McKinnon

McKinnon submission – ACT Integrity Commission

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



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1 Overview of McKinnon and the Democracy Counts campaign

1.1 McKinnon

McKinnon was founded in 2015 by Dr Sophie Oh and Grant Rule, with the aim of strengthening Australia's democracy. McKinnon believes that better governments are the key to a stronger Australia. The quality of leadership and democracy has never mattered more, which is why McKinnon works to develop political leadership, strengthen institutions and solve the most pressing policy issues to create lasting outcomes that benefit all Australians.

McKinnon's work is focused on four key areas:

- strong and trusted democratic institutions that foster cohesion, constructive debate, and informed public participation in democratic processes
- exceptional political leadership, as positive leadership is crucial in a high-functioning democracy
- world leading policy, supporting innovative solutions to Australia's biggest problems such as education reform through leading pilot programmes; and
- a high performing public sector, with the right capabilities and institutions to produce high quality service delivery, evidenced based policymaking and long-term thinking.

McKinnon incubates, delivers and supports practical improvements that deliver tangible progress to the operation of government and supports initiatives including:

- the McKinnon Prize in Political Leadership, in partnership with the University of Melbourne, was established to recognise political leaders at all levels of government who have driven positive impact through their vision, collaboration, courage and ethical behaviour
- the McKinnon Institute for Political Leadership, a non-partisan, not-for-profit organisation, in partnership with Monash University, provides outstanding professional development for members of Australia's federal, state and territory parliaments
- the Australian Policy Online (APO), which curates and archives a free online library of articles, research reports, evaluations, policy briefs and white papers to help organisations including government, non-for-profits and think tanks access timely and reliable information on public policy; and
- e61, a not-for-profit, non-partisan economic research institute that analyses big data to help answer Australia's most pressing economic policy questions.

McKinnon is non-partisan and motivated only by the public interest.

For further information please visit our website: www.mckinnon.co.

1.2 The Democracy Counts campaign

Democracy Counts is a growing alliance of organisations and Australians who care about the way democracy functions in Australia.

Partners include the Centre for Public Integrity, Digital Rights Watch, the Local and Independent News Association, Sentiment, and the Alliance for Journalists' Freedom.

The ultimate goal is to achieve simple, common-sense reforms that put people first: requiring political parties and politicians to clearly outline their policies so Australians can make informed choices at the ballot box, limiting the revolving door between politics and lobbying, protecting an impartial public service from political interference, modernising civics education to include digital and media literacy, and regulating social media while investing in public-interest journalism so Australians have access to reliable information.
The campaign is powered by McKinnon, an independent, non-partisan, not-for-profit organisation dedicated to better governments for a stronger Australia.

For further information please visit https://democracycounts.org.au/.

2 Lobbying reform

2.1 Overview

McKinnon commends the ACT Integrity Commission for undertaking a review into the ACT's lobbying regulation regime. Lobbying regulation has become an issue of increasing interest in recent years,[1] and this inquiry will provide an opportunity to carefully consider the ACT's lobbying regulation regime to ensure that it is appropriate and fit-for-purpose.

Lobbying and advocacy are an essential part of the democratic process and play an important role in ensuring that politicians understand the views of a range of stakeholders who may be impacted by the laws and decisions that governments and parliaments make. The ACT community benefits from the effective and efficient regulation of lobbyists so that decision-making by public officials serves the public interest and reflects community expectations of integrity.

McKinnon supports reforms to strengthen the ACT's lobbying regime, including:

- ensuring lobbying activities better reflect community interests and expectations
- increasing disclosure and transparency about lobbying activities
- improving oversight and enforcement activities in relation to lobbying; and
- providing a form of post-parliamentary financial support to former public office-holders (e.g. ministers) and linking it to lobbying regulation to promote integrity and safeguard the public interest.

This report:

- notes key findings from the McKinnon Index, which gauges Australia's democratic health and provides useful background to inform discussions about lobbying regulation reforms
- notes relevant evidence about public and stakeholder views from McKinnon's *The State of Australian Democracy* report and democracy research, and McKinnon's Next Horizon political leadership program
- outlines the need for appropriate lobbying regulation
- outlines key principles relevant to lobbying regulation
- notes key features of lobbying regulation regimes for the review's consideration to ensure that lobbying regulation promotes democratic participation and integrity, is fit-for-purpose, and meets contemporary expectations; and
- notes various other matters to consider in relation to potential lobbying reforms.

[1] See e.g. Senate Finance and Public Administration References Committee (Cth), *Access to Australian Parliament House by lobbyists* (2024), available at <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000307/toc_pdf/AccesstoAustralianParliamentHousebylobbyists.pdf>; Independent Commission Against Corruption (NSW), *Investigation into the regulation of lobbying, access and influence in NSW* (2021), available at <https://www.icac.nsw.gov.au/investigations/past-investigations/2021/operation-eclipse>; Patrick Begley, 'ICAC wants to know if Labor will reform lobbying. Its letters went unanswered for months', *Sydney Morning Herald*, 27 August 2024, available at <https://www.smh.com.au/politics/nsw/labor-ignored-icac-for-months-on-the-topic-of-lobbying-reform-20240823-p5k4px.html>; Independent Commission Against Corruption (SA), *The Room Where It Happens: Influence and Lobbying in South Australia* (2024), available at <https://www.icac.sa.gov.au/__data/assets/pdf_file/0003/1065873/The-Room-Where-it-Happens-Lobbying-and-Influence-report-August-2024.pdf>; Peter Coaldrake, *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (2022), available at <https://www.coaldrakereview.qld.gov.au/assets/custom/docs/coaldrake-review-final-report-28-june-2022.pdf?refresh>; *Integrity and Other Legislation Amendment Act 2024* (Qld); Queensland Audit Office, 'Lobbying in the Queensland Government' (proposed audit), available at <https://www.qao.qld.gov.au/audit-program/lobbying-queensland-government>; Integrity Commission (Tasmania), 'Reforming lobbying oversight in Tasmania' (19 December 2024), available at <https://lobbyists.integrity.tas.gov.au/reforming-lobbying-oversight-in-tasmania>; Christopher Walsh, 'Both Labor and CLP pledge lobbyist register if elected', *NT Independent,* 21 August 2024, available at <https://ntindependent.com.au/hendos-law-both-labor-and-clp-pledge-lobbyist-register-if-elected/>. Internationally, countries are increasingly regulating lobbying – see e.g. Raj Chari, John Hogan, Gary Murphy, and Michele Crepaz, *Regulating Lobbying: A Global Comparison (2nd Ed)* (2019), Manchester University Press, pages 31-37.

