

**Inquiry into arrangements for
lobbying and influence in
government in the ACT**

Terms of Reference



Background

Lobbying is when a person or group of people attempt to influence government decision-makers to benefit their area of interest. Lobbying can seek to influence decisions relating to:

- the making or amending of legislation;
- land use and development;
- the awarding of contracts and grants;
- regulatory regimes, including who and what is regulated.

Lobbying allows individuals, organisations, and communities to present their views to enable diverse perspectives to be considered in decision-making – it is a legitimate and important part of democratic processes. However, lobbying can create a risk of inappropriate influence where people with the most resources or closest connections with decision-makers exert undue influence over decision-makers. This undue influence can result in decisions that skew the public interest toward the benefit of the particular interest group in a way that would otherwise not have occurred and in ways that are not transparent.

This risk was well described in advice provided by Stephen Skehill to the then ACT Legislative Assembly Standing Committee on Administration and Procedure in May 2014.

Lobbying, while currently the subject to much controversy and critical comment in Australia, plays a vital and beneficial role in any democracy and can ensure that public officials are fully informed to make decisions in the best interests of the community they serve. At the same time, however, lobbying has the clear potential to lead, intentionally or inadvertently, to distorted outcomes unduly favourable to particular members or groups of members within a community without regard to the overall public interest. In a worst scenario it may involve corruption of and by public officials.¹

One way in which the risks associated with lobbying have been mitigated is to implement schemes that regulate, administer and/or provide oversight of lobbying activities. Most schemes are underpinned by the principle of transparency, by making a publicly available records of those who lobby and, on whose behalf they do so, together with publicly available records of Minister's meetings with lobbyists. Lobbying regulatory schemes in some form are in place in all Australian States and Territories and the Commonwealth.

¹ ACT Legislative Assembly for the Australian Capital Territory, [Lobbyist Regulation](#), June 2014, p 10 (accessed 25 March 2026).



The ACT lobbying Scheme

In 2014, the ACT Legislative Assembly (the **Assembly**) implemented the ACT Lobbying Code of Conduct and ACT Registrar of Lobbyists which are administered by the Assembly as a continuing resolution and can be found at 8AB and 8AC of the *Standing orders and continuing resolutions of the Assembly 9* (the **Scheme**). The Scheme is administrative in nature and not created in statute. It prohibits contact with unregistered lobbyists by Members of the Legislative Assembly (MLAs), their personal staff and all ACT public servants.

The standing orders contain defined terms for who is a lobbyist and what constitutes lobbying activities, who is and is not required to be registered, and the grounds for eligibility and ineligible to be registered. They also create a public register of lobbyists and require regular reporting, including the disclosure of the names of clients with whom the registered lobbyist provides services.

The Scheme is administered by the Clerk of the Assembly who is empowered to register or deregister lobbyists.

The ACT Code defines a lobbyist as:

Any person, company or organisation who conducts lobbying activities on behalf of a third-party, or whose employees or other personnel conduct lobbying activities on behalf of a third-party, where such lobbying activities are ordinarily carried out in the expectation of receiving direct or indirect financial reward or other valuable consideration whether or not the amount thereof is ascertainable at the time such activities are conducted.²

The Scheme defines lobbying activities as:

Any oral or written (including electronic) communication with a public official to influence legislation or policy, regulatory or administrative decisions of the public official or another public official other than a communication:

- (a) with a committee of the Assembly;*
- (b) with a Minister in their capacity as a local Member and in relation to matters falling outside their ministerial responsibilities;*
- (c) in response to a coercive requirement by a public official for information;*
- (d) in response to a request by a public official for information or the submission of view;*
- (e) in response to a request for tender, expression of interest, etc;*
- (f) protected by a government-endorsed whistle-blower regime;*
- (g) that is only an approach to a public official for publicly available information without any attempt to influence;*
- (h) as part of a grassroots campaign;*
- (i) made in a public forum; or*

² ACT Legislative Assembly for the Australian Capital Territory, [Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory, Continuing Resolution 8AC](#), p 137 (further footnoted as Standing orders 8AC or other relevant section of the Standing orders and continuing resolutions), (accessed 25 March 2026).



(j) for the avoidance of doubt:

(i) by one government to another government; or

(ii) by one government official to another government official in the course of the official duties of the former.

