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Senate Finance and Public Administration Reference Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: fpa.sen@aph.gov.au

**Submission to the Senate Finance and Public Administration Reference Committee
Inquiry into Access to Australian Parliament House by Lobbyists**

Dear Committee,

Thank you for the opportunity to provide a submission to the Inquiry.

1. About the Australian Professional Government Relations Association (APGRA)

The Australian Professional Government Relations Association (APGRA) is the professional association for consulting and in-house government relations practitioners in Australia. 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 members conducting government relations activity.

The APGRA's aims are to:

- Promote high standards of government relations practice in Australia through the establishment and maintenance of a robust industry code of conduct;
- Protect, promote and advance the interests of government relations professionals on issues affecting or likely to affect the Australian professional government relations industry;
- 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 in a vibrant democratic system.

The APGRA works closely with governments and regulators across Australia to provide input on lobbying regulation and other matters relevant to our members. We have forged positive and productive relationships with public officials who manage the integrity frameworks in key jurisdictions and regularly act as a sounding board on proposed regulatory changes and, for example, logistical issues around the lobbyist register website.

Our vision is to be the leading voice of professional government relations practitioners by advocating our established high ethical standards, promoting greater transparency and the implementation and amplification of a binding code of conduct. We ensure key stakeholders know our profession is an essential part of Australia's political process and a legitimate undertaking in a free and open democratic society.

APGRA Code of Conduct

The centrepiece of the APGRA is a binding Code of Conduct that regulates the behaviour of members and promotes high ethical standards within the government relations profession. More stringent than any federal, state and territory regulatory regime, the code operates alongside existing regulatory frameworks of these jurisdictions, thereby creating the basis for a co-regulatory framework to maintain and further develop professional conduct. A complete copy of the code can be found at [Appendix A](#).

Membership of the APGRA is open to practitioners across all categories – including consultants, in-house practitioners and peak industry groups – provided they are able to satisfy and commit to the Code of Conduct and APGRA Membership Rules. Failure to do so is grounds for declining or cancelling membership, or applying other sanctions deemed appropriate.

The APGRA has a strong and active national membership, however not all government relations practitioners operating in Australia are members of the Association. We would like to see more government relations practitioners become members of the APGRA and subscribe to our Code of Conduct.

An example of some of the provisions in our Code, consistent with existing federal regulation, prescribes that post-employment restrictions for elected and non-elected Government representatives must be in place, particularly for those who have had access to sensitive information. Additionally, the APGRA's Code outlines that practitioners who were formerly elected Government Representatives will not, for a period of 18 months after they ceased to hold office, make representations on behalf of a client, with respect to any matter on which they had official dealings in the 18 months prior to leaving that role. Similarly for practitioners who were formerly non-elected Government Representatives, they will not, for a period of 12 months after they ceased their former role, make representations on behalf of a client, with respect to any matter on which they had official dealings in the 12 months prior to leaving that role.

The APGRA Code also states that members must not serve in an executive role with a political party or play a senior management role in the conduct of an election campaign.

2. About our profession

Professional government relations practitioners, whether consulting (third party) or in-house, are typically involved in a range of activities that are substantially broader than simply direct advocacy or lobbying. Some basic elements of a government relations practitioner's activities include:

- Understanding the business and priorities of the organisation they are advising as well as the specific objectives they may have in an area of public policy.
- Researching, and advising organisations on current policy settings in areas relevant to them and potential trends in the development of policy by government (e.g. based on changes in other jurisdictions).
- Assisting the organisation to formulate the case they intend to put forward to government in relation to regulation, legislation government/parliamentary policy

inquiry or another matter. This often involves factoring in existing policy settings as well as casting a critical eye over the organisation's arguments and the justification/evidence they propose to put forward.

