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Lobbyists – Playing a Crucial Role in the Processes of Government

An insider's view on the lobbying process

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1. A Minister's Insight

Eighteen months prior to the South Australian State election in December 1993, it was obvious to any casual observer that there was going to be a change in Government – the State Bank had financially collapsed in 1991, the Premier had subsequently resigned in September 1992 and the Opposition appointed a new and credible Leader in May 1992.

The State Bank of South Australia was a bank created in 1984 and owned by the Government of South Australia. The bank's financial implosion in 1991 was one of the biggest economic disasters in the state's history. As a Government-owned bank, deposits were guaranteed (legally underwritten) by the Government of South Australia. The bank became the subject of a two-year South Australian Royal Commission upon collapse in 1991. Three reports of the Commission's findings were published in 1992 and 1993. The surviving part of the now privatised bank now exists as BankSA.

Against this backdrop, with a change in Government virtually certain, Shadow Ministers were subject to intense lobbying from businesses and groups associated with their portfolios. In those days there were no lobbying companies, no specialist internal lobbyists and a lesser number of amateurish industry associations.

My Shadow Ministerial Portfolios at that time were Emergency Services (including Police); Correctional Services; and State Services (Procurement, Construction, Information Technology, Miscellaneous Services).

Consequently, I received representations from a diverse array of local, interstate and overseas companies during the 18 month lead up to the 1993 State election from industries that included:

- Private Ambulance;
- Fire Appliance Manufacture;
- Fire Equipment Manufacture;
- Private Fire Equipment Service;
- Private Security;
- Private Prisons;
- Security Equipment and Surveillance;
- Construction;
- Information Technology;
- Fleet Management;
- Building Management;
- Real Estate;
- Office Supplies;
- Sporting Equipment;
- Document Management and Archival.

I was intrigued at the time that most of the representations were from Managing Directors, Chief Executive Officers or other senior personnel and very few had a

comprehensive understanding of the processes and requirements of Government, the roles of Ministers and the roles of Government staff. I regarded most of the representations as naïve and poorly prepared. My view did not change during the ensuing 8 years during which I served as a Minister in a diverse range of portfolios. I decided at that time, that when I retired from politics, I would establish a consultancy service to assist companies to interact with Government.

2. What is a Lobbyist?

I dislike the word 'lobbyist' as it conjures up a seediness about the industry in the minds of many, that is a slur on an ethical and professional practitioner. I much prefer the term Government Relations (GR) Consultant.

In the United States of America, where the lobbying industry is the most active in the world, there have been many views on, or myths about, the origin of the term 'lobbyist'.

One often repeated myth is that the term 'lobbyist' originated at the Willard Hotel when Ulysses S. Grant was in office (1869-1877). Apparently President Grant would frequent the Willard Hotel to enjoy brandy and a cigar and while he was there, he would be hounded by petitioners asking for legislative favors or jobs. It is said that President Grant coined the term by referring to the petitioners as "those damn lobbyists." In more recent times, the myth has been circulated by the Washington Post, The Hill, the American Society of News Editors, and the PR director of the Willard Hotel.

The verb 'to lobby' first appeared in print in the United States in the 1830's, at least thirty years before Ulysses S. Grant became President. The term is believed to have originated in British Parliament, and referred to the lobbies outside the chambers where wheeling and dealing took place. "Lobbyist" was in common usage in Britain in the 1840's. Jesse Sheidlower, editor-at-large for the *Oxford English Dictionary*, believes the term was used as early as 1640 in England to describe the lobbies that were open to constituents to interact with their representatives.

With this in mind, it is interesting to examine how the term is defined in various dictionaries. I have been unable to find any definition that I regard as complete. Just some of the definitions of the term 'lobbyist' include:

- A person who takes part in an organised attempt to **influence legislators** – Oxford Dictionaries;
- A lobbyist is someone hired by a business or a cause to **persuade legislators** to support that business or cause. Lobbyists get paid to win favor from politicians. For example, oil companies send lobbyists to Washington to try to make life easier for oil companies – Vocabulary.com;
- a person who tries to **influence legislation** on behalf of a special interest – Dictionary.com;
- The act of attempting to influence business and Government leaders to **create legislation** or conduct an activity that will help a particular organization – BusinessDictionary.com;
- a person who solicits members of a legislature for the purpose of **influencing legislation** – Webster Dictionary.