2.2 The McKinnon Index

The McKinnon Index is Australia's annual dashboard of democratic health. It measures trust in leaders, effectiveness of governments, performance of our institutions, and how and why Australians engage in politics and public debate.[2]

The Index provides some helpful context that may be relevant to the review. Our inaugural 2025 McKinnon Index, which collected data in July, found that trust in politicians and political parties were the lowest of the range of institutions and government stakeholders we asked about, and that trust rises the more independent from politics an entity is perceived as (the Australian Electoral Commission (AEC) was the most trusted organisation surveyed). The data also finds a high degree of cynicism when it comes to our political leaders. Only around a fifth (20.4%) think that Federal politicians are honest (23.4% for state or territory politicians), and 62% believe corruption is a problem in Federal politics (57.9% believe it is a problem in state or territory politics). More people think that the government would side with vested interests over the public interest, with just 33.1% believing the government would refuse the demands of a vested interest if it harmed the public interest, while 43.8% believed the government would not.

Looking at breakdowns of key measures in relation to the ACT indicates that:

- 48.4% of people in the ACT have a high level of trust in state/territory politicians, which is higher than the national average of 38.8%
- 42.6% of people in the ACT have a high level of trust in federal politicians, which is higher than the national average of 35.9%
- 37.1% of people in the ACT have a high level of trust in political parties, which is higher than the national average of 31.2%
- 29.8% of people in the ACT agree that Australia's federal politicians understand and represent people like them, which is higher than the national average of 24.1%
- 37.6% of people in the ACT agree that Australia's state/territory politicians understand and represent people like them, which is higher than the national average of 28.8%
- 39.7% of people in the ACT agree that people in government can usually be trusted to do the right thing, which is higher than the national average of 26.2%
- 47.2% of people from the ACT have a high level of trust in their state/territory parliament, which is higher than the national average of 47.2%
- 47.1% of people from the ACT agree that corruption is a problem in state/territory politics, which is lower than the national average of 68.0%

2.3 McKinnon's *The State of Australian Democracy* report and democracy research

McKinnon's *The State of Australian Democracy* report

McKinnon's *The State of Australian Democracy* report was released in March 2026 and aims to understand how Australians think about the threats and opportunities for Australian democracy.[3] The research presented in the report:

- examined public perceptions of democracy in Australia, including democratic institutions, systems, actors, and norms; and
- covered a number of topics that may be of interest to this inquiry, including in relation to public perceptions of Australian democracy, politicians, lobbying reforms, and the reintroduction of some form of parliamentary pension.

[2] Further information about the McKinnon Index is available at https://mckinnon.co/index.
[3] The report is available at https://democracycounts.org.au/.

Key findings from the report include that:

- 87% of Australians think our political system needs some reform but is fundamentally sound
- 72% of Australians think that state and federal politicians mostly serve themselves and vested interests
- 51% of Australians do not think that politicians understand and represent the interests of people like them
- 67% of Australians support introducing a 5-year ban on politicians becoming lobbyists after their political career, and 8% oppose
- 39% of Australian support reintroducing the parliamentary pension scheme to discourage and limit politicians from becoming lobbyists after their political career, and 32% oppose.

McKinnon's democracy research

The research that informed the report included focus groups and polling, and in addition to the findings in the report, a summary of relevant key findings that may be of interest to this inquiry is set out below.

Focus groups

The findings of the focus groups include that:

- Australians are mostly positive and optimistic about Australian democracy. For example:
  - having a fair electoral process and enabling citizens to have a choice in the country's leadership are the most common aspects of democracy
  - democracy is viewed as a key component of what makes Australia a thriving and prosperous country
  - the COVID-19 response and same-sex marriage postal vote are viewed as recent triumphs of Australian democracy
  - compulsory voting ensures that the views of the majority are captured and reflected in government
  - social services, a representative government and freedom are often referenced as positive outcomes of democracy. Most are grateful that democracy has enabled services such as Medicare, HECS and Centrelink.
  - many identify that Australia is more democratic compared to other countries
  - while some point out that minority groups might not have the same opportunities and experiences as regular Australians, they are broadly optimistic about the future of Australian democracy but consider that there is room for improvement
- Australians are less trusting of politicians. For example:
  - Many expressed concerns, including that politicians do not reflect everyday Australians, are self-interested and neglect long-term policies, and there is a perception that they are aligned with powerful corporate entities rather than the general public; and
  - Some viewed independent MPs as the exception to these concerns.
- Australian elections are viewed as largely free and fair, with adequate access and transparency in the voting process, but there is dissatisfaction with election campaign tactics
  - Many people disliked the ability to send unsolicited political text messages
  - People also expressed concern that campaign messaging contains misinformation and that it can be difficult to determine the truth in what parties say about their policies and their opposition
  - Many people expressed frustration with the overuse of negative messaging as a tactic, preferring that political parties focus their efforts on discussing their achievements and plans
- There is support for a range of democratic reforms that help to improve transparency, accountability and public involvement.

