



## **The need for transparency in lobbying**

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Over the past twenty years lobbying in Australia has grown from a small industry of a few hundred employees to a multi billion dollar a year industry. According to *Lobbying in Australia* there are more than 1,000 lobbyists in Canberra. Over \$1 billion is spent lobbying the Federal and State governments in what has become an industry in its own right. Of the 150 lobby groups analysed in *Lobbying in Australia*, they had more than 260 public relations officers, 2431 staff and a budget of over \$713 million. More than \$6 million on average for each lobby group. Over 100 organisations provided their annual budgets but many did not. Lobbyists' finances are growing at three times the rate of inflation and staff numbers are increasing.

Lobbying has become a political fact of life and is now endemic in local, state and federal government. It is not just the local councillors, state and federal politicians being lobbied. What was once the preserve of big multi-national companies and at a more local level, property developers, has morphed into an industry that would employ more than 10,000 people and represent every facet of human endeavour. We have become a country of 'aspirational' public relations companies and non-government organisations (NGO's) that now seek to control public policy initiatives and programmes not through debate in parliament but by infiltrating the government sector.

The decision by all governments to outsource the delivery of many services has opened the door to lobbyists to be part of the programme. These government and private sector partnerships are not to the disadvantage of the industries involved. And taxpayers are footing the bill for outsourced public servants to assist these lobbying organisations in tendering for public contracts.

Whether this is good public policy is debatable but surely questions of inequality of access must arise. Well funded and powerful NGO's have seats at the table but the general public at whom the programme is targeted do not. They are the passive receivers of deals agreed between government and private providers of the service or programme.

It is time to become proscriptive about lobbying in Australia.

Lobbyists must organise a pass to get access to the federal parliament. However, this is not necessary as some are simply signed in as guests of Senators or Members on the day of their visit. When lobbyists visit most federal government departments they must also sign a register. The Parliamentary Pass must be signed by two parliamentarians. It is administered by the Department of Parliamentary Services (DPS) and has the enforcement of the Criminal Code Act 1995. The Pass is valid for two years. A lobbyist who desires a Pass must make a booking to be photographed and data-based by the security office. The photo is organised through the Pass office at Parliament House. The Pass cannot be transferred to another person and must be visible at all times. Currently only 600 lobbyists have a pass (CEO's of the lobby group). The list is not open to public inspection.

All Federal and State Parliaments need to enact legislation for registration and regulation of the lobbying industry. But what sort of legislation is needed? There are several forms of legislation in democratic countries around the world and it is the Canadian model that is proving popular in the corridors of Canberra. The main concern with the Canadian *Lobbyists Registration Act* is that lobbyists are not required to disclose financial information other than the government funding received by their clients. In Australia all lobbyists should provide a financial annual report as part of their registration and regulation.

Rather than simply cut and paste the Canadian model – which is not working particularly well - or any other version of that, Australia should create its own unique form of registration and regulation.

The aim should be to give the power for registration and regulation to the federal Parliament – not a government Minister - to control, host and provide the secretarial support for a national registration of the lobbying industry. This would include a live website that incorporates the concept of 'e-government'; improved efficiency, effectiveness and accountability for all.

The secretariat could be funded from the fees paid by the lobbyists. Any organisation involved in lobbying that employs paid staff and which requires access to Parliament

House should pay an accreditation fee of \$1,000 per person for a federal parliamentary pass. It could raise between \$600,000 and \$1 million a year.

There are actually several vacant offices adjacent to the Press Gallery that could be used to house the secretariat. These offices have been vacant for years.

Why should lobbyists have free access to Parliament when journalists in the Press Gallery have to pay a licence fee (rent) for their offices that currently generate about \$1 million a year?

Lobbyists' registration forms and administration to access Parliament House in Canberra could also be organised through the Members and Senators offices in the State capitals and Territories. There are about five support staff from the Finance Department in each of the Commonwealth Parliamentary offices, except for Darwin which has two or three staff.

Minimum regulation of the lobbying industry by the secretariat should include:

- All annual reports to be submitted once a year (financial year).
- Information to be available online to the general public.
- A searchable database of companies and consultants hosted on the website.

Lobbyists would be required to reveal how much they spent on lobbying each year, including entertainment expenses, travel and public advocacy expenses, advertising campaigns, seminars and sponsorships of third parties.

Companies that have their own in-house lobbyists – such as Telstra and Qantas for example – should have to register these activities and reveal expenditure.

The other, perhaps more important area of lobbying activity that needs to be regulated is that involving lobbyists and public servants.

If you should contact a government department today the first question you will be asked is, 'Are you a journalist or a member of the public'? How you are treated thereafter depends on your answer to the question. Why? Because as a taxpayer you are no longer deemed to have the right to know anything about what the Department or the Minister is allegedly doing on your behalf.

Journalists, on the other hand, are told they must submit their questions in writing and then are subject to long delays in getting answers, a process designed to frustrate any deadlines involved.

So what effective template can be used to database lobbyists' access to federal public servants? Surely, the same template used to identify every media call to the federal bureaucracy. For example: I wrote to several departments and asked these two questions:

- What is the 'formal' procedure required by a department when public servants are contacted by the media (press gallery)?
- What is the formal procedure required by a department when public servants are contacted by a lobbyist?

The Department of Immigration and Citizenship (DIAC) officers are instructed to refer all media inquiries relating to the department's work to the National Communications media telephone number, which is staffed 24 hours a day. DIAC does not currently have any formal instruction for dealing with lobbyists.

According to the Australian Tax Office (ATO) they have a 'media practice statement' which must be followed by all employees both 'ongoing, non-ongoing and to contractors and third party suppliers'. All media enquiries must be referred to a central point, and their information is to be data-based and forwarded on to the media team. At no stage may the public servant make a statement, answer or comment to the media and must never provide a direct phone number. According to the ATO they "don't have, nor need a 'formal' procedure" for dealing with lobbyists but direct phone numbers are provided to lobbyists.

The Department of Health and Ageing replied that public servants engage with a wide range of stakeholders and, no doubt, some of these are "lobbyists" on behalf of health-related organisations. As there is no register of lobbyists, the Department doesn't expect staff to identify them. "We are concerned about hearing as many views as possible and information gleaned during extensive consultations and conversations assists us in formulating good health policy" they claimed.

Doesn't the public have a right to know just who is involved in these 'extensive consultations and conversations' when billions of dollars will no doubt be expended on the result and from which the participating industries/lobbyists expect to profit? It's time for the registration and regulation of the industry.