

# **Access to Australian Parliament House by lobbyists**

## **Senate Finance and Public Administration Committees**

**submission by**

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### **BIOGRAPHICAL DETAILS**

Dr Adam Lucas is a senior lecturer in science and technology studies at the University of Wollongong. Dr Lucas is currently a co-investigator on a Leverhulme Trust project grant based at the University of Glasgow. He is also a founding member of Academics for Public Universities and Public Universities Australia. Prior to taking up his current position at UOW, he was a researcher and policy analyst in the NSW Cabinet Office and the Departments of State and Regional Development, Aboriginal Affairs and Housing. He has published extensively on the history and sociology of technology, social and economic history, and the political economy of climate change and energy policy. His research includes detailed studies of political donations, lobbying, and revolving door activities between government and the fossil fuel industry in Australia.

### **TERMS OF REFERENCE**

Access to Australian Parliament House by lobbyists and the adequacy of current transparency arrangements relating to the lobbyist register, with reference to the adequacy of:

- (a) current transparency arrangements relating to the lobbyist register;
- (b) the current sponsored pass system for lobbyists to access Australian Parliament House with particular regard to transparency and publication of lobbyists who are pass holders and their sponsors; and
- (c) publicly accessible information of Australian Parliament House pass holders who are lobbyists and their sponsors.

## The role of lobbyists and lobbying in relation to Australian climate and energy policy<sup>1</sup>

Over the last seven years, I've conducted detailed empirical research and written extensively on the role of lobbying and lobbyists in relation to Australian climate and energy policy. Popular articles outlining this research have been published in *The Conversation*, *Pearls and Irritations* and *Michael West Media*.<sup>2</sup> My academic research on the topic has been published in the Elsevier journal *Energy Research and Social Science*, and in edited book collections published by Routledge and Edward Elgar.<sup>3</sup> My research also informed the February 2022 report published by the Australian Democracy Network, *Confronting State Capture*, prepared by former WA Greens Senator Scott Ludlam and investigative journalist Michelle Fahy. I coined the term 'golden escalator' with reference to the phenomenon of senior politicians and government bureaucrats taking on highly paid directorships, consultancies, and advisory positions in the private sector upon retirement from politics. My first use of the term is contained in my widely read article for *The Conversation* in 2018, titled 'Revealed: The extent of job-swapping between public servants and fossil fuel lobbyists'. This submission draws on my own research concerning lobbying and its various recommendations for reform.

One of my key arguments is that a lack of appropriate controls on corporate lobbying and campaign financing of Australia's political parties has created a culture of cronyism in our country. This situation has reinforced a growing tendency by state and federal governments to pay lip-service to advice from technical experts in those areas of policymaking which in any way threaten incumbent political and economic interests. Simultaneously, there is an increasing reliance on executive judgements by government ministers based on idiosyncratic principles that are frequently unavailable for public scrutiny. The evidence I've compiled in relation to climate and energy policy suggests that such judgements are often informed by the

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<sup>1</sup> All underlined text indicates a hyperlink to a relevant source or sources.

<sup>2</sup> Adam Lucas, 'Revealed: The extent of job-swapping between public servants and fossil fuel lobbyists', *The Conversation*, 5 March 2018; Adam Lucas, 'Revolving doors: how the fossil fuel lobby has governments ensnared', *Michael West Media*, 9 February 2018; Adam Lucas, 'LobbyLand: Democracy on life support as the revolving door keeps swinging', *Pearls and Irritations*, 8 October 2020; Adam Lucas, 'Lobbyland: ten lobbyists for every MP has democracy on life support', *Michael West Media*, 19 January 2021.

<sup>3</sup> Adam Lucas, 'Investigating networks of corporate influence on government decision-making: the case of Australia's climate change and energy policies', *Energy Research and Social Science*, Vol. 81, 2021, 102271; Adam Lucas, 'Covid-19: Decarbonisation Under Duress', in Tim DiMuzio & Matt Dow (eds.), *Covid-19 and the Global Political Economy: Crises in the 21st Century*, Routledge, 2022: 68-84; Adam Lucas, 'Fossil networks and dirty power: the politics of decarbonisation in Australia', in Dunlap, R., Stoddart, M.C.J. & Tindall, D. (eds.), *Handbook of Anti-Environmentalism*, Edward Elgar: London, pp. 192-215.

interests of powerful businesses and industries, rather than those of the public. A hitherto under-researched phenomenon upon which my work has focused relates to political staffers formerly employed by powerful private interests who are directly or indirectly shaping important public policy and financial decisions. Such activities are occurring in parallel with those of in-house lobbyists and lobbying firms which frequently employ former senior politicians to represent those interests.