- Advising the organisation on relevant government portfolio/agency responsibilities (i.e. who they ought to be engaging with in government) as well as relevant government and parliamentary processes.
- Assisting in the formulation of the organisation's public policy submissions and correspondence to government.
- Monitoring ongoing developments in public policy, parliament and the broader public discourse of relevance to the organisation's activities.
- Lobbying or advocacy activities that include coordinating logistical arrangements for government stakeholder meetings on the organisation's behalf and, in many cases, attending these meetings and undertaking relevant follow-up activities.

As this list demonstrates, the work of professional government relations practitioners extends well beyond direct engagement with government.

The role of professional government relations practitioners is similar to that of other providers of professional services. Our members provide strategic advice to clients, assisting them to assess opportunities and understand and interpret the policy and political landscape. Our members also help their clients – who may not be familiar with government – to understand how government processes and systems work and how they might be able to participate in these processes. This specialist professional advice is similar to that provided by lawyers, accountants and engineers who help their clients to understand and navigate technical processes relevant to each of those professional sectors.

Government relations practitioners across Australia are subject to a rigorous and robust regulatory framework which have different requirements for the nine different governments, i.e. the federal government and the eight state and territory governments.

A brief overview of the existing regulatory frameworks that government relations practitioners must comply with across Australia follows.

Federal Government

- [Commonwealth Electoral Act 1918](#);
- [Lobbying Code of Conduct](#);
- [The Lobbyist Register](#);
- [Political donations and financial disclosure](#); and
- [FIT Scheme](#).

Queensland Government

- [Electoral Act 1992](#);
- [Electoral and Other Legislation \(Accountability, Integrity and Other Matters\) Amendment Act 2020](#);
- [Lobbyist obligations and Code of Conduct](#);
- [Integrity Act 2009](#);
- [Register of Lobbyists](#);
- [Political donations and financial disclosure](#); and
- [Prohibited donors scheme](#).

New South Wales Government

- [Electoral Act 2017](#);
- [Lobbying Rules](#);
- [Lobbyists Code of Conduct](#);
- [The Lobbyists Register](#);
- [Electoral Funding Act 2018](#);
- [Annual major political donor disclosure](#); and
- [Lobbying representing foreign principals](#).

Australian Capital Territory Government

- [Electoral Act 1992](#);
- [Electoral Regulation 1993](#);
- ACT Lobbying Code of Conduct (from page 123 of the [Legislative Assembly Standing Orders](#));
- [ACT Register of Lobbyists](#);
- [Registration requirements for lobbyists](#); and
- [Political donations and financial disclosure](#).

Victorian Government

- [Electoral Act 2002](#);
- [Electoral Legislation Amendment Act 2018](#);
- [Victorian Government Professional Lobbyist Code of Conduct](#);
- [Victorian Register of Lobbyists](#);
- [Victorian Public Sector Commission Register of “Government Affairs Directors”](#); and
- [Funding and disclosure information for donors](#).

Tasmanian Government

- [Electoral Act 2004](#);
- [Electoral Amendment Act 2019](#);
- [Tasmanian Government Lobbying Code of Conduct](#);
- [Register of Lobbyists](#); and
- [Integrity Commission Act 2009](#).

South Australian Government

- [Electoral Act 1985](#);
- [Electoral Regulations 2009](#);
- [Lobbyists Act 2015](#);
- [Lobbyists Regulations 2016](#);
- [South Australian Lobbyist Register](#); and
- [Other requirements for lobbyists](#).

Western Australian Government

- [Electoral Act 1907](#);
- [Electoral \(Political Finance\) Regulations 1996](#);
- [Lobbyist Code of Conduct](#);
- [Integrity \(Lobbyists\) Act 2016](#); and
- [Register of Lobbyists](#).

Northern Territory Government

- [Electoral Act 2004](#);
- [Electoral Regulations 2004](#);
- [Financial disclosure for donors](#); and
- [Financial disclosure for third-party campaigners](#).

The APGRA continues to support these regulatory frameworks, including its aims to ensure that contact between lobbyists and government, opposition and other publicly elected representatives is conducted in an ethical and transparent way. The framework is one of the strongest in the world.

