transparency.org.au
info@transparency.org.au
+61 421 498 644
Level 14, 330 Collins St
Melbourne VIC 3000
Australia

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ACT Integrity Commissioner

GPO Box 1949
Canberra, ACT 2601
Sent via e-mail: governance@integrity.act.gov.au

SUBMISSION TO INQUIRY INTO LOBBYING ARRANGEMENTS IN THE ACT

Dear Commissioner,

Transparency International Australia welcomes the ACT Integrity Commission's inquiry into arrangements for lobbying and influence in government in the ACT and is pleased to make the following submission.

Lobbying is a legitimate part of any democracy, helping decision-makers consider different policy options and ensuring constituents can be heard. The risk arises when access to those decision-makers becomes skewed toward interests with disproportionate wealth and connections, which then affects the quality of public decision-making and confidence in government.

Australia is not immune. While it has historically ranked among the world's least corrupt nations, its score in Transparency International's annual Corruption Perceptions Index has fallen from 85/100 in 2012 to 76/100 on 2025[1]. Powerful industries regularly dominate access to policymakers, public trust in parliaments and governments at every level has declined, and there is a growing sense that vested interests wield influence that most citizens and organisations simply cannot match.[2]

Effective regulation is therefore essential to safeguard the integrity of public decision-making and to sanction conduct that falls short of acceptable standards. Strengthening lobbying transparency may not be the most visible democratic reform, but it has real consequences for public trust in government decision-making.

The ACT's current lobbying scheme, unchanged in any comprehensive sense since its implementation in 2014, falls well short of what is needed. Transparency International Australia's analysis of lobbying regimes across all Australian jurisdictions shows the ACT ranks at the bottom on transparency, integrity, and enforcement, scoring just 17/100, equal last with the Commonwealth and the Northern Territory.[3]

This submission draws on Transparency International research and international standards, including TI Australia's *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules* (2025) and OECD frameworks, and takes a comparative approach to examining best practice across

[1] Transparency International, *Corruption Perceptions Index — Australia*, available at: https://www.transparency.org/en/countries/australia

[2] OECD (2025), *Drivers of Trust in Public Institutions in Australia*, Building Trust in Public Institutions, OECD Publishing, Paris, available at: https://doi.org/10.1787/28a876c2-en.

[3] Transparency International Australia (2025), *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules,* available at: https://transparency.org.au/wp-content/uploads/2025/08/20250828_Behind-Closed-Doors.pdf

Australian jurisdictions and internationally. We hope the outcome is a set of reforms that makes the ACT a genuine leader in lobbying regulation, and that other jurisdictions, including the Commonwealth, take note.

We look forward to discussing these matters further as the inquiry progresses.

Yours sincerely,



Clancy Moore
Chief Executive Officer
Transparency International Australia

RECOMMENDATIONS

1. **Move to a statute-based model, establish robust oversight functions, specifically the ability to investigate, enforce, monitor, and sanction non-compliance, and ensure the administering body is adequately resourced and empowered to enforce the Scheme.**
2. **Expand the Scheme's scope to ensure it appropriately captures all relevant actors and activities, including corporate in-house lobbyists, not-for-profits, trade unions and research institutions when they engage in lobbying activities.**
3. **Require registered lobbyists to file regular activity reports disclosing who they met with, when, and the subject matter of each lobbying contact, and establish a legislated code of conduct for lobbyists.**
4. **Adopt a ban on lobbying success fees with a broad scope.**
5. **Extend cooling-off periods for public officials to align them with a full four-year parliamentary term. Consider tiered restrictions to distinguish between former ministers, their staff, senior civil servants (who should face longer periods) and regular MLAs and their staff (who may face shorter ones), and ensure broad applicability.**
6. **Make the register easy to navigate, searchable, and machine-readable so the public can readily access and understand the information.**

1. STATUTORY MODEL, INDEPENDENT OVERSIGHT AND ENFORCEMENT

The Scheme should move from its current administrative model based on standing orders to a statute-based model with stronger independent oversight and enforcement functions. Its current administrative form is unable to give the Clerk of the Assembly, who administers the scheme, the powers necessary to investigate, enforce, monitor or sanction beyond deregistration of lobbyists.