Australia has been on an almost continuous decline since 2012 in Transparency International's rankings concerning levels of corruption in its international corruption index. This decline is directly attributable to the failure by successive federal governments to crack down on dodgy donations, inappropriate lobbying and conflicts of interest. As many high-profile cases over the last decade or so have revealed, the close ties that continue to exist between senior politicians and bureaucrats, former political staffers, and the big end of town have had a real and lasting impact on the perception and reality of corruption in Australia. Two examples from 2016 and 2017 clearly illustrate the extent to which such relationships can have a toxic effect on democracy.

During the 2017 Queensland state election, it was revealed by the ABC that Cameron Milner, former Queensland secretary of the ALP and chief of staff to Federal Opposition Leader Bill Shorten, had been the main lobbyist and go-between for Indian mining giant Adani. The ABC also revealed that Labor Premier Annastacia Palaszczuk had six meetings with lobbyists working for the Adani Group during the same election campaign. The meetings focused on Adani's controversial plan to build one of the world's largest coal mines in the state's Galilee Basin. The most prominent of these lobbyists was Cameron Milner. The ABC found that Milner's lobbying firm, Next Level, met with Queensland government ministers and bureaucrats 24 times to advocate for Adani, as well as eight times with the Opposition, and once with the mayor of Townsville, before resigning from that position 'after a job well done'.

Earlier in 2017, it was revealed by the Sydney Morning Herald and *Four Corners* that former federal trade minister Andrew Robb walked straight out of his ministerial position in July 2016 to take up an A\$880,000 annual salary as a 'high-level consultant' for Chinese-owned company Landbridge. This was the same firm that Robb had publicly defended when it controversially acquired a 99-year lease for the Port of Darwin in 2015. Robb's appointment

by Landbridge as a ‘high-level consultant’ had occurred only months after he had visited China as Australia’s trade envoy. That visit occurred two years after he helped clinch a historic free trade agreement with Beijing. It included discussions about projects for which he later acted as an advocate. Less than a year before taking on his new role, Robb publicly defended Landbridge’s acquisition of the port. The current federal code of conduct bans former ministers from lobbying the Australian Government for 18 months after leaving office. According to senior government ministers, however, Robb complied with the letter of the code.

These are but two of literally dozens of Australian media reports over the last fifteen years or so which detail ethically dubious ties between former political staffers, senior politicians and companies with significant interests in mining and fossil energy. These ties are bipartisan in nature and extend to cross-party membership of some of the country’s biggest lobbying firms. For example, Bespoke Approach includes former Labor ministers Nick Bolkus and Kevin Foley, as well as former Liberal minister Alexander Downer and SA Liberal Premier, John Olson. The aforementioned Cameron Milner shared his directorship of Next Level with former chief of staff to Queensland’s previous (LNP) premier, Campbell Newman. GRA Cosway has boasted former Labor and Liberal ministers John Dawkins and Helen Coonan amongst its co-chairs.

Such influence-peddling is not only politically bipartisan in nature, it can happen both during and after the relevant parties have left their positions in the public sector. As George Rennie noted in an article responding to former federal ministers Christopher Pyne and Julie Bishop taking jobs for defence and international aid contractors within weeks of leaving public office, ‘The philosophical basis for prohibiting a minister from taking positions like Bishop’s and Pyne’s rests on three basic problems: the potential for bias, unfair access to former colleagues or subordinates, and the insider information a decision-maker has gained from their former role.’

### **‘Golden escalator’ or ‘revolving door’?**

Australian public policy is now routinely moulded to suit the interests of the highest corporate bidders and the lobbyists who represent their interests. The amount of money spent

on lobbying by Australian peak bodies and advocacy groups in 2015-16 ranged from \$400 million to \$700 million. After analysing the financial statements of 20 of Australia's major business lobbies, Michael West found almost \$2 billion had been spent by them on lobbying between 2014 and 2017.