Three of the above definitions focus on influencing legislation and two on influencing legislators. These are very narrow and simplistic interpretations of what a lobbyist actually does. In my view a more appropriate and complete definition is:

A person who educates companies and organisations about the processes of Government, examines problems with Government encountered by those companies and organisations, informs Government of the problems and advises constructive solutions to the problems. Informing Government requires dialog with some or all of Ministers, legislators and their employees, including regulatory officials.

3. What does a Lobbyist do?

Over the past 9 years, GR Solutions has worked for a diverse range of companies and organisations in the resources, health, education and training, transport, finance, development, construction, custodial and not-for-profit sectors.

The work that we have undertaken for our clients includes:

- Developing effective corporate Government relations strategies including Federal, State and Local political contact programs;
- Identifying and consulting with key Government, regulatory and Opposition stakeholders;
- Managing relations with Ministers, parliamentarians, and regulators;
- Legislative and regulatory advice;
- Policy analysis;
- Advice on Government procurement processes - including tenders and direct negotiations;
- Advice on public-private partnerships, major projects infrastructure and outsourcing;
- Assistance with development proposals and approvals;
- Counsel on Government and Parliamentary Inquiries;
- Assistance with submissions and presentations;
- Contributing to debates, inquiries and questions in Federal and State parliaments;
- Decision monitoring, intelligence gathering and strategic advice;
- Issues and crisis management.

This work is clearly far more complex than the aforementioned poor dictionary definitions for the term 'lobbyist'.

For more than 7 years I undertook work for a growing oil and gas company in the Federal, South Australian, Queensland and Victorian Government jurisdictions. Without divulging confidential information, I can advise that my work comprised in part:

- Continually educating company personnel about the processes of Government;
- Examining relevant Federal and State Government Bills and preparing reports on aspects of the Bills relevant to company operations;
- Examining Reports from relevant Federal and State Government and Parliamentary Inquiries and Reviews; and preparing reports on matters relevant to company operations;
- Preparing submissions for Federal and State Government and Parliamentary Inquiries and Reviews;
- Analysing Federal and State Budget Papers and preparing reports on matters relevant to company operations;
- Organising the involvement of key political and regulatory stakeholders in educational company Field Trips;
- Arranging for company sponsorship of political party events;
- On a wide range of matters, providing background briefings on behalf of the company, preparing written briefing material and organising verbal briefings on company matters for key Federal and State Government, Opposition and regulatory stakeholders;
- Preparing verbal and written briefings for senior company personnel on Federal, State and Local Government and Parliamentary matters;
- Preparing briefings for senior company personnel on relevant Federal and State election policy undertakings;
- Negotiating resolution of environmental approval disagreements, including the provision of educational factual material to regulators;
- Negotiating resolution of aviation approval disagreements, including the provision of educational factual material to regulators;
- Organising the opportunity and preparing material for, company presentation to Cabinet Committees and Parliamentary meetings;
- Writing justifying submissions for and negotiating, legislative and regulatory change;
- Negotiating Government contributions to capital works expenditure to facilitate value added economic development;
- Monitoring media and providing relevant key political stakeholder Media Releases to company personnel.

This list is by no means exhaustive but gives some insight into the diversity and complexity of tasks undertaken by a professional GR consultant on behalf of their clients.

4. Regulation of Lobbying in Australia

When GR Solutions commenced operations in May 2007, there was no Lobbying Legislation in any Government jurisdiction in Australia and other than for just a few weeks in Western Australia, there were no Lobbyist Registers and no Lobbying Codes of Conduct.

I therefore developed a Code of Conduct to be followed by personnel employed or contracted by my company.¹ That in part led to the former Federal Labor Government inviting me to participate in a committee that examined improvements to the Federal Lobbying Code.