The excluded activities from the definition of lobbying activities are generally regarded as reflecting the norms for interactions between citizens and governments, including for example, communicating with a Minister in their capacity as a local member and responding to a request for tender or expression of interest.³

Certain categories of persons and entities are also not required to be registered under the Scheme even though they may be undertaking activities that fall within the definition of lobbying activities. These excluded persons and entities include religious bodies, charities, not-for-profit organisations that represent the interests of their members, such as trade unions, trade and industry associations, and members of foreign trade delegations.⁴

Transparency of lobbying activities is regarded as one mechanism through which citizens can become aware of the activities of lobbyists. The Scheme requires six monthly returns from registered lobbyists, including the requirement to disclose the persons or entities on whose behalf lobbying has been conducted in the preceding 12 months.

The current register of lobbyists can be found [here](#). As of 20 March 2026, there are 65 lobbyists registered.

³ [Standing orders 8AC](#) p 137.

⁴ [Standing orders 8AC](#) p 139.



Why the need for this Inquiry?

The Scheme was designed and implemented prior to the establishment of the ACT Integrity Commission (the **Commission**). An inquiry by the Standing Committee on Administration into the ACT Register of Lobbyists in March 2019 made the following recommendation:

The Committee recommends that the expansion of the ACT Register of Lobbyists be reconsidered at least 12 months after the commencement of the ACT Integrity Commission and not before the beginning of the 10th Assembly.

The Assembly has not yet commissioned a further inquiry following its review in 2019.

Since the Scheme's implementation, anti-corruption commissions in Australia have conducted inquiries into, or examined the efficacy of, regulating lobbying activities. Findings have also informed reports to governments with recommendations on how lobbying regimes can be enhanced to better mitigate risks associated with corrupt practices and to enhance and rebuild trust in government. These reports have also drawn on lobbying arrangements that exist in overseas jurisdictions such as the United States, Canada, Ireland, Scotland and the United Kingdom.

One difficult problem, that has not been satisfactorily resolved, is the development of guidance that gives practical advice about where lines can and should be drawn in a way that yields real clarity, beyond stipulating general standards, about how probity issues should be approached and solved, in the context of lobbying activities.

The Commission's investigation into the Campbell Primary School Modernisation Project between 2019 and 2020 (codenamed Operation Kingfisher) focused attention on the role interest groups played in influencing, either directly or indirectly, the decisions of public officials. In this example, whether a particular union sought to exert influence, using personal and professional connections with ministerial staffers, a procurement decision that was required to be made by a public official, and whether such influence amounted to corrupt conduct, is a critical issue examined in Operation Kingfisher.

In evidence given to the Select Committee on Estimates on 26 July 2024, the ACT Integrity Commissioner indicated his desire to conduct an inquiry into lobbying. This was partly driven by evidence collected in the Commission's Operation Kingfisher and the activities of unions and their interactions with Ministers, their officials and bureaucrats.

On 4 February 2025, the Assembly moved a motion that called for support for the Commission in holding a suitable inquiry into lobbying in the ACT.

Recently, the Standing Committee on the Integrity Commission and Statutory Office Holders inquired into the effectiveness of transparency arrangements for members of the Assembly.⁵ Their interim report made one finding and four recommendations, including a recommendation that as part of the Commission's inquiry into lobbying, the feasibility of requiring registered lobbyists to report on their meetings with both executive and non-executive Members should be examined. The report noted the resolution of the Assembly on 9 April 2025, calling for the ACT Integrity Commissioner to undertake an inquiry into lobbying and for the Government to ensure appropriate funding be provided for this work.

The Commission received 7 additional permanently funded Full Time Equivalent (FTE) to increase the resourcing for the Commission in the 2025-26 Budget process.

⁵ ACT Legislative Assembly Standing Committee on the Integrity Commission and Statutory Office Holders, [Interim report - transparency arrangements for members](#), September 2025 (accessed 25 March 2026).



Scope of the Inquiry

This Inquiry is an independent inquiry to:

- examine the existing lobbying arrangements in the ACT to identify whether gaps exist in current arrangements that create corruption risks,
- develop recommendations about how gaps and/or risks can be mitigated, and
- advise MLAs and public officials about corruption risks that arise from lobbying and practical steps to mitigate those risks.