There is ample evidence to indicate that these efforts are extremely effective. Research on lobbying in the US from more than a decade ago found that for every US\$1 spent, the return on investment can be as high as US\$220. The same study found that the larger the industry and firm size, the greater the return.<sup>4</sup> This accords with Cameron Murray and Paul Frijters' findings in *Game of Mates* (2017), and another study by US economists which found that 65% of Australia's billionaires owe their wealth to political favours.

In its preliminary investigations into lobbying in New South Wales in 2010, the Independent Commission Against Corruption (ICAC) found that of 272 individual lobbyists registered in the state, 23 were former state or federal MPs, and 112 were former staffers and advisors. In other words, half of the lobbyists had once worked in government, and many of them had worked in the energy, mining and infrastructure portfolios. Of the 23 former politicians, 17 had connections with the Australian Labor Party. At that time, Labor had been in government since 1995.

According to the federal lobbyist register (which is itself inadequate because it doesn't include so-called 'in-house' lobbyists nor require former state politicians acting as lobbyists to declare their former positions), at the end of 2021 there were 571 lobbyists working the halls of the Australian Parliament. More than 200 were former government representatives, including 25 former politicians and more than 40 former political staffers who worked for ministers. Before the full impact of the COVID-19 pandemic had time to affect the activities of lobbyists, at the end of 2020, there were 884 lobbyists working for 279 firms on behalf of 3,691 clients. The actual number of federal lobbyists is more like 2,400. That's more than 10 lobbyists for each of the 227 members of Federal Parliament.

Much has been made in recent years of the provisions contained in the federal parliamentary code of conduct. Amongst other things, the code bans former ministers from lobbying the

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<sup>4</sup> R.M., Alexander, S.W. Mazza, S. Scholz, Measuring Rates of Return for Lobbying Expenditures: An Empirical Analysis Under the American Jobs Creation Act, *Journal of Law and Politics*, 25 (401) (2009).

federal government for 18 months after leaving office. But given the fact that no current or former ministers have been deemed to be non-compliant (including Robb), one could be forgiven for concluding that the code is simply a cover for business-as-usual.

It is widely acknowledged that the mining and energy sectors (along with property developers and the gaming industry) enjoy favourable treatment in exchange for their generous political donations. It is also well known that the resources industry was instrumental in removing Kevin Rudd as Prime Minister in 2009. What is less well known is the extent to which big business has sought to bend the will of the body politic by directly influencing the formation of government policy.

This is not just done through lobbying. All of these industries have been proactive in courting individuals who hold public office in relevant portfolios as potential allies and future employees. Some are employed as lobbyists, some as advisors, some as consultants, and others as board members and company directors. This allows these industries to shape tax and regulatory regimes in their favour, and to drive major government and private sector investments in their own infrastructure.

The phenomenon I seek to highlight has previously been referred to as the ‘revolving door’ between the political and corporate realms. But although there is ample evidence for these kinds of arrangements, on closer inspection they look more like a ‘golden escalator’ than a ‘revolving door’. In other words, if you are a senior politician, once you are on the golden escalator, the financial rewards accrued dwarf any offers you might receive from the public sector.

### **The ‘real’ revolving door: a ‘service elevator’?**

There is, however, another strategy that has been used to great effect by the fossil fuel and mining industries in recent years. It is also used by powerful corporations in other economic sectors such as agribusiness, pharmaceuticals, gaming, and construction.

The industries in question either hire former ministerial staffers and policy analysts with relevant knowledge and expertise to advise them, or they encourage their own former staffers to take on positions as government advisers while maintaining close links with them. When

acting as staffers, these individuals are free to operate outside of public scrutiny and regulatory reach. This allows them to move seamlessly between the offices of powerful political figures and some of Australia's largest resource companies and industry bodies. I note that during a recent online forum about political lobbying organized by the Australian Democracy Network that the Member for Kooyong, the Hon. Dr Monique Ryan, did not mention the role of political staffers as lobbyists and the lack of regulatory oversight of their employment or conduct while working for government. However, this is an extremely important issue that needs to be given more consideration.

I have documented more than 160 individuals who have moved between positions in the fossil fuel and/or mining industries and senior positions in government, or vice versa, over the period between 2007 and 2021. This includes senior political staffers working for prime ministers and state premiers. I have also found examples of key ministers hiring individuals straight from the fossil fuel and mining industries, who then return to those industries straight after leaving government. What might be better dubbed a 'service elevator' ensures that 'delivery of the goods' occurs away from public scrutiny.