Today the Federal and all State Governments plus the Australian Capital Territory (ACT) require lobbyists and their clients to be listed on their respective lobbyist registers. Only the Northern Territory does not have this requirement. Generally, the registers have to be updated both quarterly and every time a new client is acquired. Lobbyist activities are regulated and unlike the USA, Australian Governments require lobbyists to follow a Code of Conduct prescribed for their jurisdiction.

The varying requirements include:

4.1 Western Australian Government

Following a public scandal involving lobbying activities of a former WA Premier and a consequent Royal Commission², the Western Australian (WA) State Government was the first Australian Government to introduce a Lobbyist Code of Conduct and Register of Lobbyists.

On 20 March 2007 the Premier tabled the *Contact with Lobbyists Code*³ (WA Code) in the Legislative Assembly. In his tabling speech he noted that the WA Code:

“... creates the Register of Lobbyists, establishes rules for contact between lobbyists and ministers, parliamentary secretaries, ministerial staff and public sector employees and establishes standards of conduct for lobbyists who wish to be included on the Register of Lobbyists. The Contact with Lobbyists Code has application through the ministerial code of conduct and the codes of conduct that apply to public sector bodies”.

“... will operate in such a way that no minister, ministerial staff member or employee of a public sector body will be permitted to have professional contact with a lobbyist unless the lobbyist is included on the Register of Lobbyists”;

The Integrity (Lobbyists) Bill 2014 was assented to on 11 July 2016. The Premier stated that the purpose of the Bill is to:

¹ [Code of Conduct, Government Relations Solutions Pty Ltd](#), accessed 18 September 2016

² https://en.wikipedia.org/wiki/WA_Inc#The_WA_Inc_Royal_Commission, accessed 18 September 2016

³ Government of Western Australia, [Contact with Lobbyists Code](#), accessed 18 September 2016

“... promote and enhance public confidence in the transparency, integrity and honesty of dealings between government representatives and people who undertake lobbying on behalf of others. In order to achieve this objective, the

Bill:

- a) provides for the registration of people who undertake lobbying on behalf of third parties;*
- b) provides for the issuing of a code of conduct for registered persons in their dealings with government; and*
- c) prohibits registered persons from agreeing to receive payments or other rewards that are dependent on the outcome of lobbying activities”⁴.*

The WA Code states in part of its preamble that:

“Lobbyists can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with relevant Government Representatives”.

4.2 Federal Government

On 2 April 2008, the Federal Government released an exposure draft of the *Lobbying Code of Conduct*⁵ (the Code). Essentially, the Code followed the model adopted by the Western Australian Government. In May 2008, following Cabinet approval of the Code, the Federal Government established a *Register of Lobbyists* to ensure that contact between lobbyists and Commonwealth Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty. This was the first time a federal Government had introduced such measures.

The Preamble of the Federal *Lobbying Code of Conduct* provides a good insight into the role of the profession in Australia:

- 1.1 Respect for the institutions of Government depends to a large extent on public confidence in the integrity of Ministers, their staff and senior Government officials.*
- 1.2 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.*
- 1.3 In performing this role, there is a public expectation that lobbying activities will be carried out ethically and transparently, and that Government representatives who are approached by lobbyists can establish whose interests they represent so that informed judgments can be made about the outcome they are seeking to achieve.*
- 1.4 The Lobbying Code of Conduct is intended to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance*

⁴ Western Australia [Integrity \(Lobbyists\) Bill 2014 Explanatory Memorandum](#), accessed 18 September 2016

⁵ Department of the Prime Minister and Cabinet, [Lobbying Code of Conduct](#), accessed 18 September 2016

with public expectations of transparency, integrity and honesty. Lobbyists and Government representatives are expected to comply with the requirements of the Lobbying Code of Conduct in accordance with their spirit, intention and purpose.

