

27 January 2012

Via email: fpa.sen@aph.gov.au

Dear Sir/Madam:

RE: Submission re: the operation of the Lobbying Code of Conduct and the Lobbyist Register

Thank you for the opportunity to provide input into possible reforms to the operation of the Lobbying Code of Conduct and Lobbyist Register.

The Australian Council on Smoking and Health (ACOSH) is an independent coalition of prominent West Australian health, education, community, social service and research organisations concerned to reduce smoking and its harmful consequences.

ACOSH recommends a ban on all lobbying by tobacco companies

ACOSH recommends that the Code of Lobbying Conduct be amended to ban all lobbying by tobacco companies. Such a ban reflects the approach of decisions already taken by Australian Federal and State Parliaments to ban tobacco advertising and promotion, and is in line with the recommendations of the National Preventative Health Taskforce.

Smoking remains Australia's largest preventable cause of death and disease. It has caused the deaths of over a million Australians since we had incontrovertible evidence on the dangers of smoking in 1950, and even now causes the deaths of 15,000 Australians each year, as well as much ill health and suffering. Action to reduce smoking has been consistently and vigorously opposed and undermined by the global tobacco industry through sophisticated and well-funded campaigns in Australia, with the goal of undermining tobacco control and public health initiatives.

A ban on lobbying activities by the tobacco industry is an appropriate remedy to the tactics utilized by the tobacco industry, which defy accountability or transparency. This lack of accountability and transparency is contrary to Australia's obligations under the World Health Organisation's Framework Convention on Tobacco Control, to which Australia is a signatory:

any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent...

World Health Organisation's Framework Convention on Tobacco Control, Art. 5.3 Guidelines

Other recommendations

ACOSH believes that the current Lobbying Code of Conduct should also be strengthened considerably to ensure greater accountability and transparency, and provision of "teeth" in the Code for non-compliance. Specifically:

1. Under Section 3.5, the definition of lobbyists should include so called 'in house' lobbyists, who should be required to register on the Lobbyist Register.
2. Section 5 should include full disclosure of all previous Government or political roles.
3. Section 5 should include regular public disclosure of what the lobbyist seeks to influence and the associated spending in that endeavor.
4. Violations of the Code: currently the only remedy is to de-register the individual. Under the current scheme that individual may simply become an in-house lobbyist. Additional remedies for breaches under the Code should include monetary fines, public admonishment, and varying lengths of de-registration, including permanent de-registration.
5. Section 3.4: The definition of "lobbying activities" should be broadened to include provision of meals, entertainment, trips, gifts, merchandise, and donations. Coupled with regular public disclosure of what the lobbyist seeks to influence and the amount associated with that activity, broadening the definition of lobbying activities forces transparency in relation to Government policies that may be influenced by political donations made by or through third party lobbyists.
6. Section 8: In the event that a lobbyist provides a Government representative with inaccurate information of a relevant nature, the lobbyist should promptly provide factually accurate information to the Government representative.
7. Section 8: If the information provided by the lobbyist to a Government representative materially changes the lobbyist shall provide factually accurate and updated information to the Government representative.
8. The existing Lobbying Code of Conduct is silent with respect to monitoring and enforcement of lobbying activities and compliance with the Lobbying Code of Conduct. Establishment of an independent watchdog to monitor

lobbying activities and enforce the Lobbying Code of Conduct is essential to maintaining integrity and preserving public trust in our democratic processes.

Yours sincerely,

Professor Mike Daube
President

Cathy Caitlin
Executive Director

 Maurice Swanson
Hon Secretary