



2 April, 2008

The Secretary  
Department of the Prime Minister and Cabinet  
PO Box 6500  
CANBERRA ACT 2600

Email: [lobbyistsregister@pmc.gov.au](mailto:lobbyistsregister@pmc.gov.au)

Dear Secretary,

**Re: Register of Lobbyists and Code of Conduct**

I write regarding the Register of Lobbyists and the exposure draft of the Code of Conduct. I write with the background of having been a ministerial adviser, an 'in-house' public affairs lobbyist, CEO of an industry association and provider of 'third party' lobbyist services and advice to clients through my business Bush Consulting Services Pty Ltd.

I congratulate the Rudd Government for progressing with a register of lobbyists so as to legitimize the work we do in providing a valuable role for our democracy. I do not see myself as a door opener in the old school way of lobbying nor simply sell access to clients (ala Brian Burke) but rather provide strategic consulting advice in how best to engage with government, respond to a RFT or enquiry, write submissions and reports, shape messaging and develop and tailor a client's overall government marketing or business development approach. Sometimes, this involves advising a client not to engage with government or a Minister.

The federal lobbying environment is mature and I have not seen evidence of any corruption or unprofessional behavior such as may occur at other levels of government in Australia. If this register and code maintains that status then it is to be recommended.

I do, however, wish to make some comments on the draft Code for your consideration.

Publicly listing a lobbyist's client's names on the register:

Whilst I support a publicly available register of lobbyists, I do not support the proposal for client names and details to likewise be publicly disclosed. Lawyers and accountants, for example, are not required to disclose their clients due to privacy and commercial-in-confidence reasons and the same sensitivities apply to our industry and the proposed Register.

Perhaps a solution to ensure the transparency you seek would be for the lobbyists' client list not be publicly available on the website but if it is needed by a government official should they have reason to feel they need greater clarity in understanding whom the lobbyist represents, then the client list be made available to the person requesting it only and in confidence. This process would serve both to provide the transparency for government officials as well as protect legitimate concerns regarding publicly disclosed lobbyists client lists.

I also note that in 8.1 (iii) the lobbyist is required to disclose the client in dealings with a public official so it further reinforces that the public disclosure of client names is not needed. As a professional lobbyist myself, I always advise the public official I am dealing with on whose behalf I am requesting a meeting or information by way of example. Being open on representation at



the point of interaction is a better mechanism in my view than a public register detailing a lobbyist's client.

It may also be worth the Government considering that the client register of names could also be used as marketing and business development tools by a competitor to poach a lobbyist's clients.

Appropriate evidence for removal from register and a due process:

Section 10 of the Code relates to registration approval and removal. 10.2 (a) refers to the Secretary's ability to remove a lobbyist from the register for alleged breaches of the Code. It may be worth (as 10.2 (c)) infers, for the Secretary to have appropriate evidence of a breach in writing from the claimant and a subsequent 'please explain' letter sent to the lobbyists in question. This process would seem fair and would greatly assist the Secretary in determining whether a complaint has merit and the removal of a lobbyist from the Code is justified.

Timeliness of updating the Register by the Department:

It is not without precedent for a new client to seek immediate engagement and support which would entail activities falling inside the scope of the Lobbying Code of Conduct. Therefore, a request to update the Register from a lobbyist to include the new client should be done expeditiously so as not to delay any legitimate business and lobbying activities.

A simple and quick process or update procedure (perhaps using an automated online process using a lobbyist's registration number for example) is paramount so that lobbyists do not fall in breach of the Code due to Department processes being slow and or cumbersome.

An electronic and automated email notification system would also assist in providing the necessary lobbyist details and regular updates as required by sections 5.4 and 5.5 thereby not adding red-tape at the same time the Government has stated it wants to reduce business red-tape and simplify business reporting (eg Treasury's SBR and COAG agendas).

Finally, if I was a constituent in Minister Jenny Macklin's electorate I may be confused about the activity as defined in section 3 (b) if I wanted to seek representation on a welfare or Centrelink matter which is often the case with constituent matters. The subsequent definition for lobbyists and representing a third party client would make the constituent representation to the Minister and local member legitimate but the definition for activities is ambiguous in this instance and I would argue the constituent has a right to seek representation on a welfare or child care matter even if their local member is also the responsible Minister. I worked many years ago for a Senator responsible for such matters so this could rule out meeting any constituent from the entire State!

I look forward to seeing the final version of the Code and becoming a registered lobbyist.

Yours sincerely,

A handwritten signature in black ink that reads 'Simon Bush'.

**SIMON BUSH**