4.3 New South Wales Government

On 29 October 2008 the then Premier announced the introduction of the *Lobbyist Code of Conduct* (NSW Code) and *Register of Lobbyists* (NSW Register) that came into operation on 1 February 2009. The administration of the NSW Register was the responsibility of the Director-General of the Department of Premier and Cabinet but changes to this arrangement were announced by the current Premier in May 2014.

The current "*Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*" defines a lobbying a NSW Government official as⁶:

"... communicating with the official for the purpose of representing the interests of others in relation to any of the following:

(a) legislation or proposed legislation or a government decision or policy or proposed government decision or policy,

(b) a planning application,

(c) the exercise by the official of his or her official functions".

In May 2010 the Independent Commission Against Corruption (ICAC) released a discussion paper on lobbying in NSW⁷. The publication identified 26 principal issues related to lobbying and lobbyists and was intended to generate discussion:

"... on the nature and management of lobbying in NSW and whether changes need to be made to the current regulatory system to promote transparency, accountability and fairness in order to reduce the likelihood of the occurrence of corrupt conduct".

In November 2010 ICAC published its report *Investigation into Corruption Risks Involved in Lobbying*. ICAC stated that the investigation:

"... examined the corruption risks involved in the lobbying of public authorities and officials. Its aim was to examine whether any laws governing any NSW public authority or public official should be changed. The Commission also examined whether any work methods, practices or procedures of any NSW public authority or public official could allow, encourage or cause the occurrence of corrupt conduct, and, if so, what changes should be made".⁸

⁶ New South Wales [Lobbying of Government Officials \(Lobbyists Code of Conduct\) Regulation 2014](#), accessed 18 September 2016

⁷ New South Wales Independent Commission Against Corruption (ICAC), [Lobbying in NSW: an issues paper on the nature and management of lobbying in NSW](#), ICAC, Sydney, May 2010, accessed 18 September 2016

⁸ New South Wales ICAC, [Investigation into corruption risks involved in lobbying](#), ICAC, Sydney, 10 November 2010, p. 7, accessed 18 September 2016

In May 2011 the Government introduced a Bill, supported by both major parties, that placed a number of restrictions on the lobbying of Government officials. The changes introduced in the *Lobbying of Government Officials Act 2011* (NSW) included the prohibition of success fees for lobbyists and the prohibition of former ministers and parliamentary secretaries from engaging in lobbying activities in the 18 months after they cease to hold office.⁹

In May 2014, as a result of the ICAC inquiries, the current Premier announced changes to lobbying rules. The changes, which have incorporated some ICAC recommendations on lobbying, include:¹⁰

- *“Establishing the Electoral Commission as an independent regulator of lobbyists;*
- *Applying a set of ethical standards to all third-party lobbyists and other organisations that lobby government;*
- *Empowering the independent regulator to investigate alleged breaches and impose sanctions ...*
- *Requiring Ministers to publish quarterly diary summaries of scheduled meetings with external organisations on portfolio-related activities; and*
- *... [recommending that] the Ministerial Code of Conduct become applicable under the ICAC Act, giving the watchdog the power to investigate and make findings on a Minister’s compliance with the Code”.*

4.4 Queensland Government

On 12 February 2009 the then Premier announced the Queensland Government’s intention to establish a register of lobbyists and introduce the *Queensland Contact with Lobbyists Code*. The *Register of Lobbyists* was first published on 30 March 2009. In August 2009 the Premier announced a ban on registered lobbyists serving on Government appointment boards or in other significant appointments paid by the Queensland Government¹¹.

In March 2010 the Queensland Integrity Commissioner approved a new *Lobbyists Code of Conduct*. Under the provisions of the *Integrity Act 2009* (Qld) the *Lobbyists Code of Conduct* (Queensland Code) and its requirements were enshrined in legislation and the Integrity Commissioner is responsible for administering the *Register of Lobbyists*. Queensland was the first Australian State to replace its administrative scheme with a statutory lobbyists code.

The Queensland Code goes further than other Australian codes with the inclusion of the Leader and Deputy Leader of the Opposition and Local Government in the list of officials covered by the Act.

