

Senate Standing Committee on Finance and Public Administration

Attorney-General's Department

Hearing date: 08 April 2024

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Richard Colbeck asked the following question:

CHAIR: Can I just ask a question in relation to that? Sorry, Senator Pocock. Would you be able to give us advice as to how that convention applies to the lobbyist code?

Ms Brayshaw: I think they operate independently of each other. So whether or not you—

CHAIR: No, I'm not talking about the sponsored pass piece—

Ms Brayshaw: But the convention?

CHAIR: but the lobbying code and what our obligations in respect of the operation of our lobbying code would be in the context of the convention that Senator Pocock is talking about.

Ms Brayshaw: I'm happy to take it on notice and provide some further advice. I think they operate independently of each other, but I can take it on notice, and we can provide you with some—

CHAIR: But wouldn't we consider the international convention in the operation of our code?

Ms Brayshaw: There's a framework in relation to guidance with public officials on interacting with the tobacco industry, and that's managed by the department of health. That interacts with the convention, which is separate to—if an organisation who's a third-party lobbyist needs to be on the lobbyist code, then on that they would need to be able to meet obligations within the lobbyist code. I'm not sure that they quite match up, but we can take it on notice and come back to you.

The response to the question is as follows:

The Lobbying Code of Conduct (Code) is an administrative instrument. The key objective of the Code is to ensure that Government representatives can establish the interests of any third-party lobbyist they are approached by, and ensure that interactions between Government representatives and lobbyists are conducted in accordance with public expectations of transparency, integrity and honesty.

As a Party to the World Health Organization Framework Convention on Tobacco Control (the Convention), Australia is obliged under Article 5.3 to take steps to protect its tobacco control policy setting and implementation from interference from the tobacco industry and its interests.

The Department of Health is responsible for the *Guidance for Public Officials on Interacting with the Tobacco Industry* (<https://www.health.gov.au/sites/default/files/2023-05/guidance-for-public-officials-on-interacting-with-the-tobacco-industry.pdf>), which provides guidance to agencies and public officials on the implementation of Australia's legal obligations under Article 5.3 of the the Convention. That Guidance applies independently of, and in addition to,

the Code, and is intended to support best practice implementation of these obligations.

The Code operates separately to, and is not intended to implement, Australia's obligations under the Convention, including Article 5.3.