Evaluation Framework for the Lobbying Code of Conduct and Register of Lobbyists

Version Control

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Contents

Introduction

The Attorney-General's Department (AGD) became responsible for administering the Australian Government Lobbying Code of Conduct (the Code) and Register of Lobbyists (the Register) in May 2018, following a machinery of government change that transferred accountability from the Department of the Prime Minister and Cabinet (PM&C).

This document sets out an evaluation framework for the department's administration of the Code and Register, as recommended in the Australian National Audit Office (ANAO) 2018 audit and 2020 follow-up audit. For more detail on those audit report and the department's work to implement the ANAO's recommendations, see the implementation plan at 20#717855DOC.

The ANAO reports explain that the evaluation framework should include:

- specification of policy objectives and outcomes
- evaluation questions around:
    - appropriateness
    - effectiveness
    - efficiency
    - impact / sustainability
- robust performance metrics
- identification of baseline data
- data collection processes
- timeframes, budgets and responsibilities
- a reporting and dissemination strategy, and
- input of stakeholders.

In developing the evaluation framework, matters the department has taken into account include:

- Discussion in the 2018 and 2020 ANAO audit reports about the need for an evaluation framework for the Code and Register and the content of the evaluation framework.
- Current and previous best practice guidance from the ANAO and the Department of Finance on evaluating policies and programs.
- Examples from other Australian jurisdictions and international best practice in terms of evaluating the effectiveness of lobbying regulation (see examples at **Attachment A**).

Evaluation framework for the Code and Register

Policy objectives of the Code

To promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

Performance outcomes

Considering the policy objectives of the Code, the performance outcomes can be expressed as follows:

1. Improved public trust in the integrity of government processes.
2. Improved public perception of transparency in government lobbying processes (i.e. transparency of contact between lobbyists and government representatives).
3. Improved ability of Government representatives to make informed judgments about lobbyist interests (i.e. to establish whose interests they represent so that informed judgements can be made about the outcome they are seeking to achieve).

Proposed metrics and methods of measurement

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
How many lobbyists registered throughout the year	Compliance with the Code	N/A — goal is to track performance over time (including rate of change and potentially comparisons with State and Territory lobbying registers).	Data on registration numbers from 22 March 2021 will be publicly reported through the redeveloped IT system for the Register.
How many lobbyists were de-registered for failing to comply with the code	Compliance with the Code	As above.	As above.
The Register is accessible and up to date — as seen in timeframes for decision-making on new registrations and updates to existing registrations *(Target and metric taken from the AGD 2020-24 Corporate Plan: see 20#1088531DOC and pg 40 of the published plan.)*	Efficient and effective register decision-making	> 85% of new registrations processed and approved within three weeks.	Data on processing and approval times from 22 March 2021 will be collected through the redeveloped IT system for the Register. Statistics will be broken down by record type (i.e. client, lobbyist, organisation updates/registrations etc.)

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
How long it takes the department to review updates to existing registrations following twice-annual mandatory reporting periods (*Metric and target taken from the AGD 2020-24 Corporate Plan: see 20#1088531DOC and pg 40 of the published plan.*)	Efficient and effective register decision-making	> 85% of updates processed and approved within five working days.	As above.
How long it takes the department to make recommendations to the delegate about removal of non-compliant lobbyists following twice-annual mandatory reporting periods	Efficient and effective register decision-making	Recommendations to the delegate made in less than three weeks following the twice annual mandatory reporting periods.	Data will be collected manually.
Number of alleged breaches of the Code submitted through the Register's 'report a breach' page.	Efficient and effective compliance activities	N/A – goal is to track activity over time.	Data will be collected manually.

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
How long it takes the department to review any allegations of a breach of the Code submitted through the Register's 'report a breach' page.	Efficient and effective compliance activities	> 75% of breach reports are reviewed and finalised within 30 days.	Data on response times to breach reports will be collected through the redeveloped IT system for the Register.
How many lobbyists, potential lobbyists or government representatives the department has contacted about potential breaches of the Code which the department became aware of through the 'report a breach' page or otherwise, and resulting numbers of registrations/updates.	Efficient and effective compliance activities	N/A – goal is to track performance over time.	Data will be collected manually.

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
How long it takes the department to review and respond to enquiries about the scheme received via the online enquiry form or email.	Effective and efficient enquiries management	> 85% of responses to email enquiries are sent within 10 business days.	Data on the timeliness of responses to online form/email enquiries will be collected from our internal 'Lobbyist Register' inbox.
Number of online, email and phone queries from different kinds of stakeholders – e.g. Government representatives, lobbyists, the general public.	Effective and efficient enquiries management	N/A – goal is to track enquiry data over time and identify trends.	Data on the timeliness of responses to online form/email enquiries will be collected from our internal 'Lobbyist Register' inbox. Data about phone queries will need to be recorded manually.
How many communication or outreach activities are conducted (compared to the previous year)	Promoting awareness of and compliance with the Code	As above.	Data on communication / outreach activities will be collected from internal records.

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
How many registrations and enquiries follow a communication or outreach activity by the department	Promoting awareness of and compliance with the Code	As above.	As above.
Web analytics data about the number of visitors to the Register and associated pages on the AGD website	Promoting awareness of and compliance with the Code	As above.	Web analytics data can be collected from the website itself — data for visits to AGD website available at https://datastudio.google.com/s/vHNMEhEpmZo (open in Chrome). Web analytics data for the Register and Portal is being progressed by IT — ███████ and ███████.
As applicable – web analytics data about the number of downloads of new published guidance material etc.	Promoting awareness of and compliance with the Code	As above.	As above. Web emailed Web Publishing on 17 March 2022, requesting existing web analytics report be updated to reflect new publications (post Code updates).