⁹ New South Wales [Lobbying of Government Officials Act 2011](#), accessed 18 September 2016

¹⁰ M Baird, [Transforming politics: tough new rules for lobbyists](#), Media Release, 13 May 2014, accessed 18 September 2016

¹¹ A Bligh, [‘Accountability in Government: Lobbyists’](#), Ministerial Statement, Queensland, Legislative Assembly, Debates, 5 August 2009, p. 1405, accessed 18 September 2016

In late 2012, the *Right to Information and Integrity (Openness and Transparency) Amendment Act 2012*¹² amended section 68 of the Act to state that the Lobbyists Code of Conduct could impose obligations on lobbyists to give the Integrity Commissioner information about lobbying activities carried out by them.

On 1 April 2013, the original code was withdrawn and a new code issued. The Code¹³ now includes a requirement for lobbyists to document their contacts with Government and Opposition representatives.

4.5 Victorian Government

The *Victorian Government Professional Lobbyist Code of Conduct* (Victorian Code) and *Register of Lobbyists* (Victorian Register) were introduced by the Premier in August 2009.

The Victorian Code applies to Ministers, Cabinet Secretaries, Parliamentary Secretaries, Ministerial staff and public officials and defines a lobbyist as: “a *‘person, company or organisation who conducts lobbying activities on behalf of a third party client ...’*”.

The Victorian Code¹⁴ requires professional lobbyists to register with the Public Sector Standards Commissioner who has the power to refuse applications. The most recent version of the Victorian Code is dated 1 November 2013 and includes a prohibition on lobbyists receiving success fees. The *Register of Lobbyists* commenced on 1 December 2009 and is published on the Victorian Public Sector Commission website.

The Victorian Code includes references to the post-separation employment of Ministers and Parliamentary Secretaries. Ministers and Cabinet Secretaries are barred for 18 months from engaging in lobbying activities relating to any matter with which they had official dealings in their last 18 months in office.

Parliamentary Secretaries, public service executives and Ministerial advisors employed under the *Public Administration Act 2004* (Vic) are barred for 12 months from engaging in lobbying activities relating to any matter with which they had official dealings in their last 12 months.

The Victorian Code states in part of its preamble that:

“Lobbyists and Government Affairs Directors can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with relevant Government Representatives”.

¹² Queensland [Right to Information and Integrity \(Openness and Transparency\) Amendment Act 2012](#), accessed 18 September 2016

¹³ Queensland Integrity Commissioner, [Lobbyists Code of Conduct, September 2013](#), accessed 18 September 2016

¹⁴ [Victorian Government Professional Lobbyist Code of Conduct, November 2013](#), accessed 18 September 2016

4.6 Tasmanian Government

The Deputy Premier and Attorney-General introduced a *Lobbying Code of Conduct*¹⁵ (the Code) on 15 August 2009. The Code covers third party lobbyists and defines 'Government representative' as: "a Minister, a Parliamentary Secretary, a Member of Parliament of the political party (or parties) that constitute the Executive Government of the day, ministerial advisers and heads of agencies appointed under the State Service Act 2000."

The Code imposes post-separation employment restrictions on Ministers, Parliamentary Secretaries and heads of agencies, preventing them from acting as lobbyists for a period of 12 months. The Code provides for a *Register of Lobbyists* (the Register) which has been in operation since 1 September 2009. The Register is located on the Department of Premier and Cabinet website with the Secretary of the Department responsible for handling breaches of the Code. Lobbyists are required to update their details annually.

The *Integrity Act 2009*, established the Integrity Commission, and lists one of the functions of the Commission as to: "establish and maintain codes of conduct and registration systems to regulate contact between persons conducting lobbying activities and certain public officers"¹⁶.

The Tasmanian Code states in part of its preamble that:

"Ethical 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 Parliament and, in doing so, improve outcomes for the community as a whole.

4.7 South Australian Government

On 29 August 2009 the SA State Government announced the *Lobbyist Code of Conduct*¹⁷ and public *Register of Lobbyists* (SA Register). South Australia's Code (SA Code), which came into force on 1 December 2009, was prepared in consultation with the Victorian Government and was very similar to codes adopted by the Federal and other State Governments. The SA Register is managed by the Chief Executive, Department of Premier and Cabinet.