While there are no universal international standards on the administrative/statute-based distinction, the OECD recommends a "coherent, comprehensive and enforceable system/framework".[4] This involves an effective and independent oversight function empowered to investigate, enforce, monitor, and sanction non-compliance.[5] Evidence suggests that consistent and credible enforcement translates to more compliance. The Irish Standards in Public Office Commission has been praised for actively monitoring compliance, investigating complaints, and imposing fines for non-compliance, which has been associated with high levels of reporting.[6] In 2022, the Commission issued a total of 189 notices of potential prosecutions to lobbyists who failed their reporting obligations; these threats thereafter resulted in a near-total compliance by offending parties.[7]

[4] OECD (2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379

[5] Ibid, sections II and X.

[6] Chalmers, A. and Aarheim, T. (2026), LSE Politics and Policy Blog, *What Ireland can teach the UK about transparency and lobbying,* Available at: https://blogs.lse.ac.uk/politicsandpolicy/what-ireland-can-teach-the-uk-about-transparency-and-lobbying/

[7] Transparency International EU (2024), *Lobby Transparency Across the EU,* available at: https://transparency.eu/wp-content/uploads/2024/02/Transparency-international-EU_briefing_Lobby-transparency-in-the-EU.pdf

In the ACT, the Clerk of the Assembly can currently receive complaints and has the authority to deny registration or deregister lobbyists. Beyond this, the Clerk lacks any investigative and enforcement powers. To make it or any other independent oversight body fit for purpose, legislation would be required to equip them with statutory powers to investigate, enforce, monitor, and sanction. The lobbying rules in Queensland, New South Wales, South Australia and Western Australia are all based in legislation and have stronger oversight functions, including the possibility to impose fines, or even criminal penalties (South Australia) for non-compliance.[8] Statute-based lobbying rules also have the advantage of a clearer legal status and are less vulnerable to being changed unilaterally without broader scrutiny.

According to OECD recommendation, an independent oversight body can refer to dedicated institutions or those with broader competencies.[9] However, they should be independent of the lobbyists and political actors that are being regulated and be adequately resourced and empowered to investigate and enforce the Scheme. As the Clerk is independent of the executive (*Legislative Assembly (Office of the Legislative Assembly) Act 2012* (ACT) s 8), it could in principle exercise the oversight function. However, it needs to be equipped with the necessary powers, resources, and safeguards to ensure its oversight functions are given due priority.

Recommendation 1: Move to a statute-based model, establish robust oversight functions, specifically the ability to investigate, enforce, monitor, and sanction non-compliance, and ensure the administering body is adequately resourced and empowered to enforce the Scheme.

2. SCOPE OF COVERAGE

Like all Australian jurisdictions, the ACT's Scheme captures only third-party consultant lobbyists who at the Commonwealth level are estimated to account for less than 20 per cent of all lobbying activity.[10] The vast majority of lobbying activity is conducted by in-house corporate and industry association staff that are excluded from the Scheme's scope. Figure 1 and comparative research[11] show that Australia and its states and territories are outliers in defining the scope of their lobbying rules so narrowly. The Scheme's approach not only leaves a large part of lobbying activity opaque as it is excluded from the register, it also creates substantial loopholes; for example, for rules on cooling-off periods that only apply to third-party lobbyists and allow a revolving door between public office and in-house lobbying positions.[12] Expanding the definition to include in-house lobbyists would provide a more realistic understanding of the presence of all lobbyists in Parliament.

[8] Transparency International Australia (2025), *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules,* available at: https://transparency.org.au/wp-content/uploads/2025/08/20250828_Behind-Closed-Doors.pdf

[9] OECD (2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379

[10] Senate Finance and Public Administration References Committee, (Parliament of Australia, 2024) *Access to Australian Parliament House by Lobbyists* ch. 2, available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/LobbyistsAccessAPH47/Report/Chapter_2_-_The_regulatory_challenge_Defining_lobbying_and_lobbyists

[11] Lacy-Nichols, J. et al (2025), *'Lobbying in the Shadows: A Comparative Analysis of Government Lobbyist Registers'*, 103 *Milbank Quarterly* 857.

[12] ACT Legislative Assembly, (2 September 2025) *Standing Orders and Continuing Resolutions of the ACT Legislative Assembly continuing resolutions 8AB(3)(k), (l), (m), 8AC(1),* available at: *https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing_orders*

Figure 1: Actors that are subject to transparency requirements in their lobbying activities in OECD countries.