Polling

The polling results indicate that:

- Although participants broadly support Australia's current electoral system, there is a clear lack of trust in major parts of the democratic system. For example:

		Respondents across Australia	*Respondents in the ACT*
Trust in the Federal Parliament to act in the best interests of everyday Australians	Have a lot of trust	17%	16%
	Have a little trust	52%	61%
	Have no trust at all	30%	23%
Trust in your state or territory parliament to act in the best interests of everyday Australians	Have a lot of trust	18%	23%
	Have a little trust	54%	52%
	Have no trust at all	27%	25%
NB – the figures above are rounded, so the percentages may not add up to 100%			

- Instead of representing the interests of everyday Australians, politicians are seen to serve their own and vested interests. For example:

	Respondents across Australia	*Respondents in the ACT*
Most politicians are in touch with the important issues facing ordinary citizens, and have largely addressed these issues	9%	9%
Most politicians are in touch with the important issues facing ordinary citizens, but have largely failed to address these issues	42%	41%
Most politicians are out of touch with the important issues facing ordinary citizens	49%	51%
NB – the figures above are rounded, so the percentages may not add up to 100%		

	Respondents across Australia	*Respondents in the ACT*
Australia's state and federal politicians mostly serve the interests of themselves and vested interests	72%	75%
Australia's state and federal politicians mostly serve the interests of the Australian public	28%	25%

- There is a sizeable appetite for change in Australia's political system. For example:

	Respondents across Australia	*Respondents in the ACT*
Our political system is working well	13%	9%
Our political system needs some reform but is fundamentally sound	53%	65%

Our political system needs fundamental change	34%	26%

- There is strong support for bans on parliamentarians becoming lobbyists once they leave parliament [NB – such bans are generally not present in Australian workplaces] and a sizeable minority of Australians supported the reintroduction of some form of parliamentary pension:

	Respondents across Australia	*Respondents in the ACT*
Lobbyists are professionals who influence politicians and lawmakers on behalf of their clients and are allowed into parliament to advocate for their interests directly. Lobbying is an important part of democracy, as it allows constituents to communicate with their elected representatives. Some politicians become lobbyists after their political career due to their connections and knowledge of how to influence government. Some believe this creates the potential for politicians to act in the interests of future lobbying clients rather than the Australian public while in power. To what extent would you support or oppose a 5-year ban on politicians becoming lobbyists following the end of their political career to avoid this potential conflict of interest? *NB – the figures below are rounded, so the percentages may not add up to 100%*		
Support	67%	73%
Neither supported nor opposed	25%	23%
Opposed	8%	3%
Up until 2004, Australia had a parliamentary pension scheme, where federal politicians were provided with lifelong pensions based on their salary and years of service. To what extent would you support or oppose re-introducing the parliamentary pension scheme to discourage and limit politicians from becoming lobbyists after their political career?		
Support	39%	27%
Neither supported nor opposed	29%	35%
Opposed	32%	38%

2.4 Next Horizon qualitative/anecdotal evidence about parliamentary superannuation

Since 2025 McKinnon has been engaging with current and former parliamentarians and other political stakeholders to develop a qualitative evidence base of the drivers of and barriers to people choosing to pursue a career as parliamentarians, as well as perceptions of state and federal politics in Australia.

Our analysis has uncovered significant financial barriers that impact individuals' decisions to enter politics, arising from perceptions of both the short- and long-term opportunity costs of Australia's existing remuneration settings for members of parliament.

Since 2004, Australian parliaments have removed parliamentary pension schemes which provided payments above and beyond community expectations.

At the same time, increasing community concern about vested interests influencing politicians, has, rightly, increased both the regulation of lobbying and lobbyists around Australia, and scrutiny on the roles that parliamentarians take up after they leave office.

As a result, whilst parliamentary superannuation schemes for parliamentarians who entered parliament after 2004 are now in line with what is available in Australian workplaces more broadly, regulation of parliamentarians to avoid potential conflicts of interest when they leave office is increasingly imposing conditions that apply to few other Australian workplaces.

Anecdotally, individuals who would otherwise consider serving the community as a parliamentarian report that the uncertainty of post-parliamentary career pathways and future earning capacity, make choosing politics a disadvantage when compared with other alternatives. This therefore reduces the talent pool of Australians willing to consider parliamentary service. Research has shown that difficulty finding employment post parliament can also act as a structural barrier to people considering political service.[4]

Financial concerns were also reported as reasons for politicians either remaining in parliament longer than they wanted, or spending time worrying about their future careers – both of which have the potential to negatively impact their service to the community.

2.5 The need for appropriate lobbying regulation

Lobbying is an indispensable part of representative government and democratic processes, as it an avenue that allows citizens to communicate with their elected representatives.[5] Lobbyists provide "*crucial input and feedback into political systems, thereby helping to develop policy outputs that drive political and economic aspects of citizens' lives*".[6] However, it is necessary to regulate lobbying to support and promote integrity, transparency and accountability in public decision-making.[7]

There is range of evidence which indicates that current lobbying regulation regimes in Australia do not adequately address perceptions of indue influence.