3. Response to Inquiry Terms of Reference

The APGRA welcomes the opportunity to respond to the Terms of Reference of the Committee's Inquiry as set out below.

a. Current transparency arrangements relating to the lobbyist register

Lobbying activity in Australia is regulated by different frameworks across federal, state and territory jurisdictions. At a federal level, the Attorney-General's Department oversees a stringent regime and administers the Lobbying Code of Conduct and the Register of Lobbyists in Australia.

The Attorney General's Department Code of Conduct notes that *"lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to the Government and, in doing so, improve outcomes for the individual and the community as a whole."*

The Code of Conduct sets out some important obligations for both lobbyist and Government representatives alike and is an important regulatory mechanism to manage these activities in Australia.

Available on a publicly accessible website, the Register of Lobbyists clearly captures significant details of each registered lobbying firm. This includes the lobbying organisation, ownership details, individual employees registered as lobbyists who undertake lobbying activity and the clients they engage with. These current transparency requirements are important and appropriate regulation for the sector.

b. Current sponsored pass system, and publicly accessible information of Australian Parliament pass holders who are lobbyists and their sponsors.

Supporting engagement with decision makers is a key role of lobbyists that can contribute to better policy outcomes. The Australian Parliament House 'sponsored pass' is designed for individuals who regularly engage with stakeholders. The sponsored pass system provides a high degree of security, integrity and convenience to the Parliament, its members and their staff, as well as those required to be in Parliament House on a regular basis as part of their employment or role with an organisation.

It is important to note that sponsored passes are not only held by registered lobbyists. According to the Australian Parliament House [website](#), *"the 'Sponsored Pass' category contains lobbyists, representatives from non-Government and not-for-profit organisations, commercial companies, religious or specific interest groups, universities, cultural institutions, unions, representatives from diplomatic missions and media"*.

As Committee members may be aware, as a first step, persons seeking a sponsored pass require a Member of Parliament or Senator to sign their application form. Once submitted there is a stringent vetting process to check applicants' suitability to hold a sponsored pass, including a police background check. The APGRA fully supports this process. Once a sponsored pass has been approved and provided to the applicant, the individual does not need to be signed-in each time they attend the House as their identification and role has already been thoroughly pre-verified and approved.

The sponsored pass system delivers the practical benefit of reducing the frequency with which Senators' and Members' staff must leave their offices to sign in staff and escort them to meetings. Without the passes, stakeholders are required to be signed in for each meeting, which adds to the burden on both staff and those seeking to engage. With a limited number of sitting days each year, and people travelling across the country to meet with elected representatives, stakeholders will often have multiple meetings in a day and Members of Parliament regularly have back-to-back meetings. Additional logistical demands on those meetings will reduce the time available for people to engage. Departmental officials can apply for passes for a similar reason – to improve the efficiency of the operations of those who need to access Parliament House for work purposes.

The APGRA believes the current arrangements for sponsored pass holders are robust, efficient and fair for those people required to be in Parliament House on a regular basis.

While ultimately it is a decision for Parliament's Presiding Officers the Department of Parliamentary Services and the Government, the APGRA believes the current system is rigorous, and functions well to allow those who need access to Parliament House for work purposes, to do so.

In relation to making information about lobbyists publicly available, APGRA advises the following:

- The sponsored pass system, administered by the Parliament's Presiding Officers, is managed entirely separately to the Lobbying Code of Conduct and Register of Lobbyists, which is administered by the Attorney-General's Department.
- Details of government relations professionals and the clients they represent are already publicly available via the Lobbyist Register website.

It is the APGRA's view that any public listing of lobbyists who also hold sponsored passes would be duplicative to the existing lobbyist register, unreasonably target only one cohort of pass holders and add to the already significant administrative burden that exists for government relations practitioners in meeting differing lobbying regulations in eight jurisdictions.

The APGRA supports transparency in principle, where measures seeking to achieve it are additive to existing arrangements, do not unreasonably add to the administrative burden or create a chilling effect on members' activities. We note that in the past, two sponsors were required to support an application for a sponsored pass and that the sponsors names were clearly shown on the physical pass. The APGRA is not aware why this requirement was changed. The APGRA would be open to discussing the suitability of these measures to enhance the rigorous process around sponsored passes.