Proposed performance metric	Link to performance outcomes	Target	Method of measurement
Stakeholder and client satisfaction in relation to: (i) effectiveness (expertise and quality of relationship) (ii) efficiency (timeliness and effectiveness) *(Metric and target taken from the AGD 2020-24 Corporate Plan: see 20#1088531DOC and pg 40 of the published plan.)*	Measuring confidence in the department's administration of the Code/Register	Stakeholder and client satisfaction > 80%	To be collected through the annual AGD client satisfaction survey undertaken by the AGD Governance Office: Transparency Frameworks Branch to ensure appropriate Lobbying Code stakeholders are included on the survey distribution list. NB: Data no longer collected by Governance Office.

Attachment A: Examples of performance measures from other jurisdictions

Published metrics from other Australian jurisdictions

The following examples are taken from annual reports from the relevant agency in each jurisdiction.

Jurisdiction / entity	Metrics published in annual reports
ACT Office of the Legislative Assembly	Basic statistics on numbers of registrations, type of registrants and details of removed registrations.
NSW Electoral Commission	Basic statistics on numbers of registrants and details of lobbyists' compliance with an obligation to appoint a 'responsible officer' (including subsequent deregistrations for non-compliance). A table containing statistics about investigation activity (warnings, suspensions and cancellations) and a note about the number of investigations undertaken for potential breaches of their legislation.
NT	Nil – no lobbyist register.
Queensland Integrity Commission	Basic statistics on the number of requests for advice on lobbying and the number of lobbyists audited and up-to-date with compliance and contact details. A description of entities' compliance with reporting obligations and the regulator's approach to non-compliance. Simple diagram showing number of registered and de-registered 'entities' and 'listed persons'. Bar graph showing growth in requests about lobbying information over time.
SA Department of Premier and Cabinet	Nil – no specific reporting.
Tasmanian Department of Premier and Cabinet	Nil – no specific reporting.
Victorian Public Service Commission	Performance measure – 'Enquiries and applications relating to the Lobbyist Register and Code are responded to within Standard Time Frame' (5 business days).

WA	Basic statistics about number of registrations and registered lobbyists, and a comparison with the previous year.

International jurisdictions:

Canada

Canada's Office of the Commissioner of Lobbying measures and [publishes](#) statistics on:

- How many registrations are made each month (on average throughout the year),
- How many of those registrations are filed by consultant vs. in-house lobbyists;
- Which government institutions are the most lobbied
- How many communications between lobbyists and public office holders are reported per month (measured from year to year);
- Which subjects are most recorded in lobbying communications across the year;
- How many inquiries were made to the Office about the regime, who made the enquiries (i.e. lobbyists, general public, office holders etc), and what the enquiries were about;
- How long it takes for registrants to receive a response after completing new registration/updates;
- How long it takes for phone calls to the inquiry line to be answered;
- How long it takes to respond to simple email and complex enquiries;
- How many 'compliance activities' are conducted (including referrals to the RCMP, investigations, preliminary assessments, compliance assessments and advisory letters)
- How many applications for exemptions were made and granted;
- How many outreach meetings/presentations were conducted for the purpose of connecting with stakeholders; and
- How many media inquiries about the regime were received over the year.

The Office's performance targets are:

- Registrants receive a response within three business days of completing new registration and updates;
- Calls to the registration information number during business hours are answered within 30 seconds, 80% of the time;
- Responses to simple email inquiries within two business days and complex email inquiries within 10 business days;
- A response sent by the Commissioner within 60 days of receiving an accurately completed application for an exemption;
- Applicant informed of the Commissioner's final decision (about an exemption) within 30 days of the applicant's submitting further representations; and
- Exemptions granted are made publicly available within 48 hours of the effective date of the Commissioner's decision.

OECD guidance material on effectively implementing lobbyist regulation

Though not an example of a set of performance measures in their own right, the OECD's *Lobbyists, Governments and Public Trust, Volume 1: Increasing Transparency through Legislation* states that mechanisms for effective implementation of lobbyist regulation include (see page 31):

> *Formal reporting - To provide official information by the administering body or independent audit on implementation and functioning of policy or regulation. Such reports could also provide data on the level of compliance, for instance on registrations and filings, detected breaches and applied sanctions, and support interpretation.*

United Kingdom

The Office of the Registrar of Consultant Lobbyists has [published](#) its objectives, activities and corresponding 'updates', but has not provided performance statistics.

For example:

- Objective: Operate an accurate and accessible Register – maintain the accuracy and timeliness of information contained in the Register and ensure that systems meet user needs.
- Activity: Quality assure registration information and Quarterly Information Returns to ensure consistency, accuracy and timeliness in line with statutory requirements.
- Update: New registrants actively supported and registration information checked for accuracy. Registrants reminded of duty to update register information. QIRs submitted more speedily as a result of increased rigour in office processes.

Ireland

Ireland's Standards in Public Office Commission measures and [publishes](#) statistics on:

- Total registrants compared to previous years;
- Policy areas of lobbying across the year (e.g. agriculture, economic development, health, housing, justice and equality);
- Number of returns by reporting periods;
- Registrants' main business activities;
- Regional location of registrants;
- Number of investigations launched into unregistered lobbying activities, and how many of those were closed (as registrant complied);
- Number of applications received from former public officials for consent to engage in lobbying during exclusion period; and
- Number of enforcement activities throughout the year (including notices issued and referrals for prosecution).