

Inquiry into Access to Australian Parliament House by lobbyists

Dear Committee Members,

About us

We are a retired teacher librarian and retired engineer with a passion for Australian democracy. In our lives we have voted for both major parties as well as independents and in our view this submission is about integrity and should not be considered a partisan issue.

Generic preface

For the government to work properly, the impacts of proposed laws and regulations need to be well considered. The public in general, industry and affected groups in particular need to have their say, and be listened to during proposal development and consultative phases of policy development.

At the same time, the views for and against proposals need to be debated publicly, so that all parties see the strengths and weaknesses of the various positions. Without transparency the public is not able to judge the value of the arguments themselves nor able to see the trade-offs that politicians have to make. Politicians are seen as irrational unless the reasons for decisions are visible.

In theory, paid lobbyists are simply communicating the views of parts of the community that do not have the time & skill to approach politicians themselves. BUT they have made a business or are employed to use the special access to which they are provided– allowing those with money to gain special privilege.

Nevertheless they have a role in our society because decisions that impact an Industry can affect thousands of citizens so, correctly, those views need to be added to the debate – and sometimes directly to the minister or decision maker.

It is still difficult to see why any information provided to a politician should not be transparent – at least the knowledge that it is occurring, when and how many times and on what topic. Of course exemptions may apply to national security and disclosure of critical intellectual property should not be required.

The lobbyist role needs to be transparent and under control so that

- The pros & cons of proposals are in the public domain
- The risk of secret “deals” is reduced.

Our comments & recommendations regarding the ToR follow

(a) current transparency arrangements relating to the lobbyist register;

The **current register system** is very deficient in achieving the objectives of transparency. It is opaque and few details are available publicly on the register published by the Attorney-General's Department website. We don't know who meets whom and on what topics – and we therefore assume (probably correctly) that deals and excessive influence are at play. It is difficult to deny without transparency and record keeping.

The system needs to address, not only a register, but

1. Who is a lobbyist

All lobbyists whether they work for an employer or they work as a client of a company should be considered a regulated lobbyist. It should not apply only lobbyist companies but anyone performing the function of lobbying.

2. Transparency of meetings – not just “registration”

Details of all meetings between lobbyists and politicians, advisors and senior public servants should be in the public domain. The following material should be made available on the web in near real-time.

- The ministers diary of such meetings
- The purpose of the meeting in meaningful detail
- Who was present, time & date
- Any commitments or decisions made

The lobbyist and the politician should independently report and publish these details (so that they can be compared).

Knowing when and by whom politicians are being influenced assists us all to better understand who is being influenced, by whom and on what basis.

The on-line register should include all those wishing to influence a politician including in-house lobbyists, who they represent and should list all the relevant meetings, and results of any discussion, especially decisions.

3. The Revolving door

The practice of politicians moving into a role as a 3rd party lobbyist very soon after leaving Parliament should be stopped. This has occurred a number of times in the last years. Politicians are not only privy to privileged information, they can whilst in power, be influenced to make unwise decisions with the promise of a future job. A period of 3 years – the same period as a House of Representatives term seems appropriate.

4. International best practice

Senators could do well to look at the approach taken in Canada <https://lobbycanada.gc.ca/en/rules/the-lobbying-act/> and Ireland <https://www.lobbying.ie/> .

5. Enforcement & penalties

Sanctions including fines or imprisonment should be defined and enforced when lobbying rules are broken. A voluntary code of conduct doesn't cut it. The National Anti-Corruption Commission could administer this.

Significant penalties should be imposed for breaches of a code of conduct.

(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;

Whilst understanding the lobbyists' desire to be invisible and "private", this has no place in decision making affecting the public.

Our concern about the issue of (multiple entry) passes, is the risk that casual relationships with politicians and their staff are established and the risk exists of ad hoc meetings – "*can I just have a chat for a minute encounters*" - which could subvert the transparency envisaged above.

If passes are issued, the recipient should be required to record any meeting, casual or not – with significant penalties for non disclosure.

(c) publicly accessible information of Australian Parliament House pass holders who are lobbyists and their sponsors.

If a pass is issued – the reasons for the issuance of a pass should be detailed including why a single meeting pass is inappropriate and with whom the lobbyist is expecting to meet numerous times. This information should be published into the public domain with the Lobbyist register.

It is particularly important that those with access passes are publicly identified because they are exercising much greater influence on politicians than Joe Public.

And finally, we urge the Senators to consider the provisions detailed in the Lobbying (Improving Government Honesty and Trust) Bill 2023 No. , 2023 put forward by Dr Ryan MP and to allow debate of this Bill in the Senate.

Yours sincerely,
Greg & Eileen Dunstone

We are willing to have this published on the enquiry website