

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Supplementary Budget Estimates 2016 - 2017

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet
Outcome/Program: Outcome 1: Prime Minister and Cabinet
Topic: Lobbyist Register

Senator: Paterson, James

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Question:

CHAIR: Are industry associations on the Lobbyist Register?

Ms Kelly: I cannot answer that. I can make some inquiries and determine that. But if they had people who met the definition of 'lobbyist', then they could certainly seek registration on the register.

CHAIR: I am happy for you to take that on notice, but my understanding is a third-party lobbyist is a professional firm that engages on behalf of paying clients. A peak representative body such as the Business Council of Australia or ACCI are not typically regarded as lobbyists.

Answer:

A lobbyist is any person, company or organisation who conducts lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client, but does not include:

- a. charitable, religious and other organisations or funds that are endorsed as deductible gift recipients
- b. non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients
- c. individuals making representations on behalf of relatives or friends about their personal affairs
- d. members of trade delegations visiting Australia
- e. persons who are registered under an Australian Government scheme regulating the activities of members of that profession, such as registered tax agents, Customs brokers, company auditors and liquidators, provided that their dealings with Government representatives are part of the normal day to day work of people in that profession

- f. members of professions, such as doctors, lawyers or accountants, and other service providers, who make occasional representations to Government on behalf of others in a way that is incidental to the provision to them of their professional or other services. However, if a significant or regular part of the services offered by a person employed or engaged by a firm of lawyers, doctors, accountants or other service providers involves lobbying activities on behalf of clients of that firm, the firm and the person offering those services must register and identify the clients for whom they carry out lobbying activities.

From time to time industry associations are listed on the register as “clients” of registered lobbyists. The Lobbying Code of Conduct provides the following definition for clients:

- 3.1. “Client”, in relation to a lobbyist, means an individual, association, organisation or business who:
- a) has engaged the lobbyist on a retainer or other income to make representations to Government representatives
 - b) has, in the previous three months, engaged the lobbyist to make representations to Government representatives, whether paid or unpaid.