

27 January 2012

Senate Finance & Public Administration References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email fpa.sen@aph.gov.au

Dear Secretary

Inquiry into the operation of the Lobbying Code of Conduct and the Lobbyist Register

I refer to my earlier emails of 16 and 17 January 2012 attaching my book *Make a Difference, A Practical Guide to Lobbying*. I now provide this correspondence as a submission to the Inquiry.

The Code defines a lobbyist as “any person, company or organisation who conducts lobbying activities on behalf of a third party client”. Accordingly the Code does not apply to unions, trade associations, business or community organisations, which in turn covers the majority of all lobbying undertaken at any level of government.

To be fair and consistent, it should. If not, why have a Code at all? The Code excludes its application to charitable, religious or other organisations endorsed as deductible gift recipients and not-for-profit organisations. It should include such organisations. Not-for-profit organisations are some of the largest and most influential organisations in Australia today.

The Code established a Register of Lobbyists which has been in operation since July 2008 and is administered by the Secretary of the Department of the Prime Minister & Cabinet. The Code requires all breaches to be reported to the Department Secretary however there are no penalties for such breaches. I believe there should be and that responsibility for the Register should be removed from the Department Secretary and transferred to an independent entity, preferably reporting to the Parliament. Although the Code is not legislated it states that Ministers and government officials must not accept representations from lobbyists if they are not registered. I believe that it should be both legislated and mandatory for lobbyists to register. The Code is legally unenforceable. It should be legislated with sanctions similarly included. Currently any decision by the Department Secretary is not appealable. In my opinion it should be, at least to the Administrative Appeals Tribunal (a view expressed in the minority report of the Senate Finance & Public Administration inquiry into this matter in 2008).

I have provided more background and detail supporting my views in my book and would be pleased to appear in support of these views if it would assist the Committee.

Kind regards,

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