The SA Code also requires lobbyists to register and to update their details annually on the Register of Lobbyists and, for ministers and public servants, operates in conjunction with the *Ministerial Code of Conduct* and the *Public Sector Code of Conduct*.

On 9 August 2015, the SA Government introduced the *Lobbyists Bill 2015*. The subsequent *Lobbyists Act 2015*¹⁸ was proclaimed on 11 February 2016.

¹⁵ Tasmania Department of Premier and Cabinet, [Tasmanian Government lobbying code of conduct](#), August 2009, accessed 18 September 2016

¹⁶ Tasmanian [Integrity Commission Act 2009](#), section 8 (1)(e), accessed 18 September 2016

¹⁷ South Australia Department of the Premier and Cabinet [Lobbyist Code of Conduct](#), accessed 18 September 2016

¹⁸ South Australia [Lobbyists Act 2015](#), accessed 18 September 2016

The Act imposes post-separation rules to restrict the lobbying activities of Ministers, Parliamentary Secretaries, Ministerial staff and departmental executives after they leave office. Ministers receive a complete ban on professional lobbying activities for two years after the Minister leaves Ministerial office. Parliamentary Secretaries, Ministerial staff and departmental executives are banned from professional lobbying activities for 12 months after leaving office in relation to all matters the individual had official dealings with.

The Act also provides that a person who is a member of a Government board is prohibited from engaging in professional lobbying during the term of their appointment to that board. At the commencement of this Act, a registered lobbyist who wishes to continue as a Government board member must surrender his or her registration as a lobbyist. Conversely, if the person wishes to continue as a professional lobbyist, he or she must resign from that Government board.

The Act prohibits the giving and receiving of success fees and imposes strict requirements for registration as a lobbyist (including requirements for the lodging of annual returns).

Under the Act, anyone who lobbies a SA public official on behalf of a third party - to influence the outcome of legislation, applications for licenses, permits or exemptions, the awarding of contracts or grants, or any other exercise of the official's functions or duties - must be registered on the Lobbyist Register. There are serious penalties for lobbying while unregistered or for giving or receiving a success fee - a company may be fined up to \$150,000, or an individual may be fined up to \$30,000 or jailed for two years.

The SA Code states in part of its preamble that:

“Lobbyists can contribute to the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with relevant Government Representatives”.

4.8 Australian Capital Territory Government

The ACT *Lobbying Code of Conduct*¹⁹ (ACT Code) was adopted as a continuing resolution of the Assembly on 5 August 2014. From 1 January 2015 only lobbyists who are registered on the ACT Register of Lobbyists will be able to contact a Member of the Legislative Assembly, their staff and contractors, or ACT public sector employees for the purpose of lobbying on behalf of a third party.

The ACT Code states in part of its preamble that:

“Lobbyists can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with public officials”.

¹⁹ ACT [Lobbying Code of Conduct](#), accessed 18 September 2016

5. Is Lobbying Regulation adequate?

In recent years, lobbying has grown dramatically around Australia. On the *Federal Register of Lobbyists* alone, at the time of writing this paper, there were 248 lobbying entities registered with the Department of Prime Minister and Cabinet. These entities registered 654 staff and listed 1,662 clients²⁰.

In addition to these registered entities, or 'third party' lobbyists, there are a diverse range of special interests who conduct their own lobbying. These interests including unions, clubs, industry associations, in-house Government relations staff at major companies, religious entities, non-government organisations and charities but are not required to be registered. It is difficult to estimate the number of unregistered personnel who undertake lobbying activities but I would expect it to be more than 1,000 in Canberra alone.

In my view all of these personnel should be required to record their details on the appropriate Lobbyist Register in each Australian Federal, State and Territory Government jurisdiction in which they undertake their lobbying activities.