	Consultant lobbyists (lobbying on behalf of third-party clients)	In-house lobbyists (companies or organisations)						
		Companies	NGOs /CSOs	Charities and foundations	Think tanks	Research centres	Religious organisations	Trade associations
Australia	●	○	○	○	○	○	○	○
Austria	●	●	●	●	●	●	○	●
Belgium	●	●	●	●	●	●	●	●
Canada	●	●	●	●	●	●	●	●
Chile	●	●	●	○	●	●	●	●
France	●	●	●	●	●	●	○	●
Germany	●	●	●	○	●	●	○	●
Iceland	●	●	●	●	●	●	●	●
Ireland	●	●	●	●	●	●	●	●
Israel	●	○	○	○	○	○	○	○
Italy	●	●	●	●	●	●	○	●
Lithuania	●	●	○	○	○	○	○	●
Mexico	●	●	●	●	●	●	●	●
Netherlands	●	●	●	●	●	●	●	●
Peru	●	●	●	●	●	●	●	●
Poland	●	○	○	○	○	○	○	○
Slovenia	●	●	●	●	●	●	●	●
Spain	●	●	●	●	●	●	●	●
United Kingdom	●	○	○	○	○	○	○	○
United States	●	●	●	●	●	●	○	●
European Union	●	●	●	●	●	●	●	●
● Yes	21	17	16	14	16	16	12	16
○ No	0	4	5	7	5	5	9	5

Source: OECD (2022), The Regulation of Lobbying in Quebec, Canada: Strengthening a Culture of Transparency and Integrity, OECD Public Governance Reviews, OECD Publishing, Paris, p. 37.

Basing the scope of the scheme on activities rather than actors could also help in closing this gap. EU institutions have a very strong transparency register which determines scope based on activities and not actors. The activities that are covered in scope and require mandatory reporting include:

- organising or participating in meetings, conferences, events;
- contributing to or participating in public consultations, hearings or other similar initiatives;
- organising communication campaigns, platforms, networks or grassroots initiatives;
- preparing or commissioning policy and position papers, opinion polls, surveys, open letters or research work.[13]

The OECD recommends that both the terms 'lobbying' and 'lobbyists' should be clearly defined, that these definitions should be 'robust, comprehensive and sufficiently explicit to avoid misinterpretation and to prevent loopholes' and cover all interest groups which aim to influence public decisions, whether businesses, not-for-profits, trade unions or research centres.[14] At the same time, it acknowledges that some adaptations or specific exemptions may be appropriate to ensure that the administrative burden of obligations does not become an impediment to fair and equitable access to government for organisations with lower capacities and resources, e.g. for small community

[13] European Union, (2025), *Transparency Register*.

[14] OECD (2022), The Regulation of Lobbying in Quebec, Canada: Strengthening a Culture of Transparency and Integrity, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/ec0cfef3-en, p. 33 ff.

organisations.[15] The ACT Scheme's exclusion of trade unions and industry associations that do have sufficient capacity and resources does not align with this principle and should be reconsidered.

Recommendation 2: Expand the Scheme's scope to ensure it appropriately captures all relevant actors and activities, including corporate in-house lobbyists, not-for-profits, trade unions and research institutions when they engage in lobbying activities.

3. DISCLOSURE OBLIGATIONS AND CODE OF CONDUCT

The ACT Scheme's current disclosure requirements are limited to basic registration details. Lobbyists must provide their name, firm, client information, and any previous public sector employment, but have no obligation to report on their activities. Who they met with, when, and what they discussed remains entirely invisible to the public, which means the Scheme provides a record of who is registered but not what registered lobbyists are actually doing. Six-monthly returns require a disclosure of what clients were represented in the 12-month period beforehand, with no further details given.

TI Australia's analysis shows the ACT scores 0 out of 1 on lobbyist activity disclosure, a position it shares with every Australian jurisdiction except Queensland and South Australia.[16] The OECD's 2024 Recommendation calls for a "public decision-making process footprint" that documents which stakeholders sought to influence decisions and what inputs were provided, as a tool for both transparency and enforcement.[17] Core disclosure requirements, in the OECD's view, should capture the objective of lobbying activity, its beneficiaries, and the public officials targeted.

Queensland requires lobbyists to file regular contact reports recording the date, the official contacted, and the subject matter of each lobbying activity. These obligations mean the public can understand not just who is registered, but what registered lobbyists are actively doing and with whom. The ACT has no equivalent requirement. The ACT does publish ministerial diaries on a quarterly basis, which provides some visibility into who ministers are meeting, and this should be maintained. However, diary disclosure provides only one side of the lobbying interaction, does not cover all officials who may be lobbied, and cannot substitute for structured activity reporting by lobbyists themselves.

