

7 December 2018

Standing Committee on Administration and Procedure
ACT Legislative Assembly
By email: admin.proc@parliament.act.gov.au

Dear Sir/Madam

Inquiry into the ACT Register of Lobbyists

The Australian Professional Government Relations Association (APGRA) welcomes the opportunity to provide feedback to the ACT Standing Committee on Administration and Procedure inquiry into expanding the scope of the ACT Register of Lobbyists to cover in-house government relations staff, industry associations and project management liaison officers and companies. The inquiry's terms of reference also include questions regarding whether there is still a need for the Lobbyist Register.

This submission will provide the Committee with an overview of the APGRA and its aims, and outline the APGRA's response to the inquiry's terms of reference.

1. About the APGRA

The APGRA was established in 2014 by a number of longstanding public affairs consulting firms and senior practitioners to promote ethical standards, greater transparency and a binding Code of Conduct applicable to all members conducting government relations activity.

The aims of the APGRA are to:

- Promote the highest standards of government relations practice in Australia through the establishment and maintenance of a robust industry code of conduct;
- Complement existing regulation of government relations activity in Australia and provide a basis for regular dialogue between government and the profession; and
- Contribute to greater understanding of professional government relations in Australia, and the legitimate and important role the sector plays.

Membership of the APGRA is open to all practitioners – including consultants and in-house practitioners at corporations and peak industry groups – provided they are able to satisfy and commit to the Association's Code of Conduct and Membership Rules. Further information on the APGRA can be found at www.apgra.com.au.

2. The APGRA's response to the terms of reference

Engagement by the non-government sector with government officials, or lobbying, is an essential part of Australia's political process and a legitimate undertaking in a free and open democratic society. Professional government relations practitioners provide advice and assistance that enhances the effectiveness and free-flow of information between the corporate/industry/not-for-profit sectors and government. This is not only of benefit to non-government parties but, importantly, exposes government to new ideas and opportunities which is to the benefit of the broader community.

The APGRA supports the public policy principles underpinning the ACT Register of Lobbyists. The Register was designed to provide transparency to both the ACT Government and the public in relation to who is undertaking lobbying activities and which organisations they represent, and ensure appropriate behavioural standards for third-parties when interacting with government officials.

The APGRA is of the view that, since its inception, the ACT Register of Lobbyists has achieved the public policy aim of ensuring effective oversight and transparency over lobbying activities, and continues to do so. It is the APGRA's view that extending the Register to cover in-house lobbyists would not offer significant benefit given that no additional transparency would be achieved – when an in-house lobbyist engages government, it is already clear on whose behalf they are acting.

We do, however, share the concern that some other third party consultants – those who do not market or brand themselves as professional government relations practitioners or 'lobbyists' – may nonetheless regularly advocate to government on behalf of their clients yet be unregistered. APGRA believes that the Code of Conduct ought to be modified so that these consultants are required to appear on the Register – in other words, the definition of 'lobbyist' ought to be based on substance rather than form.

The APGRA also supports the extension of ethical obligations to apply to all practitioners who engage with government, including in-house government relations practitioners. This arrangement was introduced in NSW in 2014, when the Code of Conduct in that state was amended to extend application of ethical obligations to all individuals and organisations that engage with NSW Government officials. As a matter of common sense, this contributes to raising standards of engagement with government officials.

We note the Committee's questions in relation to the need for a Register in light of recent developments, such as the publication of ministerial diaries and the intended formation of an integrity commission. We note in response that ministerial diary publication and the Independent Commission Against Corruption (ICAC) currently co-exist with the NSW Government's Register of Third-Party Lobbyists in that state.

Thank you again for the opportunity to provide comment in relation to the current inquiry. Should the Committee have any questions in relation to this submission or the APGRA more generally, please do not hesitate to contact me on 02 8353 0400.

Yours sincerely

[Signed]

Les Timar
Secretary
(CEO & Founding Partner of GRACosway)