Because these individuals have detailed inside knowledge of relevant policy issues, they can directly affect the future ability of their employers to gain or maintain market dominance, including their ability to avoid paying taxes. For example, see [here](#), [here](#), [here](#), [here](#), [here](#) and [here](#). Readers are directed to the data contained in Figures 3 to 22 in my 2021 paper 'Investigating networks of corporate influence on government decision-making: the case of Australia's climate change and energy policies' together with the accompanying discussion for details about the personnel, portfolios, positions and employment relationships that characterise these activities.

A reasonable inference that can be drawn from this evidence is that a significant number of politicians, political staffers and senior bureaucrats have enabled the interests of the fossil energy and resource sectors to continue to dominate energy policies nationally and in two of the most populous states (i.e. New South Wales and Queensland), even though it is clear that the country's international obligations require it to decarbonise by 2050 and the majority of Australians support that goal. In the absence of juridical procedures which might establish that these correlations indicate various levels of causation, the evidence strongly suggests that major coal, oil and gas corporations operating in Australia have not only increased their

efforts over the last decade or so to ensure that fossil fuel export and use is supported by any elected government for the foreseeable future, they have been largely successful in achieving their goals across multiple areas of policy- and decision-making.

Important elements of how the fossil fuel industry has achieved its goals are neither public nor scrutable. While deep divisions over climate and energy policy undoubtedly exist within and between factions in Australia's major political parties, those divisions do not explain their seeming inability to acknowledge or recognize the need for significant institutional reform of the electricity and transport sectors, or reforms to the ways in which taxes and royalties are collected from major coal, gas and oil projects.

Australia's major political parties have repeatedly failed to act when clear instances of malfeasance and illegal behaviour by energy and mining companies have been exposed, including widespread tax avoidance.<sup>5</sup> Such behaviour is not convincingly explained by shared ideological preferences or development narratives. Similarly, although some fossil energy and resource firms have publicly endorsed action on climate change, or removed themselves from peak industry bodies that were openly engaged in climate change denial, behind the scenes many of those same companies have continued funding efforts to undermine decarbonisation, including ExxonMobil, Royal Dutch Shell, Chevron, BP, Total and Woodside, all of which have major stakes in oil and gas projects in Australia.<sup>6</sup> All of these companies have also been engaged in aggressive tax avoidance.<sup>7</sup> They have also made large donations to the major political parties, employ an army of lobbyists to court them, and regularly employ senior public officials from key government portfolios, while simultaneously implanting their own operatives in those portfolios.

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<sup>5</sup> G. Hutchens, [Australia must charge royalties on natural gas or lose billions, says expert](#), *The Guardian*, 9 February, 2017; G. Hutchens, [Senate told current tax on oil and gas projects cannot change but future deals should](#), *The Guardian*, 3 July, 2017; E. Bagshaw, [Cooking the books on climate change policy](#), *The Sydney Morning Herald*, 7 January, 2018; M. West, [Glencore tax bill on \\$15b income: almost zero](#), *Michael West Media*, 27 June, 2014; M. West, [Glencore, media battles and the pitfalls of fighting a multinational](#), *Michael West Media*, 7 May, 2018; E. Bagshaw, [‘Staggering’: \\$90 billion lost in resources tax](#), *The Sydney Morning Herald*, 12 April, 2018; E. Bagshaw, [Turnbull government’s PRRT reforms ‘worth nothing’, says expert](#), *The Canberra Times*, 27 April, 2018; D. Gocher, [Minerals Council demands ‘reform’ while its members pay little or no tax](#), *Michael West Media*, 4 June, 2020.

<sup>6</sup> Influence Map 2020. [‘Corporate Lobbying: How Companies Really Impact Progress on Climate’](#), London; E. Holden, [How the oil industry has spent billions to control the climate change conversation](#), *The Guardian*, 9 January, 2020; E. Minter, [Pressure builds on Woodside to shed its climate stance; expect AGM fireworks](#), *Michael West Media*, 12 April, 2021.