2.5.1 Lobbying and energy policy in Australia

A 2025 report from the McKell Institute and Blueprint Institute, commissioned by McKinnon, highlighted the disproportionate influence of lobbyists on the design of energy policy in Australia.[8] The report identified several policies that overweighted the perspectives of the energy industry in policy design and failed to adequately respond to or address concerns from environmental and community groups.

In relation to lobbying, the report:

- noted that:
  - governments are lobbied by major resource firms with an interest in the consumption of fossil fuels, energy firms, and unions and communities with direct stakes in local projects
  - since 2020, the number of new registered lobbyists in the energy sector at a Commonwealth level has grown sixfold, despite no substantial change in registration requirements over the same period; and
  - there is an asymmetry of resources between resource and energy stakeholders and other stakeholders, including charities, advocacy groups, scientific organisations, which are less resourced and sophisticated in their lobbying activities, and young people, who have a lot at stake
- identified improving lobbying regulation as one of four recommendations to improve the quality of policymaking in the energy sector; and
- recommended that "*Australian governments should immediately adopt common minimum standards in regulation of lobbying, including by publishing office-holder diaries (such as ministerial diaries), expanding the*

[4] See e.g. Christopher Byrne and Kevin Theakston, 'Leaving the House: The Experience of Former Members of Parliament Who Left the House of Commons in 2010', *Parliamentary Affairs*, Volume 69, Issue 3, July 2016, Pages 686–707

[5] Raj Chari, John Hogan, Gary Murphy, and Michele Crepaz, *Regulating Lobbying: A Global Comparison (2nd Ed)* (2019), Manchester University Press, page 17.

[6] Raj Chari, John Hogan, Gary Murphy, and Michele Crepaz, *Regulating Lobbying: A Global Comparison (2nd Ed)* (2019), Manchester University Press, page 17.

[7] Raj Chari, John Hogan, Gary Murphy, and Michele Crepaz, *Regulating Lobbying: A Global Comparison (2nd Ed)* (2019), Manchester University Press, pages 27, 363-370.

[8] Blueprint Institute & The McKell Institute, *How the Sausage is Made: Assessing Australian Policymaking Practices in the Energy Sector* (2025), available at <https://mckinnon.co/public-sector/insights/assessing-and-improving-policymaking-practices-2>.

scope of lobbying regimes to cover all forms of lobbying, including by companies, and ensuring that lobbying regimes are properly enforced".[9]

2.5.2 Other evidence about the need for lobbying regulation

Other research and analysis recognises the shortcomings of current lobbying regulation regimes in Australia and supports the need for appropriate lobbying regulation.[10]

For example, as the Organisation for Economic Co-operation and Development (OECD) notes, there is a clear perception of undue influence, which in and of itself erodes trust in government and democracy:

> *"Perceived integrity in decision making on complex policy issues plays more of a role in Australia compared to the OECD [average], while perceived petty corruption plays less of a role. In addition to the Australia-specific integrity variables, government's withstanding of undue private influence that could be harmful to society at a whole is positively related to trust in the national/federal government in Australia and across the OECD*."[11]

Those seeking to influence government decisions clearly see the value of lobbying, with the Grattan Institute suggesting that:

> "*Estimates of the expenditure [on "rent-seeking"] of major Australian peak bodies and advocacy groups in 2015-16 range from $400 million to $700 million – and those estimates do not include in-house or commercial lobbying staff employed by businesses, unions and not-for profits*."[12]

Potential concerns with current lobbying regulation in Australia include:

- the limited scope of lobbying regulation regimes
- a lack of transparency about lobbying activities
- former public officials taking lobbying roles once they leave office:
  - since 2001, almost every federal Resources Minister has gone to work in the fossil fuel sector shortly after leaving parliament[13]
  - a 2018 Grattan Institute report argued that 28% of federal ministers or assistant ministers since the 1990s had taken roles in special interests (a peak body, lobbying firm, big business, or consulting) after they left parliament, and that former government officials made up a large and increasing number of commercial lobbyists at the federal level between 2012 and 2018[14]
  - a separate 2018 analysis found that 255 of 483 lobbyists on the Federal Lobbyist Register (52.8%) had previously held a role within the Federal Government or a political party, and that this included 24 former state or federal politicians[15]

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[9] Blueprint Institute & The McKell Institute, *How the Sausage is Made: Assessing Australian Policymaking Practices in the Energy Sector* (2025) available at <https://mckinnon.co/public-sector/insights/assessing-and-improving-policymaking-practices-2>, page 41. Research based on the regulation of lobbying in Queensland has indicated that, in addition to ministers, lobbyists meet with other public officials such as ministerial chiefs of staff, other ministerial advisers, and public servants, and that meetings with ministers form only a relatively small proportion of meetings between lobbyists and government representatives (noting that a significant proportion of meetings were with government representatives who were uncategorised, which could include ministers) – see Jennifer Lacy-Nichols and Katherine B Cullerton, 'Baby steps in lobbying reform: opportunities and challenges in Queensland', *Medical Journal of Australia* (2024), volume 220, issue 2, pages 60-64, available at <https://www.mja.com.au/journal/2024/220/2/baby-steps-lobbying-reform-opportunities-and-challenges-queensland>.

[10] NB - many of these relate primarily to the federal jurisdiction, but they may still be relevant to the ACT.

[11] Organisation for Economic Co-operation and Development, *Drivers of Trust in Public Institutions in Australia* (2025), available at <https://www.oecd.org/en/publications/drivers-of-trust-in-public-institutions-in-australia_28a876c2-en.html>, page 64.

[12] Grattan Institute, *Who's in the room? Access and influence in Australian politics* (2018), available at < https://grattan.edu.au/wp-content/uploads/2018/09/908-Who-s-in-the-room-Access-and-influence-in-Australian-politics.pdf>, page 10.

