



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the effectiveness of transparency arrangements for Members of the Legislative Assembly

Submission number: 011

Submitter: Hawker Britton

Date authorised for publication: 12 August 2025

Standing Committee on the Integrity Commission and Statutory Office Holders
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

06 August 2025

Dear Chair and Members of the Standing Committee on the Integrity Commission and Statutory Office Holders,

Thank you for the opportunity to provide a submission to this consultation.

In developing our response, we have assessed the core policy principles underpinning the current regulation of the government relations consulting sector, identified areas for reform, and explored ways to enhance its efficiency and effectiveness.

Our recommendations are consistent with previous submissions we have made in reviews of lobbying reform in other Australian jurisdictions. As such, we support consistent regulation across all jurisdictions in favour of the current disparity and patch work of regulations.

We support a well-regulated government relations sector that emphasizes transparency, accountability, and enforcement to drive improved public policy outcomes for the Australian Capital Territory (ACT).

Lobbying provides an essential connection between business, industry, and other organisations who struggle to navigate and understand the world of government.

We look forward to working with you to ensure the sector remains transparent and fit for purpose.

Kind Regards,

Simon Banks
Managing Director | Hawker Britton

Executive Summary

Hawker Britton supports reform of the lobbying regulations in the Australian Capital Territory (ACT) to enhance transparency, accountability, and consistency in the government relations sector.

We recommend that:

- **Expanding the Definition of Lobbying:** Regulation should focus on the activity of lobbying itself, rather than the type of person or business conducting it. This includes bringing in-house lobbyists, consultants, and other professionals (like lawyers and accountants) who engage with the government under the same disclosure and ethical standards as third-party lobbyists.
- **Broadening the Definition of 'Government Representatives':** The definition of a "Government Representative" should be expanded to include all members of the Legislative Assembly, including opposition and crossbench members, not just those in the governing party.
- **Prohibit "success fees":** "Success fees" for lobbyists should be prohibited.
- **Regulate and Report:** There should be a legislated framework for reporting lobbying activities to ensure consistency, aid in enforcement, and rebuild public trust.

Hawker Britton believes greater transparency through expanded definitions and legislated oversight is essential for maintaining the integrity of the public service and the political process in the ACT.

About Us

Hawker Britton is a leading government relations firm in Australia, with operations in all Australian jurisdictions and New Zealand.

Since our establishment in 1997, the company has provided expert advice on federal, state, territory and local government engagement, as well as issues, policies, and commercial matters related to Australian governments.

Although our democratic system is built on openness and accessibility, there are few professionals who have the capacity, time, or training to follow the public policy cycle in all its stages and engage appropriately. As a result, businesses and organisations focused on their operations naturally seek to build internal capacity to track and engage with the government or look to engage third-party consultants to perform that task.

The role of government relations specialists is to bring diverse perspectives to the policy-making process which is an essential aspect of a modern democracy. Through their engagement with the government on behalf of clients and pro bono organisations, government relations professionals provide valuable information to inform decision-making processes while ensuring that diverse voices are heard.

We believe that government relations experts should operate in a transparent environment governed by appropriate regulations, which can help build public confidence in public policy processes.

Hawker Britton acknowledges the importance of regulation in maintaining public expectations of transparency and integrity in government and creating a framework of expectations for third-party representatives and their clients.

Defining Lobbying Activity

Regulation beyond 'Third Party' lobbyists

Hawker Britton support regulation of lobbying focussing on the activity being undertaken by an organisation, rather than any particular person or business.

In-house lobbyists should be covered.

The limitation of public disclosure exclusively to third-party representatives creates a substantial non-disclosed engagement system involving in-house government relations specialists, unregistered consultants, and a more ambiguous category of government-contracted consultants retaining external clients.

Currently, individuals working "in-house" for an organisation are not required to adhere to the same disclosure or ethical standards, leading to oversight in capturing employees of accounting or consulting firms seeking information or outcomes for a broader suite of clients without proper disclosure. The existing lobbyist register does not disclose many commercial interactions with the government, counter to the government's commitment to transparent policymaking.

If lawyers, planners, and accountants are offering government relations services, and their lobbying activities are not dissimilar from the services provided by either third party or in-house lobbyists, then they should meet the definition of 'lobbying'.

Exceptions for some organisations, and increased regulation for specific business models, only complicates lobbying regulation and undermine the policy intent of the regulation – transparency.