<sup>7</sup> M. West, [Australia’s Top 40 Tax Dodgers 2023](#), *Michael West Media*, 29 November, 2023; C. Foote, [Foreign fossil fuel juggernauts dominate the annual MWM Top 40 Tax Dodgers chart](#), *Michael West Media*, 28 December, 2022; M. West, [Top 40 Tax Dodgers 2020: fossil fuels dominate once more](#), *Michael West Media*, 31 January, 2020; Eurodad, [Fifty Shades of Tax Dodging: The EU’s role in supporting an unjust global tax system](#), Eurodad, Brussels, 2015.



## Theorizing corruption and undue influence

‘The definition of the alternatives is the supreme instrument of power.’

- E.E. Schattschneider, *The Semi-Sovereign People: A Realist's View of Democracy in America*, 1960, p. 68.

Lobbying is one of the oldest forms of political and economic power exercised by the wealthy and influential. In recent decades it has become a multi-billion-dollar business, with hundreds of thousands of lobbyists working in thousands of firms throughout the world regularly exerting pressure on governments to do their bidding. Lobbying efforts by powerful individuals, groups and institutions is normally accompanied by substantial political donations which are intended to buy access to parliamentarians and win favourable political outcomes. They establish personal relationships between the donor and the donee, which are often cultivated over many years and facilitate revolving door and golden escalator appointments between the donating firm and the public officials concerned. In this way they also provide post-political career pathways for compliant politicians, political staffers and senior bureaucrats, including as lobbyists.

A useful theoretical frame for understanding these political phenomena is elite domination theory. According to elite domination theorists, individuals with high social status occupying key institutional positions in government, business, industry and the military have common interests, backgrounds and social networks.<sup>8</sup> Those individuals who form economic elites by dint of their high incomes and wealth work through foundations, think-tanks and other ‘opinion-shaping apparatuses’, together with the politicians and lobbyists they finance, to dominate government decision-making, despite the existence of democratic electoral processes.<sup>9</sup> This theoretical approach indicates that a combination of structural biases in the institutions of government and various forms of ‘soft corruption’ provide more convincing

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<sup>8</sup> The classic reference is C.W. Mills, *The Power Elite*, Oxford University Press, Oxford, 1956.

<sup>9</sup> G.W. Domhoff, et al. *Studying the Power Elite: Fifty Years of Who Rules America?*, Routledge, New York, 2018.

explanations of why such preferences find such consistent political expression than theories which rely solely on the productive power of ideologies<sup>10</sup> or discourses.<sup>11</sup>

The ability of dominant corporations to shape government policy is directly correlated to the level of their financial investments in that region or country. This provides such corporations with the *structural power* to shape market conditions in their favour. Structural power encompasses all those activities which enable political actors to set agendas by ‘creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous’ to them.<sup>12</sup>

The quote at the head of this section from E.E. Schattschneider refers to a key feature of structural power: the power to define the alternatives. In the context of this discussion, it implies that the more significant the financial interest of a corporation or industry peak body in a critical sector, the greater its preparedness and ability to exercise its political and economic power over governments and civil society. This can include offers of investment and threats of disinvestment in a country, region or city, or determining what are acceptable and unacceptable forms of economic interaction.

When the financial interests of corporations coalesce, collective action enables them to realize their goals more easily. Cooperation and coordination are more likely to occur when they are faced with a common threat. In those cases where there is oligopolistic domination of a sector by several large firms, cooperation enables them to pool their resources and thereby reduce the costs of neutralizing that threat. All these things are, of course, true of the fossil fuel, electricity and resource extraction industries, as well as many other economic sectors in Australia currently dominated by a few players.

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<sup>10</sup> H. Stephenson, Cheating on climate change? Australia's challenge to global warming norms, *Australian Journal of International Affairs*, 63 (2) (2009) 165-186; M. McDonald, The Future of Australian Climate Politics, *Australian Journal of Politics and History*, 59 (3) (2013) 449-456; M. McDonald, Climate security and economic security: The limits to climate change action in Australia?, *International Politics*, 52 (4) (2015) 484-501.

<sup>11</sup> B. Warren, P. Christoff, D. Green, Australia's sustainable energy transition: The disjointed politics of decarbonisation, *Environmental Innovation and Societal Transitions*, 21 (December) (2016) 1-12; B.L. Parr, *Australian Climate Policy and Diplomacy: Government-Industry Discourses*, Routledge, London, 2019.

<sup>12</sup> P. Bachrach, M.S. Baratz, Two Faces of Power, *American Political Science Review*, 56 (4) (1962) 947-52.