4. Conclusion

Lobbying is a legitimate undertaking in a free and open democratic society. The APGRA supports measures that do not seek to unreasonably curtail lobbying activity where it is conducted ethically and transparently by government relations practitioners in line with the requirements of the Federal Government's integrity framework, including lobbying regulation and in the case of the APGRA and its members, consistent with our Code of Conduct.

Thank you for the opportunity to participate in the inquiry. Should you have any questions about our submission, please do not hesitate to contact me to discuss.

Yours sincerely

**Andrew Cox, President
Australian Professional Government Relations Association**

Appendix A: APGRA Code of Conduct

Introduction

The individual and firm members of the Association believe that government relations practitioners must be honest, open and transparent at all times in their dealings with government and clients, and are committed to high standards of integrity in the conduct of their businesses and activities.

This Code of Conduct has been developed by the Association to clearly articulate the professional and ethical framework for the way in which members relate to government in Australia. Members' primary obligations are to abide by the relevant legislation and government codes in place around Australia. It is intended that this Code will operate alongside those schemes, but in any and all cases of inconsistency, relevant legislation and government codes will prevail to the extent of that inconsistency.

Membership of the Association is open to any firm or person for whom the making of representations to government in Australia constitutes part of their professional activities and who is prepared to abide by and implement this Code of Conduct and Membership Rules, and continues to comply with them on an ongoing basis.

This Code of Conduct covers the activities of members in their interaction with Australian governments at all levels. Members can include specialist government relations firms and their staff, professional communications firms that also offer government relations support as part of their services, "in-house" and individual government relations practitioners, as well as any other professionals who make representations to government.

It is a pre-requisite and condition of membership of the Association that members adopt and abide by this Code of Conduct, and that all practitioners involved in providing government relations services and making representations to government observe the duties and principles set out in the Code. Members will be required to renew their commitment to the Code each year as a condition of membership.

Failure to adopt and abide by this Code of Conduct and Membership Rules will be grounds for declining or cancelling membership of the Association, or other sanctions deemed appropriate and proportionate.

Definitions

"Consulting Practitioner" means a Government Relations Practitioner who is engaged as a third party to Make Representations on behalf of an individual, a company or an organisation.

"Client" means an individual, association, organisation or business who:

- a) has engaged the Practitioner, or the organisation for whom the Practitioner works, on a professional basis to Make Representations to a Government Representative; or
- b) in relation to an 'in-house' Practitioner, means the Practitioner's employer.

"Executive Role" is any leadership, office-bearer, fundraising or decision-making role in a registered political party or associated entity but does not include ordinary membership of a political party.

"Government Institutions" includes Parliament, local government, the ministry, the bureaucracy, and government-owned trading organisations.

“**Government Relations Practitioner**” or “**Practitioner**” is an individual who may be a person, body corporate, unincorporated association or partnership who Makes Representations.

“**Government Representative**” means a Government Institution or a person elected to be a member of a Government Institution such as a Member of Parliament or local councillor, as well as their staff, such as Ministerial staff, staff employed by a Member of Parliament, staff employed by a local or shire council or staff employed in the public sector.

“**Lobbying Rules**” means rules established by legislation or a Government Institution to regulate lobbying or government relations practitioners or their activities.

“**Making Representations**” includes substantive contact with a Government Representative for the purpose of influencing government decision-making, including making or changing legislation, developing or amending policy or programs, the awarding of a tender, a grant or allocation of funding, and meeting or other requests, but does not include non-substantive matters, such as requests for publicly available information or modifying logistical arrangements for a meeting.

“**Management Committee**” means the Management Committee of the Association or their designate.

Operation of this Code

1. This Code applies in respect of all circumstances in which a Government Relations Practitioner is Making Representations on behalf of a Client.
2. Any breach of this Code of Conduct will be dealt with in accordance with the Membership Rules and it is an obligation of membership that each member (and their relevant staff) is bound by those Rules.
3. This Code commences on 1 July 2014.