Recently Australian National University Professor, John Warhurst told Fairfax Media that at most the Federal Register "covered a third of all lobbyists working the corridors of power"²¹ (3 September 2016).

Professor Warhurst also said that:

"If (the purpose) is to give a broad picture of the amount of lobbying and who's lobbying on what and for whom, then it has to include a wider range of lobbyists, otherwise you've got a lobbying register that only covers a third of all the lobbyists in the country. The only justification for it not being extended is that it's administratively too hard, but these days I really don't think that argument stands up."

In the same media article, "Xenophon calls for review into federal lobbyist register, money in politics", crossbench Senator Nick Xenophon called for a review of the Federal Register of Lobbyists and Code of Conduct.

Senator Xenophon said while he didn't necessarily support widening the registers remit, he believed a fulsome review was "long overdue":

"It is well overdue, but it needs to be done in a credible way, and I think it should be part of a broader review, of the influence that industry, unions, all lobbyists and money has on politics in Australia but having any regulation needs to be effective regulation, rather than just make people feel good."

In a recent article, "How the rise of the lobbyist is corrupting Australia's democracy"²² (18 May 2015), *Sydney Morning Herald* columnist John Menadue (John Menadue is a former secretary of the Department of Prime Minister and Cabinet and the Department of Immigration and Ethnic Affairs, and a former chief executive of Qantas and general manager of News Limited) wrote:

²⁰ *Federal Register of Lobbyists*, <http://lobbyists.pmc.gov.au/index.cfm>, accessed 18 September 2016

²¹ <http://www.canberratimes.com.au/act-news/canberras-unregistered-lobbyists-outnumber-those-on-federal-lobbying-register-twotoone-20160830-gr4nkm.html>, accessed 18 September 2016

²² <http://www.smh.com.au/comment/how-the-rise-of-the-lobbyist-is-corrupting-australias-democracy-20150515-gh2iyw.html>, accessed 18 September 2016

“Australia's capacity to tackle important public issues – such as climate change, growing inequality, tax avoidance, budget repair, an ageing population, lifting our productivity and our treatment of asylum seekers – is diminishing because of the power of vested interests, with their lobbying power to influence governments in a quite disproportionate way”.

Mr Menadue concludes that:

“Federal lobbyists have to be registered with the Department of Prime Minister and Cabinet, but this is inadequate. They should also be obliged to promptly, publicly and accurately disclose the discussions and meetings they have had with ministers, shadow ministers and senior public servants”.

Requirements similar to this have recently been introduced in South Australia and Queensland. In my view they should be introduced into every Australian Federal, State and Territory Government jurisdiction.

6. Conclusion

Lobbying plays a critical role in Australia's representative democracy. The sheer plurality of voices in a country of over 24 million people ensures that Australia needs a system to filter and convey the views of its population to their elected representatives. To that end, the role of the lobbyist is critical.

Ethical, professional lobbyists educate companies and organisations about the processes of Government, examine problems with Government encountered by those companies and organisations, inform Government of the problems and advise constructive solutions to the problems. Informing Government requires dialog with some or all of Ministers, legislators and their employees, including regulatory officials.

However, lobbying also presents some challenges. The potential for regulatory and Government processes to be captured by special interests, as well as the ability of powerful concentrated interests to drown out other voices in public debate, presents significant challenges for Australian democracy. It will always be a careful balancing act to ensure that lobbying is appropriately regulated to ensure that lobbyists play an ethical and crucial role in the processes of Government.

About Wayne Matthew

Wayne Matthew is a former Liberal MP who served in the South Australian State Parliament for 16 years (8 years as a Minister and 7 years as a Shadow Minister). He has worked as a lobbyist for 10 years for a diverse range of companies and organisations in the resources, health, education and training, transport, finance, development, construction, custodial and not-for-profit sectors.

In May 2007 he established his own Lobbying company, Government Relations Solutions Pty Ltd, trading as GR Solutions.

GR Solutions are registered lobbyists in the Commonwealth of Australia and in the State Jurisdictions of New South Wales, Victoria, Queensland, Western Australia and South Australia.