[13] Transparency International Australia, *Behind Closed Doors: A Comparative Jurisdictional Analysis of Australia's Lobbying Rules* (2025), available at <https://transparency.org.au/lagging-federal-lobbying-rules-leave-door-open-for-corruption-and-undue-influence/>

[14] Grattan Institute, *Who's in the room? Access and influence in Australian politics* (2018), available at < https://grattan.edu.au/wp-content/uploads/2018/09/908-Who-s-in-the-room-Access-and-influence-in-Australian-politics.pdf>, page 24.

[15] Christopher Knaus and Nick Evershed, '"In the family': majority of Australia's lobbyists are former political insiders, *Guardian Australia*, 17 September 2018, available at <https://www.theguardian.com/australia-news/2018/sep/16/in-the-family-majority-of-australias-lobbyists-are-former-political-insiders>.

- a 2024 analysis indicated an increase in new lobbyist registrations on the Federal Lobbyist Register since 2018, with a significant number of these being former ministerial advisers (e.g. in 2024, there were 236 new lobbyist registrations, and 88 of these were from former ministerial advisers);[16] and
- a 2023 analysis indicated that almost 65% of lobbying firms registered in Victoria have lobbyists who previously held roles as parliamentarians, ministerial advisers, or political party officials.[17]

In addition, although the lack of transparent information about lobbyists and their access to government means that it is difficult to make direct connections between policy decisions and undue influence, there are various examples in which it has been argued that sectional interests have overcome the public interest through a combination of public advocacy and campaigning and political influence through lobbying and donations. These include:

- delaying the implementation of alcohol pregnancy warning labels[18]
- limiting gambling regulation[19]
- limiting tobacco regulation[20]
- higher pharmaceutical prices[21]
- limiting the regulation of minerals and resources; and[22]
- undue influence on property development decisions.[23]

2.6 Key principles

The regulation of lobbying to protect and support the integrity of democratic government and confidence in public decision-making involves carefully considering and balancing various public interest principles, as regulation may have significant implications for the ability of citizens and groups to participate in electoral and democratic processes.

McKinnon suggests that lobbying regulation regimes should be informed by and assessed according to the following four public interest guiding principles:

- support for representative government, democratic participation and political freedoms, to ensure that citizens and relevant entities (such as representative groups and civil society organisations) can

[16] General Strategic, LinkedIn post, December 2024, available at <https://www.linkedin.com/posts/generalstrategic_australian-lobbyist-register-analysis-by-activity-7274955282542157825-wATO>.

[17] Royce Millar, 'Ex-Labor MPs, advisers flock to lobbying roles', *The Age*, 6 July 2023, available at <https://www.theage.com.au/politics/victoria/from-labor-to-lobbying-the-former-mps-and-advisers-wielding-influence-20230705-p5dlsw.html>.

[18] Movendi International, 'Australia: Alcohol Lobby Pushes to Weaken Public Health (Again)', 6 December 2021, available at <https://movendi.ngo/policy-updates/2021/12/06/australia-alcohol-lobby-pushes-to-weaken-public-health-again/>.

[19] See e.g. Grattan Institute, *A better bet: How Australia should prevent gambling harm* (2024), available at <https://grattan.edu.au/wp-content/uploads/2024/09/Grattan-Institute-A-better-bet-How-Australia-should-prevent-gambling-harm.pdf>; ABC News, 'Minister Victor Dominello was targeted by ClubsNSW over poker machine reform. Now's he's speaking out', 13 March 2023, available at <https://www.abc.net.au/news/2023-03-13/victor-dominello-speaks-out-on-power-of-gambling-lobby-clubsnsw/102072788>; Samantha Thomas, Sean Cowlishaw, Joel Francis, May C I van Schalkwyk, Mike Daube, Hannah Pitt, Simone McCarthy, Darragh McGee, Mark Petticrew, Teurai Rwafa-Ponela, Anase Minja, Greg Fell, 'Global public health action is needed to counter the commercial gambling lobby', *Health Promotion International* (2023), 38(5), available at <https://academic.oup.com/heapro/article/38/5/daad110/7280079?login=false>; Jennifer Lacy-Nichols, Shirae Christie, Katherine Cullerton, 'Lobbying by omission: what is known and unknown about harmful industry lobbyists in Australia', *Health Promotion International* (2023), 38(5), available at <https://academic.oup.com/heapro/article/38/5/daad134/7326506?login=false>.

[20] See e.g. Senate Finance and Public Administration References Committee, *Access to Australian Parliament House of lobbyists* (2004), available at <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000307/toc_pdf/AccesstoAustralianParliamentHousebylobbyists.pdf>, page 7.

[21] See e.g. Christopher Knaus and Nick Evershed, 'Pharmaceutical industry donates millions to both Australian political parties', 25 September 2018, available at <https://www.theguardian.com/business/2018/sep/25/pharmaceutical-industry-donates-millions-to-both-australian-political-parties>.

[22] See e.g. Human Rights Law Centre, *Selling Out: How powerful industries corrupt our democracy* (2022), available at <https://www.hrlc.org.au/app/uploads/2025/04/2201-Selling-Out-Our-Democracy-Report.pdf>.

