

White, Alex

From: 
Sent: Tuesday, 15 April 2008 4:07 PM
To: Lobbyists Register
Subject: Comment on draft Code.
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I am writing in my private capacity to comment on the draft Code. My comments are not those of nor do they reflect the views of my employers.

Generally the draft Code is adequate and well drafted. I make the following comments.

Clause 3 , under the definition of "Lobbyist" trade unions and political parties are not included. It could be argued that employers/office holders of trade unions and political parties who may "lobby" the Government do so on behalf of their members on such issues as public service pay and conditions or electoral funding. In this capacity they are more akin to members of professional bodies who are excluded from the definition under sub-clause 3 (e) and (f). Also, if the Secretary decides to remove a lobbyist from the Register under clause 10 (which decision is currently unappealable) this could have the unintended consequence (or intended) of effectively removing the rights of such organisations to contact the Government about issues that concern their members. If the Government intends to include trade unions as a "Lobbyist" it could still exclude them in so far as their activities concern lobbying for members pay and conditions, this exception would prevent the potential for the Secretary to deny them contact with the Government over this issue . I note that trade unions are specifically excluded from the definition of Lobbyist under the WA Code. (See the WA definition clause 3 and the web site in answer to the question "Who is a lobbyist?")

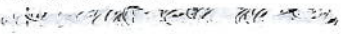
Clause 4.1 currently states: "A Government representative shall not knowingly and intentionally be a party to lobbying ...". I suggest deleting the words "knowingly and" as knowingly and intentionally in effect mean the same thing. (See the *Criminal Code* definition of intention, it includes "knowingly")

Clause 10.3 refers to "The Secretary" and "Cabinet Secretary" . "Secretary" is defined in clause 3 to mean the Secretary of the Department of the Prime Minister and Cabinet. So clause 10.3 is unclear and needs to be redrafted.

Clause 10 , consider adding a appeal mechanism (on the merits) from the Secretary's decisions to the AAT.

Regards


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