Canberra BUSINESS CHAMBER

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SUBMISSION ON THE INQUIRY INTO ARRANGEMENTS FOR LOBBYING AND INFLUENCE IN GOVERNMENT IN THE ACT

Introduction

1 The Canberra Business Chamber is the peak body representing business in the ACT. Our membership is diverse, representing all parts of the private sector economy. The private sector is a key part of the ACT economy and of the community. It drives employment, economic growth and, ultimately, the revenue base of the ACT Government.

2 We welcome the opportunity to make a brief submission to the ACT Integrity Commission's inquiry into arrangements for lobbying and influence in Government in the ACT. The Chamber supports practical integrity arrangements that maintain public confidence while allowing businesses to raise issues with Government. Business has no interest in weak integrity standards. Clear rules that are easy for businesses and officials to understand are important to the community and to businesses that seek to invest, employ and grow in Canberra.

Overall position

3 The Chamber supports retaining the current lobbying arrangements. We do not think there is a problem to be fixed through a new statutory scheme, expansion of the register, mandatory contact logs or additional public disclosure requirements.

4 The discussion paper raises possible risks. However, it does not point to evidence that the current ACT arrangements are failing or to a pattern of improper lobbying that would justify imposing new regulatory burden on businesses, member organisations, professional advisers or public officials. Without clear evidence of a problem, the ACT should not add new regulation.

Existing arrangements are proportionate

5 The ACT already has a Lobbying Code of Conduct and Lobbying Regulation Guidelines. These arrangements define who is a lobbyist, what constitutes lobbying activity, who is a public official, and the standards expected of registered lobbyists. The Scheme also prohibits public officials from knowingly or intentionally dealing with a person who is required to be, but is not, registered. Registered lobbyists are already required to make periodic returns.

6 The lobbying scheme already operates within a broader integrity framework. It operates alongside codes of conduct for MLAs, staff and public servants, disclosure of interests, open access arrangements, procurement rules and the powers of the ACT Integrity Commission in relation to corrupt conduct. These frameworks create multiple protections and checks. We respectfully submit that these settings are sufficient.

7 The current administrative model is appropriate for the ACT. It is simple, understandable and proportionate to the size of this jurisdiction. Moving to a statutory model would not, by itself, make Government decisions better or more ethical. It would, however, add complexity and create pressure for additional compliance systems, enforcement processes and legalistic conduct.

Engagement with Government is not a problem - it's a good thing

8 The Chamber strongly supports engagement between Government and the business community. It is important that Ministers, public servants and non-executive MLAs hear directly from employers, industry bodies, small businesses, professional advisers and investors, just as much as they hear from members of the public. Good engagement improves decisions because it brings practical information about how policies affect employers, investors and small businesses in Canberra.

9 We are concerned that widening the Scheme to capture in-house staff, member-based associations or organisations seeking to influence policy would regulate ordinary contact between businesses and Government. That would be a backwards step. A small business owner who writes to a Minister about planning, procurement, transport, payroll tax or regulation is not part of a lobbying problem. They are providing first-hand information about how Government decisions affect ACT businesses, jobs and investment.

10 For the same reason, the Chamber does not support an activity-based model. Such a model could draw normal consultation with businesses, industry groups and community organisations into a compliance regime. In practice, this would disadvantage smaller businesses that do not have dedicated compliance staff. It would also make officials and MLAs more cautious about seeking input, and could reduce the quality of policy development.

Additional disclosure could reduce the provision of free and frank advice

11 We also do not support public contact logs or more detailed disclosure requirements for routine meetings. The ACT is a small community. Businesses often engage with Government about sensitive issues, including employment decisions, investment intentions, land and development matters, tendering, procurement, commercial disputes, regulatory approvals and workplace issues. Public disclosure of the fact or purpose of such engagement may reveal commercially sensitive information or create unfair speculation.

12 In our view, the right balance is already struck through the current register, existing ministerial diary arrangements, conflict of interest rules and established integrity frameworks. Additional disclosure may not improve transparency if it

makes discussions more guarded and less useful. In some cases, participants may become process-focused and less willing to share frank information.

13 We note that there is a significant difference between a Minister and a non-executive MLA. By definition, a Minister is there to exercise executive authority, while non-executive MLAs are there to represent their constituents. A non-executive MLA is not exercising Government decision-making power and should be free to engage across the community.

A better focus: education and clarity

14 If the Commission considers that any improvement is warranted, it should be focused on guidance and education, not new legal obligations. For example, guidance could be refreshed so that public officials and stakeholders understand the current Scheme. The Register could continue to be maintained in an accessible way. The Commission could also provide general education about integrity risks without expanding the Scheme.

15 We would not support legislative change, broader registration obligations, new sanctions, public logs or extensions to existing exclusions without clear evidence that the existing arrangements are not working.

Compliance issues with the status quo

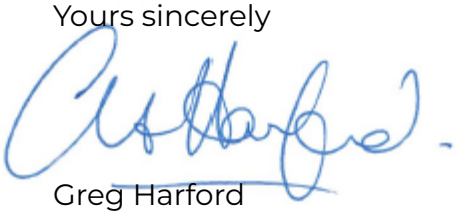
16 Feedback from our members has indicated that there is scope for improving the mechanisms for reporting by registered lobbyists. One specific suggestion is that web-based forms (rather than downloadable Word documents) would be a simpler and more practical way for registered lobbyists to complete their reporting requirements.

Conclusion

17 In summary, the Chamber supports retaining the status quo. The current arrangements provide a sensible and proportionate framework for managing lobbying in the ACT. They should not be expanded without evidence that the current arrangements are failing. The ACT should focus on encouraging open engagement between Government and the businesses affected by its decisions, rather than introducing new red tape where no clear problem has been demonstrated.

18 I hope these comments are of assistance and would be happy to provide further information if required.

Yours sincerely



Greg Harford
Chief Executive