[23] See e.g. NSW Independent Commission Against Corruption, *Investigation into the regulation of lobbying, access, and influence in NSW* (June 2021), available at <https://www.icac.nsw.gov.au/investigations/past-investigations/2021/operation-eclipse>.

participate in democratic processes and engage with elected representatives, and that lobbying can reflect healthy democratic engagement between citizens and their elected representatives

- fairness and equity of democratic participation and access to decision-makers, to ensure that citizens and relevant entities (such as representative groups and civil society organisations) have relatively equal access and opportunities to participate in democratic processes and engage with elected representatives
- protecting the integrity of representative government, to promote integrity in public administration and government decision-making; to protect against improper conduct, undue influence, and corruption; and ensure that elected officials and other public officials primarily focus on serving the public interest; and
- appropriate transparency, to ensure that information about democratic processes and those who seek to influence and participate in democratic processes is promptly and readily available, which supports appropriate scrutiny and accountability, and promotes trust in decision-making and administration by public officials.

2.7 Key features of lobbying reforms

2.7.1 Current ACT lobbying regulation regime

The ACT Integrity Commission's *Inquiry into arrangements for lobbying and influence in government in the ACT – Discussion Paper* (March 2026) outlines the key features of the ACT's lobbying regulation regime.[24] The ACT's lobbying regulation regime is an administrative scheme and key features include:

- the regulation of third-party lobbyists, including a requirement to register
- requiring lobbyists to act in accordance with specified principles, such as acting with honesty, integrity, and good faith
- 'cooling off' periods for listed current and former public officials that prohibit them from undertaking lobbying activities for specified periods of time once they leave office; and
- administration of the regime by the Clerk of the Legislative Assembly.

2.7.2 Potential key features of lobbying reforms

Organisations such as the Centre for Public Integrity, Transparency International Australia, the Australian Democracy Network, and the Human Rights Law Centre, and authorities such as Associate Professor Yee-Fui Ng and Professor Joo-Cheong Tham have identified key features of lobbying regulation regimes.[25] Table 1 (below) summarises these key features and compares them to the ACT's current lobbying regime. McKinnon recommends that the review consider whether these key features should be implemented in the ACT to expand the scope of regulation, provide greater transparency, and improve oversight, compliance, and monitoring.

[24] See https://www.integrity.act.gov.au/__data/assets/pdf_file/0019/3040840/ACT-Integrity-Commission-Lobbying-Discussion-Paper.pdf, pages 4-7.

[25] See e.g. Centre for Public Integrity, *A Seat at the Table* (2025), available at< https://publicintegrity.org.au/research_papers/lobbying-reform-australia/>; Transparency International Australia, *Position Paper: Lobbying* (2025), available at < https://transparency.org.au/position-paper-lobbying/>; Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) *Adelaide Law Review*, 41(2), 507; NSW Independent Commission Against Corruption, *The Regulation of Lobbying, Access and Influence in NSW: A chance to have your say* (2019), available at < https://www.icac.nsw.gov.au/media-centre/media-releases/2019-media-releases/icac-seeks-comment-on-lobbying-conduct-and-regulation-in-nsw>.

Table 1: Key features of lobbying regulation regimes	
	Current ACT lobbying regime
Coverage	
Third-party lobbyists i.e. lobbyists who represent third parties.	✓
In-house lobbyists i.e. lobbyists who represent their own organisation.	×
Unpaid lobbying i.e. lobbying that is undertaken without formal remuneration.	×
Conduct	
Lobbying conduct standards / Code of Conduct e.g. prohibitions on lobbyists conduct that is dishonest, misleading, or corrupt.	✓
Transparency	
Publication of lobbying contacts, such as requiring a person or entity on the lobbyist register to regularly publish information regarding their contacts with ministers.	×
Publication of office-holder diaries, such as the publication of ministerial diaries to improve transparency regarding people and entities who meet with ministers.	✓
Compliance, monitoring and enforcement	
Lobbyists required to register, to ensure that there are appropriate safeguards and oversight in relation to the lobbying of public officials.	✓
Penalties for unregistered lobbying, to support the integrity of a lobbyist regulation regime, and to support compliance and enforcement.	×
Ban on success fees, to ensure that lobbying occurs in a manner that is consistent with democratic principles and to limit corruption risks.	×
Audits, to support compliance, monitoring, and enforcement.	×
Independent enforcement, to provide independent oversight of a lobbying regulation regime.	✓
Other enforcement mechanisms, to support compliance, monitoring, and enforcement.	×
Other	
Bans on lobbying after leaving office, which aims to promote integrity by limiting the extent to which former public officials (such as former ministers).	✓ (up to 18 months)
Requirement for bills to include a Public Interest Footprint, e.g. to support transparency about the stakeholders with whom the government has consulted in relation to bills.	×

2.7.3 Post-parliamentary financial support for former office-holders

McKinnon recommends that post-parliamentary office financial support be provided to former office-holders (such as ministers) and explicitly linking it with lobbying regulation, which aims to promote the public interest and safeguard integrity in government decision-making.

Prior to 2004, parliamentarians in Australia were generally provided with access to defined benefits once they left office after making financial contributions when they held office. Justifications for this regime included:

- *"entering Parliament often meant foregoing potential superannuation payouts from previous employers due to leaving that employer prior to retirement age*
- *electoral and parliamentary demands reduced members' chances to re-establish careers when their parliamentary term was over; and*
- *the need to entice people to enter Parliament who would not otherwise come".*[26]

All Australian jurisdictions passed legislation in 2004 closing off these schemes to new entrants on the basis that it brought superannuation arrangements for parliamentarians into greater alignment with community expectations.[27] Parliamentarians who have entered parliament since then have been provided with contributory superannuation schemes, similar to arrangements for all other Australian employees.