Professionalism

4. Practitioners will act with honesty and decency at all times towards Government Representatives.
5. Practitioners will not act in a manner detrimental to the reputation of the Association or the professional practice of government relations in general.
6. Practitioners will not engage in any conduct that is corrupt, dishonest or illegal.
7. Practitioners will use reasonable endeavours to satisfy themselves of the truth or accuracy of all statements made or information provided to Government Representatives and will exercise proper care to avoid giving false or misleading information.
8. Practitioners will diligently advance and advocate their Client’s interest.
9. Practitioners will devote time, attention and resources to the Client’s interests that are commensurate with Client expectations, agreements, and compensation.

Interactions with Government

10. When interacting with Government Representatives, Practitioners will disclose on whose behalf they are acting and will not misrepresent their interests.
11. Where the proposed or actual activities of a Client may be illegal, unethical or otherwise contrary to a Lobbying Rule or this Code, Practitioners will advise the Client accordingly and refuse to act in relation to the relevant activity.
12. Practitioners will not make misleading, exaggerated or extravagant claims regarding or misrepresent the nature or extent of their access to, or relationship with, Government Representatives, political parties or members of political parties. This clause extends to claims of “guaranteed” access to, or outcomes from, particular Government Representatives.
13. Practitioners will not offer or give, or cause a Client to offer or give, any financial or other incentive to any Government Representative that could be construed as a bribe or inducement.

Personal Political Activity

14. Practitioners will keep strictly separate their professional activities and any personal activity or involvement on behalf, or as a member, of a political party.
15. Practitioners will not serve in an Executive Role with a political party.
16. Practitioners will not play a senior management role in the conduct of an election campaign.

Employment of Government Representatives

17. Practitioners will not employ, or otherwise commercially engage, any current Government Representative.
18. Practitioners who were formerly elected Government Representatives will not, for a period of 18 months after they ceased to hold office, Make Representations on behalf of a client, with respect to any matter on which they had official dealings in the 18 months prior to leaving that role.
19. Practitioners, who were formerly non-elected Government Representatives will not, for a period of 12 months after they ceased their former role, Make Representations on behalf of a Client, with respect to any matter on which they had official dealings in the 12 months prior to leaving that role.

Compliance with Laws, Regulations and Rules

20. Practitioners will comply with any relevant Lobbying Rules and with this Code. Where any conflict exists between this Code and a Lobbying Rule, Practitioners must abide by the Lobbying Rule.

21. Practitioners will comply with any legislation, government resolution or rule relating to donations to political parties and any other matter.
22. Practitioners will conduct themselves in accordance with the rules of parliament or any other Institution of Government while within their precincts (including rules relating to any access pass that might have been issued to them).
23. Practitioners will abide by the rules for obtaining, distribution and release of parliamentary and governmental documents.
24. Practitioners will not obtain information from Government Representatives by improper or unlawful means.
25. Practitioners will not cause a Government Representative to breach any law, regulation or rule applicable to them.

Obligations Only Applying to Consulting Practitioners

26. Consulting Practitioners will have a written agreement with their Client regarding the terms and conditions for their services, including the amount of and basis for compensation.
27. The fees charged by a Consulting Practitioner will be reasonable, taking into account the facts and circumstances of the engagement.
28. Upon termination of their relationship, Consulting Practitioners will take steps to the extent reasonably practicable to protect a Client's interests, such as giving reasonable notice to the Client, allowing time for employment of another Practitioner and surrendering papers and property to which the Client is entitled.
29. Consulting Practitioners will indicate to their Clients their membership of the Association, and the existence of obligations under this Code and the Lobbying Rules.
30. Consulting Practitioners will avoid conflicts of interest in Making Representations on behalf of a Client to a Government Representative.
31. Consulting Practitioners will disclose any known conflict of interest to their relevant Clients and resolve the conflict issue promptly.