

Senate Standing Committee on Finance and Public Administration

Attorney-General's Department

Hearing date: 08 April 2024

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Louise Pratt asked the following question:

Senator PRATT: Is the Bob Brown Foundation required to be registered?

Mr Still: We don't ordinarily comment on individual cases. In respect of that particular organisation, I think we'd need to, in any event, take it away and have a look at their particular circumstances. I don't think I can answer the question off the cuff.

Senator PRATT: I'm trying to understand the system. In this context it would be good if you'd be able to answer what's in and what's out—because, from what I can see, there are tax deductible recipients, which would therefore make them a charity and therefore not require them to register.

Mr Still: What I can say is that there is an exemption for organisations or funds that are endorsed as deductible gift recipients, but I don't think I can comment on that particular case.

Senator PRATT: If we're going to have a functional register that you can create accountability from, surely we should know that the register's focused on organisations that should be on it, not on those that shouldn't.

Ms Brayshaw: We can take a look at that example and, on notice, come back to the committee. We just don't have the advantage of the—

Senator PRATT: I'd like you to come back on notice identifying all organisations who should potentially not be on it.

CHAIR: Wouldn't that be a matter of the organisation's own decision-making process? You did make the point earlier—

Senator PRATT: No—this is what I'm trying to understand. Are we trying to create an opt-in culture where every organisation that has an obligation to be on the register is on it but also where we're trying to encourage other types of organisations who think they perhaps should be on there—to protect themselves in some way—to opt-in? Do you accept opt-in as a principle, or would you expect to exclude organisations who aren't required to be on the register?

Ms Brayshaw: I think our view would be that the register's seeking to provide a service to give transparency to those that are acting on behalf of clients so that you can see the third-party lobbyists. There are a range of exemptions. I guess, in terms of whether people contact us and explain all their details, we may or may not always be aware—or the team that looked after the scheme at different points may not have been—of certain pieces. That's why there might be an organisation there that has opted in. But if we engage with them and they ask us questions, we would probably be focusing on them making an assessment as to whether they need to be registered, in line with the requirements of the code, to focus the code on those that need to be captured.

Senator PRATT: I guess I'm still struggling to work out how I can use the register for transparency. I can see the Bob Brown Foundation listed as an organisation. Does that mean it has representation, or that it is a lobbyist?

Ms Brayshaw: I don't have the register in front of me at the moment. That's why, if I could take that on notice—

The response to the question is as follows:

Under the Lobbying Code of Conduct (Code), anyone who acts on behalf of third-party clients for the purpose of lobbying Australian Government representatives must be registered on the Australian Government Register of Lobbyists (Register).

The Attorney-General's Department (the department) does not comment on the application of the Code to specific individuals or entities but can confirm that the Bob Brown Foundation Inc was registered on 19 June 2023.

The department provides information and advice on the requirements of the Code. It is the responsibility of lobbyists to assess their obligation to register, and to take action to register if required. If the department becomes aware that registration may not be required for a person or if the applicant requests advice, the department will engage with the organisation to clarify any obligations under the Code. If the department determines that a person does not have registration obligations, a registration may not proceed. If registration has already occurred, the Secretary has the power to correct details on the register by removing that person's details from the Register under section 14 of the Code.

Persons listed on the Register are required to comply with the principles of engagement in section 12 of the Code.