The Scheme should also include a Code of Conduct[18] for lobbyists underpinned by statute. The existing standing orders contain a Code of Conduct, but without legislative backing the Clerk has limited tools to investigate or sanction breaches beyond deregistration. A legislated code of conduct sets clear standards for how lobbying is conducted, provides a framework for investigating complaints, and establishes the basis for the graduated sanctions that Recommendation 1 calls for. This would support and augment the proactive disclosure of Ministerial diaries in the ACT.

Recommendation 3: Require registered lobbyists to file regular activity reports disclosing who they met with, when, and the subject matter of each lobbying contact, and establish a legislated Code of Conduct for lobbyists.

[15] Ibid.

[16] Transparency International Australia (2025), *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules,* available at: https://transparency.org.au/wp-content/uploads/2025/08/20250828_Behind-Closed-Doors.pdf

[17] OECD (2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379

[18] Standing Orders - as at 2 September 2025

4. THE TREATMENT OF SUCCESS FEES

Success fees between lobbyists and their clients risk incentivising lobbyists to rely on corrupt means and other forms of improper influence to achieve their goals. Bans can curtail this incentive.

Many other jurisdictions have introduced such bans, including Queensland, Victoria and New South Wales, South Australia and Western Australia[19] nationally or Canada[20], Germany[21], and the majority of US states[22] internationally. In some jurisdictions such as Victoria, success fee bans have a narrow scope, e.g., they only apply to activities related to public contracts. However, in order to be effective, success fee bans should relate to any kind of lobbying success.[23]

Ahead of Queensland's ban on success fees, the Queensland Department of Premier and Cabinet commissioned a report on the costs and benefits of such a ban. It found that the benefits of a ban, including reduced incentives for inappropriate lobbying conduct and increased public confidence in government contracting and policymaking, outweigh the relatively marginal impacts from the restriction on competition in the market for lobbying services.[24]

Figure 2: Table on the costs and benefits of a ban on success fees in Queensland.

Impact	Stakeholder/s affected	Type of impact
Benefits		
Reduced incentives for inappropriate lobbying conduct	Community, parties dealing with Government (such as tenderers and lobbyists) and Government	Non-quantifiable Moderate
Increased public confidence in Government contracting	Community and Government	Non-quantifiable Moderate
More ethical lobbying industry	Clients of lobbyists, lobbyists who do not presently use unethical practices and the Government	Non-quantifiable Limited
More level playing field in policy making and politics	Community, parties dealing with Government (such as tenderers and lobbyists) and Government	Non-quantifiable Limited
Costs		
Restriction on conduct of market participants	Lobbying industry market participants such as lobbyists and clients	Non-quantifiable Limited
Administration and enforcement costs	Government	Quantifiable $250,000/yr

Source: Synergies Economic Consulting (2009), *Public Benefit Test of Ban on Success Fees to Lobbyists - Final Report to Queensland Department of Premier and Cabinet*.

Recommendation 4: Adopt a ban on lobbying success fees with a broad scope.

[19] Transparency International Australia (2025), *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules*.

[20] *Lobbying Act*, RSC 1985, c 44 (4th Supp), s 10.1(1), available at: https://laws-lois.justice.gc.ca/eng/acts/L-12.4/page-2.html

[21] *Lobbying Register Act (Lobbyregistergesetz)*, Federal Law Gazette 2021 I, p 818, s 5(6). Available at: https://www.bundestag.de/resource/blob/870452/41e5c2f593b16c960d86c0041a377862/Gesetz-EN-neu-data.pdf

[22] John Cozine (2023), State & Federal Communications Lobby Comply Blog 'Ask the Experts: Paying Lobbyists a Bonus or Success Fee', available at: https://stateandfed.com/lobbying/ask-the-experts-paying-lobbyists-a-bonus-or-success-fee/

[23] Centre for Public Integrity (2025), *Letter to Jeremi Moule on Lobbying Reform in Victoria*; see e.g. the success fee bans in Queensland: *Integrity Act 2009 (Qld)* c 4, s 66P or Canada: *Lobbying Act*, RSC 1985, c 44 (4th Supp), s 10.1(1).

[24] Synergies Economic Consulting (2009), *Public Benefit Test of Ban on Success Fees to Lobbyists - Final Report to Queensland Department of Premier and Cabinet*, available at: https://cabinet.qld.gov.au/documents/2009/Nov/Integrity%20and%20Accountability%20Reforms/Attachments/pubilc_test_benefit-report.pdf

5. REVOLVING DOOR BANS

The ACT's cooling-off provisions are insufficient to prevent the "revolving door" between government and lobbying. There are known corruption and integrity risks associated with public officials moving directly from public service into lobbying or positions related to their former portfolio, including the exploitation of insider knowledge, privileged access to former colleagues, and conflicts of interest arising when officials in their final period of office make decisions influenced by the prospect of future employment in sectors they regulate or interact with. These risks can seriously undermine public trust in government decision-making. The risk is higher for Ministers and more senior public officials and in the first years after they leave office, when relationships and privileged information are freshest.

