

The Secretary
Senate Finance and Public Administration Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

I refer to the invitation to comment on the 'Lobbying Code of Conduct'. I apologise for the delay in making a short submission.

As I previously informed the Department of the Prime Minister and Cabinet (PM&C), I welcome the Code. It will lead to improved transparency in dealings between lobbyists and the federal government, providing a higher level of confidence about the processes of government, including government policy making.

I'm am the sole Director of a small lobbying firm, based in Canberra. I have a handful of clients, which are now listed on the PM&C register of lobbyists.

There are two provisions of the Code which I believe should be improved.

First, in commenting on the draft Code, I informed PM&C that I thought the powers being proposed in clause 10.4 of the draft Code provided far too much power to the responsible minister in regard to refusing to register a lobbyist or to remove a lobbyist from the register. I was pleased, therefore, that the Minister decided to amend the Code to improve this clause. However, I think it could be further improved.

I note that Senator Faulkner, in comments to the Senate Estimates Committee hearing on 27 May 2008, advised that action in the manner proposed in Clause 10.4 "...would only occur after the individual concerned had been given an opportunity to comment on the circumstances concerned [and only] "...other than the most exceptional circumstances." I agree with him in this regard, although, as Senator Ronaldson commented in response, "...it is an extraordinarily powerful position.." for any minister, and one which could be used in a manner causing considerable harm to an individual's livelihood.

I'm troubled by Senator Faulkner's further advice to Senate Estimates indicating that individuals who may be affected have recourse through the High Court, under section 75 of the Constitution. Whilst such an avenue is available, I cannot imagine a situation where a small business person would have the resources to pursue such a course of action. I had previously recommended to PM&C that redress via the Commonwealth Ombudsman should be included in the terms of the Code. This would ensure a less costly, independent, transparent and a more even-handed mechanism being available to individuals. I would strongly recommend that the Code include this provision.

The second area of concern to me relates to the reporting requirements (Clause 5.5 refers) of lobbyists. One of the hallmarks of the Rudd Government's election manifesto was to reduce the regulatory burden on small businesses, including promising changes to the BAS reporting impost. This is a sensible policy approach, one supported by many small businesses. It seems odd, therefore, that a small lobbying operation like mine will have to report so frequently when I have such a small, but stable client list. It would be better if small businesses were required to report once per year on their lobbying details or on those occasions when their client list changes.

I hope you are able to take up my recommendations. I would be pleased to appear before the Committee to offer my views directly to members.

Yours sincerely

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