



DPS ref: 07/1433

[date] 2007

[address block]

Dear Lobbyist passholder



Parliament House passes for lobbyists

- 1 The Presiding Officers are considering a proposal for changes to the Parliament House pass policy.
- 2 Several changes would be made to the current arrangements for the issue of passes to lobbyists.

Criteria for issue

3 First, there would be no frequency of access test for the issue of a Parliament House photographic pass. Instead, the criteria would relate to the nature of an applicant's activities, as follows: [insert new test].

Police checks etc

4 Secondly, applicants for lobbyist passes in either category would be required to undergo a police records check as part of their application for a pass. The results of that check would need to be assessed by DPS as satisfactory before a pass could be issued (see **Attachment A** for more information about assessing the results of a police records check).

[see item 1
on p 3]

5 Please note that the draft policy proposes extending the police records check requirement broadly to cover almost all categories of holders of Parliament House photographic passes—this change is not in any respect aimed at lobbyists.

6 As well as undergoing a police records check, an applicant for a lobbyist pass would need to be certified as being suitable to be granted unaccompanied access to Parliament House. This certification would need to come from a Senator or Member.

Charges for passes

7 Thirdly, a charge would be levied for the issue of a Parliament House pass, to cover the costs of obtaining and assessing the police check. The cost to be imposed has not yet been settled; however, AFP police records checks currently cost \$36, so the total cost is likely to be considerably less than \$100. The pass would normally be issued for three years.

Access to slip roads

8 Finally, the ability of holders of lobbyist passes to gain access to the Parliament House slip roads by swiping the photographic pass to lower the bollards is likely to be restricted, in that photographic passes will generally be enabled for only one nominated slip road rather than all slip roads.

Sign-in privileges

9 At this stage we do not propose to allow lobbyists to sign visitors into Parliament House for unaccompanied access. However, they will be able to escort holders of escorted passes sponsored by photographic passholders with full sign-in rights.

Further information

10 Attachment A sets out:

- (a) the proposed criteria for the issue of a lobbyist pass;
- (b) an extract from the draft policy about the assessment of police check results.

Comments please

11 I would be pleased to receive your comments on either or both of the proposals outlined in this letter. Please let me have those comments, in writing or by email to hilary.penfold@aph.gov.au, by COB Friday 30 June, 2007.

Yours sincerely

Hilary Penfold QC
Secretary

Attachment A—Parliament House passes for media representatives— Extracts from draft pass policy

1. Eligibility for Parliament House pass

The qualifications for the issue of a Parliament House photographic pass in the category are as follows:

Individuals, or employees of firms, whose business involves:

- (a) Representing the interests of their clients to Senators and Members (whether in their capacity as Ministers, shadow Ministers or otherwise); or
- (b) Otherwise dealing regularly with Senators and Members.

2. Police records checks

Vetting procedures—outcomes from police records checks

1 A police records check (**PRC**) conducted by an employer or a sponsoring agency requires the subject to give to the employer or agency information about pending criminal charges, and convictions (other than those covered by a spent convictions scheme), and to consent to a check of police records by the AFP. The AFP then conducts the check, and advises the employer or agency either:

- (a) that there are no “Disclosable Court Outcomes” recorded against the name of the subject; or
- (b) that specified information about pending criminal matters, convictions etc may relate to the subject.

2 A comparison between the information provided by the subject and the information provided by the AFP gives a general indication of the subject’s honesty. Of course, a discrepancy between those sets of information might reflect only forgetfulness by the subject or inaccuracy in the records used or provided by the AFP, and the subject would always be given an opportunity to explain a discrepancy before it is relied on in determining whether to issue a pass.

3 Where the information provided by the subject, or the police check, indicates that the subject has been charged with, or convicted of, one or more offences, it is necessary then to consider the significance of those offences to the subject’s suitability to be given unlimited access to the private circulation areas of Parliament House.

4 This will always be a matter of judgement, and in difficult cases a decision may need to be taken at a high level within the organisation concerned. However, the following general principles can be stated:

- (a) the fact that an applicant for a pass has a police record will not automatically disqualify him or her from obtaining a Parliament House pass;

- (b) in assessing an applicant's suitability to be granted unlimited access to Parliament House, more regard will be had to the nature of particular offences rather than the overall seriousness of the offences; for instance:
- (i) offences involving behaviour that might make an applicant liable to blackmail or susceptible to offers of bribery, or behaviour that might affect an applicant's judgement or reliability; or
 - (ii) offences indicating that the applicant might be a threat to national security;
- are likely to be regarded as more significant than other offences that are in general just as serious (as indicated, for instance, by similar penalty levels).

5 Decisions relating to the outcome of police records checks for the purposes of this policy are made as follows:

- (a) by DPS, for:
 - (i) staff or prospective staff of DPS;
 - (ii) volunteers working in Senators' or Members' offices;
 - (iii) staff or prospective staff of agencies and businesses operating in Parliament House under contracts or licences managed by DPS;
 - (iv) media representatives; and
 - (v) relevant representational (lobbyist) passes (categories 12 and 13);
- (b) by the Department of Finance and Administration, for staff or prospective staff of Senators and Members;
- (c) by the Department of the Senate, for:
 - (i) staff or prospective staff of that Department; and
 - (ii) staff or prospective staff of agencies and businesses operating in Parliament House under contracts or licences managed by that Department;
- (d) by the Department of the House of Representatives, for:
 - (i) staff or prospective staff of that Department; and
 - (ii) staff or prospective staff of agencies and businesses operating in Parliament House under contracts or licences managed by that Department.

6 A person refused a Parliament House photographic pass by a DPS decision-maker on the basis of a police records check would be able to appeal the refusal, first to the Secretary of DPS and then to the Presiding Officers. The opportunity to appeal would be notified to any affected applicant.