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PROPRIETARY LIMITED

8 April 2008

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

Dear Secretary

Thank you for sending me the draft Lobbyists' Code.

I am already informing all my clients that I must have their permission to publish their names once the register is in operation and on my website forthwith. I would suggest to you that publishing a client's name without their permission, even for the purposes of complying with the Code, could breach the Privacy Act.

I suggest that administration and, even more, enforcement, of the Code could encounter difficulties because it is not set down by statute. While I accept that there are hazards for any legislation once it reaches the Senate, nevertheless the Government may find the lack of legal certainty could result in evasion of provisions of the Code.

Paras 10.1-10.3 are potentially quite draconian but, if a Minister ever sought to exercise his/her "absolute discretion", the Courts and the Constitution would surely defeat his/her actions. The absence of statutory provisions is again relevant.

Lawyers purporting to represent their clients on purely legal issues will enjoy immunity from the Code and we will doubtless see a plethora of "Beltway" law firms. It would perhaps be unwise to expect that the High Court would follow *Cunliffe v the Commonwealth* in such circumstances, rather opting to reassert the closed shop rights of the legal profession.

Yours sincerely,



George Brownbill