for Economic Co-operation and Development, *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence* (OECD/LEGAL/0379, 2025) 4.

Targets of lobbying are not, nor should be, required to communicate with all or any lobbyists.¹⁰² But when lobbying *does* occur, the worst of the ‘insider’/ ‘outsider’ dynamic might be addressed by, as suggested by the NSW ICAC, introducing some principles, standards, and obligations applicable to lobbied parties.¹⁰³

These include, requiring targets of lobbying to: ‘act honestly, impartially and disinterestedly; to act in the public interest and not for any extraneous purpose; not to act improperly, including by improper preferencing or **favouritism**’; and ‘make all reasonable efforts to seek the views of **all parties** whose interests are likely to be affected by the adoption of a lobbying proposal’.

They also include prohibiting targets of lobbying from: giving ‘improper **preferential treatment**’ to a lobbyist on the basis of any existing or former relationship; and divulging ‘information to lobbyists that would provide them with an **unfair advantage** over other interested parties, including other lobbyists’.

Recommendation 15. Introduce specific obligations requiring lobbied persons to uphold equal participation.

Reforming in the public interest

The needed orientation towards equal participation should start with the lobbying reform process itself. It is the public who are the ultimate beneficiaries of lobbying regulation and they should have the opportunity to shape it. Change should be informed by broad public consultation and undergo a committee inquiry process.¹⁰⁴ Enactment of the integrity legislation in Queensland was preceded by extensive public consultation.¹⁰⁵ This consultative approach offers a valuable model for the Commonwealth, which we urge it to adopt in the interests of transparency, integrity, and equality in lobbying.

¹⁰² Attorney-General’s Department (Cth), *Lobbying Code of Conduct* (28 February 2022) s 4(2).

¹⁰³ Independent Commission Against Corruption (NSW), *Investigation into the Regulation of Lobbying, Access and Influence in NSW* (Report, June 2021) 11, recs 2, 3(b), 3(c), 3(e) (‘*Operation Eclipse*’).

¹⁰⁴ United Nations Committee of Experts on Public Administration, Strategy Guidance Note on Lobbying Registers (November 2024) 11.

¹⁰⁵ Yee-Fui Ng, ‘Regulating the Influencers: The Evolution of Lobbying Regulation in Australia’ (2020) 45(2) *Alternative Law Journal* 507, 537.

About The Centre for Public Integrity

The Centre for Public Integrity is an independent think tank dedicated to preventing corruption, protecting the integrity of our accountability institutions, and eliminating the undue influence of money in politics in Australia. Board members of the Centre include the Hon Anthony Whealy KC, the Hon Margaret White AO, the Hon Michael Barker KC, Professor Allan Fels AO, Professor Joo Cheong Tham, Professor Gabrielle Appleby and Geoffrey Watson SC. More information at: www.publicintegrity.org.au

Appendices

Appendix 1. Comparison of Australian lobbying regimes

		Qld	Tas	NSW	SA	WA	Vic	ACT	Cth	NT
Coverage and scope of regulation	Code covers in-house lobbyists	X	✓	Some standards extend to all people (registered lobbyist or otherwise) who engage in 'lobbying' as defined by the regulation.	X	X	Requirement to register some details extends to Government Affairs Directors with a former political affiliation.	X	X	X
	Code captures lobbying of Members of Parliament	✓ (only certain senior opposition members)	✓ (only members of the lower house)	X	✓	X	X	X	X	X
Transparency measures	Disclosure of activities on public register or another mechanism	✓ (via monthly 'contact logs')	✓ (via 'contact disclosure log' within 5 days of contact)	X	✓ ('annual returns')	X	X	X	X	X
	Disclosure of activities by lobbied parties through publication of diaries	✓ (monthly)	✓ (bi-annually)	✓ (quarterly)	X	X	✓ (quarterly)	✓ (quarterly)	X	X
Integrity measures	Length of post-separation employment restriction	2 years (senior government or opposition representatives)	1 year (ministers, cabinet secretaries, parliamentary secretaries, members, ministerial or political advisers, agency heads)	1.5 years (ministers and parliamentary secretaries)	2 years (ministers); 1 year (parliamentary secretaries, members of executive service, ministerial staffers)	1 year (members, federal members and Senators, senior public sector executives)	1.5 years (ministers and cabinet secretaries); 1 year (parliamentary secretaries, executives, and ministerial officers)	1.5 years (members); 1 year (staffers; public service heads; directors-general; executives)	1.5 years (ministers and parliamentary secretaries); 1 year (ministerial staff, senior members of ADF, agency heads and senior executives)	6 months (ministers, chief of staff, senior ministerial advisers)
	Post-separation employment restriction covers lobbying on all matters	X (limited to 'official dealings' or matters involved with)	X (limited to portfolio-related matters)	X (limited to 'official matters' that were dealt with)	✓ (unlimited for ministers, limited for others)	✓	X (limited to 'official dealings')	X (limited to 'official dealings' or matters involved with)	X (limited to 'official dealings')	X (limited to matters within portfolio or 'official dealings')
	Prohibition on success fees	✓	✓	✓	✓	✓	✓	X	X	X
Compliance and enforcement	Regulatory form	Legislation	Policy	Legislation	Legislation	Legislation	Policy	Resolution of Legislative Assembly	Policy	Policy
	Body responsible for administering the regime	Statutory (Integrity Commissioner)	Statutory (Integrity Commission)	Statutory (Electoral Commission)	Departmental (Premier & Cabinet)	Statutory (Public Sector Commissioner)	Statutory (Public Sector Commission)	Parliamentary (Legislative Assembly)	Departmental (Attorney-General)	Departmental (Chief Minister and Cabinet)
	Penalties available for breaches	Deregistration; fines; criminal sanctions	Deregistration	Deregistration; fines	Deregistration; fines; criminal sanctions	Deregistration; fines	Deregistration	Deregistration	Deregistration	Deregistration