The definition of lobbying should possess a level of clarity that leaves no room for ambiguity regarding its meaning, and who is captured by it. It is also our view, lobbying oversight regimes that increase confidence and transparency in both the lobbying profession and government decision-making are not arduous to comply with. This can, and should, be achieved without the placing of unreasonable barriers to the accessibility of public officials, and full compliance with the scheme.

The limitation of public disclosure exclusively to third-party representatives creates a substantial non-disclosed engagement system involving in-house government relations specialists, unregistered consultants, and a more ambiguous category of government-contracted consultants retaining external clients.

While acknowledging the existence of legitimate reasons for exclusion from disclosure on the lobbyist register, such as national security or cases where revealing proprietary information could directly harm an industry, these exceptions should be rare, where appropriate time limited, and subject to consideration by those administering the Register.

Hawker Britton believes in the necessity of ensuring that individuals engaging in lobbying activities, irrespective of the business model of their organisation, are bound by the proposed Code of Conduct and transparency measures.

In short, we support the expansion of the definition of lobbying and lobbyists to encompass individuals currently overlooked by Lobbying Code of Conduct, shifting the focus from people's business or organisational models onto the actual activity that they undertake. This should include in-house lobbyists, including those representing industry, unions, environment, social, accounting firms (including the big four and those emulating similar business models), and civil society groups.

Definition of 'Government Representatives' in the Lobbyist Code of Conduct

Hawker Britton supports broadening the definition of 'Government Representatives' to include all members of parliament, whether they are a member of the governing party or not.

In practice, MLAs work closely together in the Legislative Assembly, meeting during every assembly sitting week in their caucus or party room alongside ministers and parliamentary secretaries.

We are of the view that all members of the Assembly hold influence over government decisions in varying degrees and thus should be included within the definition of a 'Government Representative'.

Lobbyists frequently engage with local MLAs regarding projects, proposals, or issues within their electorates. This interaction is often beneficial, as local MLAs can provide valuable insight into community sentiment. Incorporating these interactions into the Code of Conduct would protect MLAs from allegations of misconduct or secrecy and help rebuild public trust in government decision-making.

Similarly, members of the cross bench and opposition should also be captured. These MLAs, while not part of the governing party, do vote on legislation and influence the accountability of the government and the passage of legislation. In the lead up to an

election, scrutiny of opposition members is even more critical as they may transition to government or broker deals to becoming the governing party.

The regulation of lobbying of members of parliament would require the support of the Legislature. Accordingly, any regime should be legislated.

Regulation

Success Fees

Hawker Britton supports the prohibition of success fees.

However, we encourage the adoption of a broader definition aligned with that implemented in New South Wales and Queensland to ensure continuity across all jurisdictions.

Reporting

Legislating reporting requirements

As a general principle, we support a legislative framework to support the regime around lobbyists as it is crucial for ensuring greater transparency, accountability, and integrity in the political process.

A legislated reporting framework would help rebuild and maintain public trust in the political system by clearly demonstrating that lobbying activities are conducted transparently and in compliance with established standards.

A formalised reporting system creates consistency and fairness by ensuring all lobbyists follow the same rules, offering a level playing field and preventing selective or inconsistent enforcement. It also makes monitoring and enforcement easier, providing an effective way to track lobbying activities and enforce compliance. Without legislation, enforcement could be inconsistent or ineffective, allowing unethical lobbying practices to continue unchecked.

Moreover, clear, consistent reporting requirements help reduce the risk of corruption by making it more difficult for illicit relationships to develop between lobbyists and

decision-makers. Publicly available information on lobbying can act as a deterrent to unethical behaviour.

Finally, a legislated regime will be necessary if members of the Assembly are to be covered.

Concluding Remarks

Thank you again for the opportunity to participate in this consultation process.

We support an expansion of the definition of the Lobbyist Code to cover all aspects of government relations interface with the ACT Government – namely adopting a definition of lobbyist that includes in-house employees who engage government on behalf of their employers.

We do not believe that there is such a thing as incidental lobbying or that it should not be captured by regulation and oversight.

We believe that more transparency, not less, is a good thing for the healthy maintenance of the integrity of the public service for all elected members of the ACT Legislative Assembly.

Should you require any clarification of any aspect of this submission, please do not hesitate to contact us.