

31 January 2012

Committee Secretary
Senate Finance and Public Administration Committees
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By email: fpa.sen@aph.gov.au

To the Secretary of the Committee,

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

The McCusker Centre for Action on Alcohol and Youth (MCAAY) welcomes the opportunity to contribute to the Inquiry into the operation of the Lobbying Code of Conduct and the Lobbyist Register.

MCAAY is an independent organisation committed to reducing harms from alcohol among young people. The work of MCAAY is directed towards raising awareness of the magnitude of alcohol-related harms among young people, the approaches we know can work, other options and the need to act without delay.

We strongly support the objective of the *Lobbying Code of Conduct* to ensure that contact between lobbyists and government representatives at all levels is conducted in accordance with public expectations of transparency, integrity and honesty. The undertaking of an Inquiry into the operation of these is a valuable step towards achieving this objective.

MCAAY staff have spent significant time investigating each of the State and Federal Registers of Lobbyists. We believe there are important limitations imposed by the Registers themselves which do not correspond with the public expectation that lobbying activities will be carried out transparently, an expectation that is acknowledged in the *Lobbying Code of Conduct*.

The Lobbyist Registers provide information only on lobbying by individuals and companies on behalf of third party clients, not lobbying directly carried out by, for example, alcohol and tobacco companies. A significant limitation of the *Lobbying Code of Conduct* is the omission of the requirement for in-house lobbyists of commercial organisations to be registered in the same way as third party lobbyists.

No information is available on what lobbying companies do or how much they are paid. However it is clear from the Political Party Disclosure Returns and Donor to Political Party Disclosure Returns available on the Australian Electoral Commission website that many of the clients of lobbyists, and the lobbyists themselves, are substantial donors to Australia's political parties.

The approach taken in the registers is not uniform. Each register is presented differently, with different levels of detail provided and different search functions provided. Gaining a clear picture of lobbying activities across Australia is therefore very difficult.

The registers are effectively only a snapshot. Other than Queensland and Victoria (where information on lobbying over the previous twelve months is required), they provide information only where a company is committed to lobbying at the time the register is accessed or during the previous three months. There is little information on previous lobbying, and soon after a lobbying task has been completed, any information on this lobbying disappears from the register.

While lobbying companies may meet the specific requirements of jurisdictional registers, there appears no consistent requirement to indicate lobbying that may occur in another jurisdiction. Thus a company may lobby for a particular vested interest in one jurisdiction, but is not required to declare this involvement in relation to its work in other jurisdictions.

Complex relationships exist between the companies listed on the registers. Lobbyists are listed as clients of other lobbyists; different companies listed as lobbyists are owned by the same conglomerate; and companies are listed as clients of lobbying agencies that they own. It is unclear whose interests are being supported.

Recommendations

1. Registers of Lobbyists should be implemented in all jurisdictions.
2. The approach taken to registers should be uniform across all jurisdictions.
3. Information should be provided on any lobbying over the past five years.
4. Information provided should include as a minimum:
 - Full names of all lobbyists;
 - Full names of all clients;
 - Estimated expenditure on lobbying activities;

- Clients or sponsors of organisations for whom lobbying is undertaken (e.g. advertising, sporting and public relations agencies);
 - Time period over which lobbying activities were conducted; and
 - Declaration of conflicts such as representing health interests and tobacco and alcohol industries.
5. A comprehensive search function should be developed across all Registers. This would allow searching by:
- Client categories (e.g. alcohol, tobacco, food, advertising);
 - Part of name of clients, lobbyist or individual;
 - A selection or all jurisdictions at a time; and
 - Time period of lobbying (by month or year).
6. Processes (including Registers) should be developed to provide the public with similar information on direct lobbying by commercial organisations.
7. Require additional disclosure regarding all former governmental or political roles of lobbyists.
8. The *Lobbying Code of Conduct* would benefit from strong sanctions for violations of the Code, accompanied by effective enforcement.

Thank you for considering our submission.

Yours sincerely,

Professor Mike Daube
DIRECTOR, MCCUSKER CENTRE FOR ACTION ON ALCOHOL AND YOUTH