The ability of dominant corporations to shape relevant policy and regulatory regimes in their favour also occurs through various forms of *instrumental power*. These constitute forms of direct influence whereby one actor exercises leverage over another actor to achieve an instrumentally motivated outcome that the second actor would not otherwise pursue.<sup>13</sup>

Traditional realist accounts of international relations assume we live in an anarchic world in which instrumental power is exercised through various forms of coercion by one nation state over another that in turn creates imbalances of power that produce conflict or stability.<sup>14</sup>

However, it is very clear that corporations now play a significant role in inter- and intranational relations, exercising their instrumental power over one another and the nation states in which they operate through public relations campaigns, lobbying, political donations and revolving door appointments. Business in general and corporations in particular have greatly expanded their activities in all four areas since the early 1970s.<sup>15</sup> Such practices are now common in most countries, particularly in those parts of the economy where significant amounts of revenue are routinely generated and expended. Corporations involved in economic activities that are highly regulated tend to invest more resources pursuing these strategies, which is true of the fossil fuel, electricity and resource extraction industries.<sup>16</sup> Traditional realist accounts are therefore inadequate to account for how power is routinely exercised in contemporary societies.

Major corporations expend considerable time and resources courting individuals who hold public office in relevant portfolios as potential allies and future employees, sometimes as lobbyists, sometimes as advisors, sometimes as consultants, and other times as board members and company directors. By implanting their own current and former staff members in the positions of political staffers and the senior echelons of relevant bureaucracies, they are even more powerfully enabled to achieve their goals.

It is important to note that to the extent that any of these strategies remain undocumented, they constitute covert forms of influence. The resulting social networks are thus far more

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<sup>13</sup> R.A.Dahl, *The Concept of Power*, *Behavioural Science*, 2 (3) (1957): 201-215.

<sup>14</sup> J.B. Vidal, M. Draca, C. Fons-Rosen, *The Power of K Street: New Research on the Economics of Lobbying*, *CESifo DICE Report 1*, 201, p. 35.

<sup>15</sup> D.A. Fuchs, *Commanding Heights? The Strength and Fragility of Business Power in Global Politics*, *Millennium: Journal of International Studies*, 33 (3) (2005) 771-801.

<sup>16</sup> D. Wood, K. Griffiths, C. Chivers, *Who's in the room? Access and influence in Australian politics*, September, Grattan Institute, Melbourne, 2018.

powerful than any advocacy coalition, and less amenable to any form of public scrutiny than a discourse coalition. It is therefore relatively straightforward in most circumstances for opponents of governance reform to discredit claims of covert corporate influence if there is no ‘smoking gun’ directly linking corporate interests to certain government decisions.

In the context of policy and regulation, the use of both structural and instrumental forms of power through the sabotage of policies and programs deemed unfavourable by incumbent interests can best be practiced covertly through undisclosed political donations, undocumented lobbying practices, and concealed business relationships involving conflicts of interest.

Two useful terms for characterizing the kinds of covert forms of political activity that characterize strategies of sabotage were coined by the Canadian diplomat and academic Peter Dale Scott. In his examination of the covert networks linking the illicit narcotics trade, the petroleum industry, and the US war machine, he coined the term ‘deep politics’ to refer to ‘all those political practices and arrangements, deliberate or not, which are usually repressed rather than acknowledged’, and ‘para-politics’ to denote conduct carried out through ‘indirection, collusion and deceit’.<sup>17</sup>

Although Scott developed these terms to describe covert links between mainstream politicians, fossil fuel and finance companies, military and intelligence agencies, and organized crime in the United States, these terms are equally applicable to the anti-democratic networks of covert influence currently operating between industry, politics and the media in Australia. Indeed, many of the Australian networks I’ve previously documented include US-headquartered fossil fuel corporations previously implicated by Scott and other credible sources in illicit activities which have so far escaped prosecution.<sup>18</sup>

Because most academic analyses restrict themselves to theoretical frameworks and methodologies which lack the tools to conceptualize covert forms of political influence, they

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<sup>17</sup> P.D. Scott, *The State, the Deep State, and the Wall Street Overworld*, *The Asia-Pacific Journal*, 12 (10) (2014) 1-28; P.D. Scott, *The American Deep State: Wall Street, Big Oil, and the Attack on U.S. Democracy*, Rowman & Littlefield, Lanham, 2014.

