

Thursday, 27 July, 2023

Mr. Michael Easton  
Chief Executive Officer  
Integrity Commission Tasmania

By email: [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au)

Dear Mr. Easton,

**Proposed model for reforming lobbying oversight in Tasmania: public consultation**

Thank you for the opportunity to provide a submission on the reforming of Tasmania's lobbying oversight system.

Barton Deakin and Hawker Britton acknowledge the extensive research, consultation and work undertaken and supports transparent, ethical conduct.

Barton Deakin and Hawker Britton are pleased to offer feedback, including a number of suggestions.

Our submission is consistent with those we have made by to reviews in other Australian jurisdictions.

Thank you again for the opportunity to comment on Tasmania's proposed Model for Reform of Lobbying oversight.

With kind regards,



**Anthony Benscher**  
*Managing Director*  
*Barton Deakin*

**John-Paul Blandthorn**  
*Director*  
*Hawker Britton*

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## *About Us*

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Barton Deakin and Hawker Britton are leading government relations firms in Australia, with operations in all Australian jurisdictions and New Zealand. Both firms are part of WPP in Australia.

Our companies have been providing expert advice on federal, state, and territory government and parliamentary engagement, as well as issues, policies, and commercial matters related to Australian governments.

Although our democratic system is built on the basis of 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 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 governments on behalf of clients including pro bono organisations, government relations professionals provide valuable information to inform decision-making processes while ensuring that diverse voices are heard.

In recent years, the government relations industry has faced increased scrutiny across Australia, and Barton Deakin and Hawker Britton have welcomed these developments. We believe that professional government relations experts should operate in a transparent environment governed by appropriate regulations, which can help build public confidence in public policy processes.

Barton Deakin and Hawker Britton acknowledge the importance of a code of conduct in maintaining public expectations of transparency and integrity in government and creating a framework of expectations for third-party as well as in-house representatives and their clients.

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### *4.1 Definitions and scope*

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**‘Lobbying activities’, ‘Lobbyist’, ‘Registered Lobbyist’.**

Barton Deakin and Hawker Britton support proposed new definitions of ‘Lobbying activities’, ‘Lobbyist’, ‘Registered Lobbyist’, including associated proposed exemptions, with one exception outlined below.

The proposed model strikes the right balance we believe between ensuring that those engaging in and party to lobbying activities are obligated to abide by the proposed Code of Conduct and transparency measures such as the proposed contact disclosure log (4.3).

We support the inclusion of in-house lobbyists within the definition of ‘registered lobbyist’, thereby to be included on the lobbyist register and bound by the Code of Conduct.

We are concerned that the proposed wording will allow in-house lobbyists to avoid self-registration as a ‘registered lobbyist’. The wording in question is:

*any person whose role is substantially to conduct lobbying activities on behalf of a corporation or entity, either as an employee or contractor (i.e., ‘in-house’ lobbyist). [our underlined emphasis]*

Government relations professionals, especially those in-house, often have several responsibilities and undertake associated activities in addition to those that meet the proposed definition of ‘lobbying activities. **We therefore recommend the removal of the word “substantially” in the definition of ‘registered lobbyist’.**

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#### 4.3 Disclosure reform

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Barton Deakin supports the disclosure reform proposed in 4.3. We agree that lobbying activities should be transparent, and that any mechanism designed to boost transparency needs to be accessible. A contact disclosure log, alongside ongoing and expanded compliance with the lobbyist register and Code of Conduct, is an appropriate way to achieve this.

We support the model proposed in this report, particularly the following two aspects:

- *the administrative burden of disclosure should rest with the public officials being lobbied.*
- *the threshold for triggering a contact disclosure log should be: b) contact that meets the definition of ‘lobbying activity’ set out in Section 4.1.*

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#### 4.4 Reforming specific practices related to lobbying

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Barton Deakin and Hawker Britton support the banning of gift giving between lobbyists and public officials, and the banning of success fees.

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#### *4.5. Separation between lobbyists' political and lobbying activities*

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##### **Cooling off periods**

We support the expansion of cooling off periods to all public officials. In oversight reform consultations in other jurisdictions, including in Queensland, we have advocated for 24 months cooling off periods. We note that some submissions in previous Tasmanian consultation periods recommended cooling off periods between 18 and 24 months.

While preferring 24 months as a cooling off period nationally, we note the nature of Tasmania's employment opportunities for former public officials as the basis for the proposed model.

##### **'Dual hatting'**

Barton Deakin and Hawker Britton believe that if people play a significant role in the formulation of a government policy or an election commitment, they should not be able to lobby the government on those policies.

Of course, there are many roles that professionals play in campaigns that have nothing to do with the formulation of policy, such as supporting campaigns' significant logistical, media and/or advertising aspects.

Therefore, any regulation needs to be targeted and proportionate.

The proposed Tasmanian model is:

*Public officials are restricted from being party to lobbying activities by lobbyists who previously advised them on electoral campaigns (i.e., provided political advice in an election period, in order to get them elected) for a period of 12 months after being elected. This does not apply to general advice outside an election period, volunteering on an election campaign or general communications advice.*

While Barton Deakin and Hawker Britton broadly support the proposed model, we believe that the restriction should be limited to lobbyists substantially involved in a party's or candidate's policy selection or policy development.

Barton Deakin and Hawker Britton recommend that the cooling off period in this instance be set at 24 months.

We support the proposed exclusion of general advice outside an election period, volunteering on an election campaign or general communications advice.

The framework report also clarifies that:

*This expanded definition would not apply to all public officials, but only to elected representatives (i.e., members of Parliament), as these are the only public officials who would need to seek political advice in order to get elected. This restriction would only apply to individual public officials...*

Barton Deakin and Hawker Britton recommends that this ‘dual hatting’ measure be extended to the staff of members of Parliament.

Barton Deakin and Hawker Britton also believe that this measure should apply when a lobbyist has provided political advice in an election period to a political party, not just for individual candidates’ campaigns.

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### *Concluding remarks*

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

Barton Deakin and Hawker Britton support the proposed expansion of the definitions to include in-house lobbyists (removing “substantial” in terms of their lobbying work), the introduction of a contact disclosure log, the banning of gifts and success fees, and separating lobbyists’ political and lobbying activities.

We support greater transparency to sustain and strengthen the integrity of Tasmania’s public service, government relations industry and trust in government.