Under the Scheme, former Members of the Assembly face an 18-month restriction, while their staff and senior public servants face only 12 months. While jurisdictions like Queensland and South Australia have two-year cooling-off periods, longer periods provide better protections from the risks associated with the "revolving door". Canada, for instance, has a five-year cooling-off period for former ministers, their staff and senior public servants.[25] The ACT should consider aligning the cooling-off period with a full four-year parliamentary term, so that those leaving office are unable to lobby until the next electoral cycle has passed. Most other jurisdictions also distinguish between regular members of parliament and former ministers or other executive members of government.[26]

Moreover, the ACT's rules' applicability is very restrictive. Unlike most models that impose post-employment restrictions on former public office holders for any conflict of interest in a subsequent role,[27] the ACT's provisions only apply to lobbyists as defined by the Scheme. This means that a former public official who moves into an in-house lobbying role or an executive role in a company in a sector that was part of their portfolio or who lobbies informally without remuneration, falls entirely outside its scope.

Recommendation 5: Extend cooling-off periods for public officials to align them with a full four-year parliamentary term Consider tiered restrictions to distinguish between former ministers, their staff, senior civil servants (who should face longer periods) and regular MLAs and their staff (who may face shorter ones), and ensure broad applicability.

6. OTHER ISSUES FOR CONSIDERATION: IMPROVEMENT OF ACCESSIBILITY AND USABILITY

The ACT's register is currently not provided in a downloadable, machine-readable format. To enable researchers, journalists, civil society, or the public to effectively analyse and cross-reference the data from a register, the OECD recommends that data from the register should be "publicly available online and easily accessible, in an open data format, that is reusable for public scrutiny and allows for cross-checking with other relevant databases".[28]

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[25] *Lobbying Act*, RSC 1985, c 44 (4th Supp), s 10.11, available at: https://laws-lois.justice.gc.ca/eng/acts/L-12.4/page-2.html

[26] E.g. Canada has a five-year cooling-off period for former ministers, their staff and senior public servants under the *Lobbying Act*, RSC 1985, c 44 (4th Supp), s 10.11 and one year for MPs and other "reporting officers" under the *Conflict of Interest Act*, SC 2006, c 9, s 2, s 33-38; the EU has a tiered system where regular MEPs face six months, Members of the Commission and the Economic and Social Committee face two years, and the President of the Commission faces three years, Kotandis, S. (2024), *Rules on 'revolving doors' in the EU. European Parliament* (European Parliamentary Research Service).

[27] See e.g. Queensland: *Integrity Act 2009* (Qld) s 59-61 or Canada: *Conflict of Interest Act*, SC 2006, c 9, s 2, s 33-38.

[28] OECD (2024), *Recommendation of the Council on Transparency and Integrity in Lobbying and Influence*, available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379 section III(a), (b).

In Australia, Queensland, South Australia, the Northern Territory, and the Commonwealth provide their registers as a searchable and machine-readable download.[29]

Recommendation 6: Make the register easy to navigate, searchable, and machine-readable so the public can readily access and understand the information.

[29] Transparency International Australia (2025), *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules,* available at: https://transparency.org.au/wp-content/uploads/2025/08/20250828_Behind-Closed-Doors.pdf

ABOUT TRANSPARENCY INTERNATIONAL AUSTRALIA

Transparency International Australia is part of a global coalition to fight corruption and promote transparency, integrity and accountability at all levels and across all sectors of society, including in government.

TI Australia believes that corruption is one of the greatest challenges of the contemporary world. Corruption undermines good government, distorts public policy, leads to the misallocation of resources, harms private and public sector development and particularly hurts the poor. It drives economic inequality and is a major barrier in poverty eradication.

Tackling corruption is only possible with the cooperation of a wide range of stakeholders. We engage with the private sector, government and civil society to build coalitions against corruption. Coalitions against corruption will help shape a world in which government, politics, business, civil society and the daily lives of people are free of corruption.

TI Australia is the national chapter of Transparency International (TI), the global coalition against corruption, with a presence in over 100 countries. TI Australia was launched in March 1995 to raise awareness of corruption in Australia and to initiate moves to combat it.