<sup>18</sup> K. Taft, *Oil’s Deep State: How the Petroleum Industry Undermines Democracy and Stops Action on Global Warming*, Formac Lorimer Books, Halifax, 2018; A. Lucas, ‘Investigating networks of corporate influence on government decision-making: the case of Australia’s climate change and energy policies’, *Energy Research and Social Science*, Vol. 81, 102271.

almost invariably fail to acknowledge that the abuse of power by those in public office has become systemic, or that powerful actors in business and industry routinely shape government policy and expenditure in ways that are deliberately constructed to be opaque to public scrutiny. From an epistemological perspective, the kinds of methodological and theoretical approaches which characterize most of the academic approaches to climate change and energy policy in Australia do not place sufficient weight on asymmetries of power. Consequently, they fail to draw attention to the kinds of legal and regulatory interventions that might work to minimize that influence, and which are more likely to resonate with public concerns.

## **Opportunities and strategies for reform**

Although the public appetite for reform has clearly been increasing in recent years, it is yet to be reflected in the policies of Australia's major political parties. These parties continue to benefit from corporate largesse in the form of campaign finance donations and attractive post-political and post-bureaucratic careers for compliant government and party operatives. Because many of those involved in such covert forms of influence have borrowed or embraced techniques traditionally associated with organized crime syndicates, investigative and interrogative methodologies are arguably far more likely to identify strategic points at which political, judicial and legislative intervention can be effective. Those interventions will, of necessity, require an expansion, rather than retraction, of regulatory and democratic oversight, and a renewed focus on transdisciplinary and public engagement. They will also require far harsher and more stringent punishments for transgressors, and systemic changes to business- and politics-as-usual, as difficult as such reforms may well prove to be.

With regard to the specific terms of reference of this inquiry, I make the following recommendations:

- a) Current transparency arrangements relating to the lobbyist register are inadequate. They need to include in-house lobbyists directly employed as staff in private firms, NGOs and peak bodies, as well as so-called 'consultant' lobbyists working on behalf of other parties. They also need to include the previous public offices held by former politicians, senior bureaucrats and political staffers at any level of government and any relevant portfolios in which they acted. These registers should be updated every three months to ensure they are capturing all relevant individuals and firms.

- (b) The current sponsored pass system for lobbyists to access Australian Parliament House also requires significant reform. There needs to be far more transparency about who and what are acting as lobbyists along the lines set out in the above recommendation. Three-monthly disclosure and publication of lobbyists who are pass holders and their sponsors should be mandated.
- (c) Significant improvements need to be made to the publicly accessible information on the Australian Parliament House website with regard to pass holders who are lobbyists and their sponsors, including regular three-monthly reporting of who lobbyists met with and what was discussed. This should be required of both the lobbyists and the politicians and senior bureaucrats with whom they are meeting. The level of detail about what was discussed must include general topics of discussion rather than a blow-by-blow account (such as minutes of those meetings).

One issue that is not covered by the terms of reference is the issue of ‘cooling off’ periods for senior politicians and bureaucrats after they leave public office. We know that such legislation is not without precedent and is therefore politically feasible. For example, in Ireland, the cooling-off period for former public officials going to work in the private sector on issues they previously regulated or oversaw was recently set at one year, whereas in Canada it is two years, and in the US, five years. Canada has similarly passed legislation to capture ‘in-house’ as well as ‘consultant’ lobbyists.

But it is not just the rules around political lobbying that require reform. Many other areas of political activity are also in dire need of attention, including much stronger disclosure laws in relation to campaign financing and political party donations, and a significant increase in public funding for political parties, apportioned on the basis of electoral support. I understand, however, that several of the cross-benchers elected to the Upper and Lower House of Parliament, along with some of the minor parties (most prominently, the Australian Greens), are currently working on these other issues, and I would welcome the opportunity to brief any of those members concerned about my research.

The recent creation of a federal anti-corruption body with independent investigative powers is an extremely welcome development. However, it remains to be seen just how effective it will be, given the constraints that have been placed on it by the incoming Labor Government.

If our political leaders are not prepared to provide more transparency and accountability with respect to government decision-making, we will lose control of more of the country's key assets, including its resource wealth, with all the benefits they bring. We are also likely to become an international pariah with respect to our international climate change obligations, as the resource extraction industries continue to call the shots on Australia's transport and energy policies.