Various principles have governed remuneration for parliamentarians, including in relation to superannuation. Beyond the justifications noted above in relation to defined benefit schemes, an additional key principle is that adequate remuneration for parliamentarians (including superannuation) helps to protect against undue influence and minimise corruption risks.[28] Although there has been some consideration of parliamentary superannuation schemes since the removal of defined benefit schemes in 2004, this has generally focussed on actuarial and financial issues, rather than the role of parliamentary superannuation in promoting integrity in government decision-making.[29]

A 2020 South Australian parliamentary committee report considered the link between parliamentary superannuation and integrity, and recommended:[30]

- the implementation of a code of conduct for South Australian parliamentarians that included a prohibition on former parliamentarians undertaking various duties relating to public office (including lobbying, advocating, having business meetings or providing services to parliamentarians, the public service, and public entities) for ten years after leaving parliament; and
- consideration be given to introducing a self-funded defined benefits superannuation scheme for parliamentarians to facilitate compliance with the code of conduct, including forfeiting entitlements if they breached the code in relation the post-separation obligations noted above or were convicted of a criminal offence relating to corruption associated with their service as a parliamentarian or post-separation obligations.

McKinnon supports the introduction of a form of post-parliamentary financial support for parliamentarians with an explicit link to post-separation obligations as a mechanism to support an effective lobbying regulation regime. Parliamentarians are entrusted with significant responsibilities in fulfilling their duties and serving the public interest. The overwhelming majority of parliamentarians seek to serve their community, act in the public interest, and uphold the highest standards. A number of high-profile examples, however, have demonstrated

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[26] 25th Report of the Senate Select Committee on Superannuation, *The Parliamentary Contributory Scheme & the Judges' Pension Scheme* (1997), available at <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/super/completed_inquiries/1996-99/report_25/index>, Part A, [1.3].

[27] See e.g. Victorian Independent Remuneration Tribunal, *Review and report on superannuation arrangements for Members of the Parliament of Victoria* (2020), available at <https://www.remunerationtribunal.vic.gov.au/review-superannuation-arrangements-mps>, pages 9-10.

[28] Anna Caroline Warfelmann, *The Politics of Parliamentary Pensions in Western Democracies: Understanding MPs' Self-Imposed Cutbacks* (2015), page 21.

[29] See e.g. Victorian Independent Remuneration Tribunal, *Review and report on superannuation arrangements for Members of the Parliament of Victoria* (2020), available at <https://www.remunerationtribunal.vic.gov.au/review-superannuation-arrangements-mps>.

[30] *Report of the Crime and Integrity Policy Committee into matters of public integrity in South Australia*, Fifth Report, Second Session of the Fifty-Fourth Parliament (2020), pages 173-174.

why it is necessary to provide appropriate mechanisms and safeguards to promote integrity and protect against corruption risks, including in relation to parliamentary remuneration and superannuation. It is generally recognised that providing judicial officers with appropriate remuneration (including post-service remuneration) is an important mechanism to ensure that they exercise their duties in an impartial manner.[31] Similarly, introducing a form of post-parliamentary financial support for parliamentarians that is explicitly linked to compliance with obligations in a lobbying regulation regime would promote the public interest and integrity in government decision-making. The features of a post-parliamentary financial support regime and its links to lobbying regulation require further consideration (such as the length of any 'cooling-off' period for public officials once they leave office, the obligations that applied to them, and the scope of activities that they would be prohibited from undertaking during the 'cooling off' period), but as suggested by the 2020 South Australian parliamentary committee report, such a regime could also require parliamentarians to forfeit benefits if they breach relevant lobbying obligations or broader integrity obligations.[32]

2.8 Other issues for consideration

2.8.1 Ensuring that proposed lobbying reforms are valid under the Commonwealth Constitution

Any regulation should be proportionate and well-targeted, and this is particularly important in relation to regulation that seeks to govern democratic processes and the relationship between citizens and their elected representatives.

An effective lobbying regulation regime should be designed so that it minimises legal risks as much as possible, lest there be a regulatory vacuum as a result of legislation being invalid.

In particular, legislation relating to lobbying regulation, like any legislation, must not impermissibly infringe the implied freedom of political communication under the *Commonwealth Constitution*.

The High Court has found that:[33]

- there exists in the *Commonwealth Constitution* (primarily derived from sections 7 and 24) an implied freedom of political communication that protects communication on matters relating to politics and government
- the implied freedom is necessary to preserve and maintain the system of representative and responsible government establishment by the *Commonwealth Constitution*, as *"it is only by a freedom to communicate on [matters relating to politics and government] that citizens may exercise a free and informed choice as electors"*, as provided by the *Commonwealth Constitution*
- the implied freedom is a constitutional limit on legislative power, rather than a personal right; and
- any limits on the implied freedom must be justified by the jurisdiction that seeks to limit the implied freedom.

[31] See e.g. *Report of the Crime and Integrity Policy Committee into matters of public integrity in South Australia*, Fifth Report, Second Session of the Fifty-Fourth Parliament (2020), page 174; 25th Report of the Senate Select Committee on Superannuation, *The Parliamentary Contributory Scheme & the Judges' Pension Scheme* (1997), available at <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/super/completed_inquiries/1996-99/report_25/index>, Part B, [1.1]-[1.11].

[32] The NSW Parliament passed the *Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Act 2017* to provide for the suspension of termination of superannuation benefits for former NSW parliamentarians who are convicted of serious criminal offences.