The Inquiry's overarching objective is to strengthen frameworks to mitigate corruption risks associated with influencing activities between interest groups and government and to strengthen public trust in government.

Issues that can relevantly be explored during the inquiry include the following:

- Should the definition of persons and entities required to be registered as lobbyists be expanded to include other persons and entities whose activities would constitute lobbying activities?
- Are existing disclosure regimes, both for lobbying activities and more broadly in relation to government activities and decision-making sufficient to provide adequate transparency of government decision making, and promote public confidence and trust in government?
- Are there interactions between interest groups and public officials not currently within the definition of lobbying activities be subject to additional and specific record keeping and disclosure requirements?
- Is sufficient information required to be disclosed from ministerial diaries to identify who is influencing Ministers and for what purpose?
- Are conflict of interest disclosure and management arrangements for MLAs and their staffers effective to ensure influence from interest groups, not otherwise covered under the Scheme, are recorded and made transparent?
- Should the same mechanisms for transparency and accountability apply equally to non-executive MLAs⁶ as those applied to Ministers and the executive, including by understanding:
 - the nature and extent of lobbying directed at non-executive MLAs and their staff
 - the transparency and reporting obligations that apply (or should apply) to such lobbying
 - the potential risks and vulnerabilities in the current system regarding non-executive MLAs
 - how public trust can be enhanced by extending lobbying oversight beyond the Executive.
- What additional mechanisms are available to expose or make transparent critical influence over significant decisions so that the community can be satisfied that decisions are being made for the right reasons and in the public interest?

⁶ The term 'non-executive MLA' refers to a member of the ACT Legislative Assembly who is on the government backbench, members of the Opposition or the Crossbench (e.g. independent MLAs). Executive MLAs include the Chief Minister, Deputy Chief Minister and Ministers.



Jurisdiction

The *Integrity Commission Act 2018* (the Act) specifies the Commission's functions which include corruption prevention and providing education programs to increase the capacity of the Assembly and the public sector to prevent corruption.

This Inquiry is being conducted as a prevention and education function. It is not an investigation pursuant to section 101 of the Act that enables the commission to commence an investigation where it suspects on reasonable grounds that a matter involves corrupt conduct. The compulsory powers provided to the Commission under the Act cannot be used to elicit evidence from witnesses.

It will be open to those making submissions to the Inquiry to identify concerns about the efficacy of existing arrangements and/or to raise concerns about non-compliance with existing arrangements noting this Inquiry is focused on improving arrangements at the policy framework level and to raise awareness and educate public officials on risks associated with lobbying.

The final report of the work of this Inquiry will be a special report pursuant to section 206 of the Act and provided to the Speaker for tabling in the Assembly.

The Inquiry process

The Commission will use the following phased approach to conduct this Inquiry.

Phase 1 [March – May 2026] Commencement of public consultation process

The Commission will produce and publicly release a discussion paper describing current arrangements for the regulation of lobbying in the ACT and outline several issues for consideration by the Inquiry, including (but not limited to):

- Who should be covered?
- What activities should constitute lobbying and be covered by lobbying regulation?
 - And conversely, what 'influencing' activities should remain outside the scope of regulation?
- What standards of conduct should apply to lobbyists?
- Disclosure obligations on lobbyists and those being lobbied.
- Arrangements to monitor compliance and address regulatory non-compliance.
- Effectiveness of the current administration of the register.

Interested persons will be asked to make written submissions to response to the discussion paper. The Commission will also proactively engage with relevant stakeholders throughout this initial consultation process.

Phase 2 [June – August 2026] Analysis of submissions and draft recommendations

Commission staff will analyse submissions received and develop recommendations. The Commission may hold public forums to explore issues identified in submissions.

The Commission will produce a paper analysing the issues identified in the discussion paper, including identifying potential areas to reform the existing Scheme and related recommendations.



Phase 3 [September – December 2026] Finalisation of Inquiry Report

A final report will be released by the ACT Integrity Commissioner pursuant to s 206 of the Act.

Education programs will be developed and conducted throughout the phases of the Inquiry process to build understanding of the risks associated with lobbying and influencing activity.

As the Inquiry is being conducted as a function of the Act, any recommendations will be entirely a matter for the Government and Assembly to consider.