[33] See e.g. *Lange v Australian Broadcasting Corporation* [1997] HCA 25; *LibertyWorks Inc v Commonwealth of Australia* [2021] HCA 18, [44]-[51] (Kiefel CJ, Keane J, and Gleeson J)

In determining whether legislation infringes the implied freedom of political communication, the High Court has set out a test comprised of three limbs:[34]

- whether the legislation effectively burdens the implied freedom of political communication in its terms, operation or effect
- if so, whether the purpose of the legislation is legitimate in that it is compatible with the system of representative and responsible government prescribed under the *Commonwealth Constitution*
- if so, whether the legislation is reasonably appropriate and adapted to advance the legitimate purpose consistent with the maintenance with the constitutionally prescribed system of government, which generally involves consideration of the following issues relating to proportionality:
    - suitability, which requires that there be a rational connection between the legislation and the measures that the legislation adopts to achieve that purpose
    - necessity, which involves consideration of whether there is an alternative measure that would impose a lesser burden on the freedom and would be equally practicable; and
    - adequacy in the balance, which involves consideration of whether the benefit of the legislation is manifestly outweighed by the adverse impact on the implied freedom.

2.8.2 Proportionality and effects on civil society organisations

Lobbying regulation should be proportionate and well-targeted, particularly as it seeks to govern democratic processes and the relationship between citizens and their elected representatives.

Civil society organisations play an important role in democratic processes, and lobbying regulation should ensure that it does not undermine this.[16]

McKinnon recommends that any lobbying regulation should be proportionate, and not unjustifiably limit civil society organisations from engaging in democratic processes.

2.8.3 Review mechanism

Significant reforms generally benefit from review following their implementation, and reviews can consider issues such as whether the reforms are operating as intended, whether there are unintended consequences, and whether the reforms require amendments to ensure that they are proportionate and fit-for-purpose.

Reforms relating to the regulation of lobbying respond to fundamental issues about the operation of democratic and representative government, and have the capacity to significantly affect the relationship between citizens and their elected representatives, and the ability of citizens to participate in democratic processes.

As such, McKinnon recommends that any lobbying reforms include a public review mechanism, which would allow for an assessment of the impact and effects of any reforms, such as whether they were achieving their desired effects, whether they are having any unintended consequences, and could also identify potential improvements.

Options for a review of lobbying reforms include:

- a one-off review that could be undertaken within a specified time after the implementation of any reforms, which would allow the reforms to be assessed following the completion of a sufficient and appropriate period of time to allow the impact and effects of the reforms to be considered. This would be consistent with:

[34] See e.g. *Lange v Australian Broadcasting Corporation* [1997] HCA 25; *McCloy v New South Wales* [2015] HCA 34, [2] (French CJ, Kiefel, Bell and Keane JJ); *Brown v Tasmania* [2017] HCA 43, [104] (Kiefel CJ, Bell and Keane JJ), [155]-[156] (Gageler J), [277] (Nettle J), [481] (Gordon J); *Clubb v Edwards; Preston v Avery* [2019] HCA 11, [5] (Kiefel CJ, Bell and Keane JJ) *LibertyWorks Inc v Commonwealth of Australia* [2021] HCA 18, [44]-[47] (Kiefel CJ, Keane J, and Gleeson J), [131]-[134] (Gordon J).

    - review mechanisms in other Australian jurisdictions relating to significant democratic reforms, such as the review mechanism included in South Australia's 2024 political finance reforms[35]
    - lobbying reforms in other Australian jurisdictions (e.g. NSW undertook a five-year statutory review of lobbying reforms in 2017,[36] and this followed a 12-month review of requirements relating to the publication of ministerial diaries[37]); and
    - other key integrity reforms in other Australian jurisdictions (e.g. the 2023 statutory review of Victoria's 2018 electoral and political finance reforms, and other relevant matters; a proposed ten-year review of Victoria's 2019 parliamentary salaries, allowances, and standards reforms; and the proposed two-year review of the *Parliamentary Workplace Standards and Integrity Act 2024* (Vic));[38] and
- a mechanism that could allow reviews to occur at regular intervals if required, so that there would be a recurring mechanism to monitor the operation of the lobbying regulation regime and identify potential improvements to ensure that the ACT's lobbying regime remains fit-for-purpose.[39]

The review mechanism should include appropriate features, such as:

- ensuring that whoever undertakes a review has appropriate or relevant qualifications, experience or expertise; and
- a requirement for any review to be tabled in parliament.

[35] *Electoral (Accountability and Integrity) Amendment Act 2024* (SA), section 64.

[36] *Lobbying of Government Officials Act 2011* (NSW), section 24; NSW Department of Premier & Cabinet, *Statutory review of the Lobbying of Government Officials Act 2011* (2017), available at <https://www.nsw.gov.au/sites/default/files/2023-07/Statutory-Review-of-the-Lobbying-of-Government-Officials-Act-2011.pdf>.

[37] NSW Department of Premier & Cabinet, *Publication of Ministerial Diaries – 12 month Review* (2015), available at <https://www.nsw.gov.au/sites/default/files/2023-07/Report-Publication-of-Ministerial-Diaries-12-month-review.pdf>.

[38] See *Electoral Act 2002* (Vic), sections 222DB-DC and Electoral Review Expert Panel *Report on Victoria's laws on political finance and electronic assisted voting* (2023), available at <https://www.parliament.vic.gov.au/4934eb/globalassets/tabled-paper-documents/tabled-paper-8066/electoral-review-expert-panel---report-on-victoria-s-laws-on-political-finance-and-electronic-assisted-voting--main-report---november-2023---version-for-tabling.pdf>; *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic), section 45; *Parliamentary Salaries, Allowances and Superannuation Act 1968*, section 9O; and *Members of Parliament (Standards) Act 1978* (Vic), section 34; *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) section 113.

[39] For example, Victoria's Electoral Matters Committee can inquire into various electoral matters (see *Parliamentary Committees Act 2003* (Vic), and undertakes a comprehensive review following Victorian elections, as well as considering other electoral issues.

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