Andrew Barr MLA
Chief Minister
Minister for Economic Development
Minister for Tourism and Trade

Member for Kurrajong

The Hon Michael F Adams KC
ACT Integrity Commissioner
GPO Box 1949
CANBERRA ACT 2601
governance@integrity.act.gov.au

Dear Commissioner

I write to provide a submission in response to the ACT Integrity Commission's inquiry into arrangements for lobbying and influence in government in the ACT.

The ACT Government recognises that there are differing perspectives on what constitutes appropriate lobbying activity and which actors should fall within the scope of any framework. Lobbying is a pervasive feature of public decision-making, reflecting the breadth and diversity of interests seeking to engage with government. At the same time, experience in the ACT indicates that instances of lobbying that could be characterised as corrupt or inappropriate are relatively rare.

The establishment of strong integrity institutions, particularly the ACT Integrity Commission, has supported a culture that discourages improper conduct and reinforces expectations of ethical engagement. Against this backdrop, the Government considers that any proposed changes to the current scheme should be informed by a balanced, risk-based assessment that recognises both the value of transparency and the generally high standards of conduct currently observed in the Territory.

Legislative Scheme

The Discussion Paper raises a threshold question, whether the ACT should introduce a legislative scheme to regulate lobbying. While there are benefits to a statutory framework, it is important to recognise that introducing legislation may not represent the most effective or proportionate response at this stage.

A legislative scheme is inherently resource-intensive to design, implement and administer. It requires not only the development and passage of legislation, but also the establishment of supporting infrastructure, including a regulatory body or function, compliance and enforcement capabilities, and ongoing administration and maintenance of systems.

ACT Legislative Assembly
London Circuit, GPO Box 1020,
Canberra ACT 2601

+61 2 6205 0011
barr@act.gov.au

ABarrMLA
andrewbarrmla

This raises important practical considerations, including which entity would be responsible for administering the scheme, how it would be resourced, and how duplication with existing integrity and oversight functions and other legislative requirements, would be avoided.

Further, poorly scoped or under-resourced legislative frameworks risk creating a system that is administratively burdensome but delivers limited improvements in transparency or integrity outcomes. For these reasons, it is the Government's submission that the introduction of legislation should be carefully weighed against alternative or complementary non-legislative measures, and that a staged or hybrid approach may be more appropriate.

The ACT has a robust information access regime that recognises the public's right to government information as fundamental to democratic accountability. It is noted that transparency elements of a statutory scheme relating to lobbying already exist in the ACT following amendments to the *Freedom of Information Act 2016* (the FOI Act) and introduction of Open Access information and proactive publication. Under the FOI Act's Open Access regime, the Chief Minister and other Ministers have obligations to publish categories of information to provide visibility of government engagement and decision making, including Cabinet decision summaries, ministerial diaries and travel and hospitality expenses. The ACT is also the only Australian jurisdiction to require the publication of ministerial diaries in legislation.[1]

The Government submits that consideration should also be given to the potential for unintended consequences should a legislative model be recommended. These may include the diversion of public resources towards unnecessary or low-value administrative activity, a risk that engagement with government becomes more compliance-driven rather than substantive, and other unforeseen impacts that may not deliver commensurate improvements in integrity or transparency outcomes. The Government therefore encourages the Commission to consider these factors when assessing options for reform, to ensure that any recommendations are proportionate, targeted and focused on delivering meaningful transparency changes and benefits for the ACT community.

The Discussion Paper recognises that there have been no complaints or identified instanced of non-compliance under the current framework. In this context, it is submitted that the priority focus be strengthening the role of the Clerk of the Legislative Assembly in providing education, guidance and support to foster ethical practices. An emphasis on preventative and educative functions would better align with the current risk profile and help maintain high levels of voluntary compliance in the ACT.

Definition of Lobbying and Scope

The Discussion Paper raises important questions regarding the definition of lobbying and who should be regulated. This issue has previously been examined by the Standing Committee on Administration and Procedure in its Inquiry into the ACT Register of Lobbyists (Report 10, March 2019).

In its 2018 submission on lobbying reform, the ACT Government acknowledged that proposals to expand lobbying regulation were aligned with its broader objective of strengthening probity, integrity and accountability in government decision-making.

[1] *Freedom of Information Act 2016* (ACT) ss 23 and 24.

That submission drew on the Organisation for Economic Co-operation and Development analysis, including *Lobbyists, Governments and Public Trust*, which emphasises that effective lobbying regulation cannot be developed or reformed in isolation, but must be understood as part of a broader system of integrity and transparency measures.

Since that time, the ACT Government has implemented significant reforms to enhance transparency and accountability, including broadening freedom of information laws, strengthening electoral donation regulation and establishing the ACT Integrity Commission. In the 2018 submission, the Government recognised that, notwithstanding these reforms, a lobbyist register could serve a distinct purpose by addressing transparency risks specific to lobbying activities undertaken for commercial reward. The Government's position at that time was that the objectives of a lobbyist register were sufficiently distinct from other integrity measures to warrant a dedicated and carefully scoped regulatory mechanism.

This historical context remains relevant to the current inquiry. It highlights the importance of defining the scope of any lobbying framework in a way that is tightly aligned with its core purpose, complements existing integrity arrangements, and avoids unnecessary overlap or regulatory complexity. Clear and precise definitions are essential to ensure that regulation enhances transparency in a targeted and proportionate manner, rather than diluting effectiveness through over-extension. Therefore, it remains the Government's position that the scope of captured actors be consistent with the core focus on ensuring transparency of lobbying activities undertaken for commercial reward.

In the context of the inquiry into lobbying and influence in government, it is also important to acknowledge the broader steps the ACT Government has taken to proactively strengthen transparency and public confidence in decision-making. These measures include the regular publication of summaries of Cabinet decisions and the active release of government documents. The ACT is ahead of many other jurisdictions in this regard, and these initiatives support openness, accountability and trust in government processes, which are central considerations of the inquiry.

Disclosure of non-executive MLA diaries

The Discussion Paper raises an important question regarding the publication of non-Executive MLA diaries in accordance with existing Open Access arrangements. It is noted that the Standing Committee on the Integrity Commission and Statutory Office Holders reported on transparency arrangements for Members, including the potential publication of Members' travel, Members' diaries and Members' staffing expenditure, and concluded that no compelling case had been made for publishing non-Executive Members' diaries (Report 2, September 2025).

However, the Government considers there is further scope to strengthen public confidence by requiring all Members to declare relevant lobbying activity and stakeholder influence associated with legislative decision making. There is scope to consider the suitability of Members' diary disclosure to achieve greater transparency—while appropriately balancing privacy and operational considerations—to demonstrate the highest standards of honesty, probity and accountability are observed by both members of the Executive and legislature.

The Government believes that parliamentary transparency would be significantly enhanced by all Members of the Legislative Assembly declaring relevant lobbying and stakeholder influence over legislative decision making.

Lobbying activities by public servants and post-employment restrictions

The Discussion Paper queries whether public officials, including all public servants, should record on a public record log, interactions with persons undertaking lobbying activities. It is noted that this would capture a large volume of routine, low-risk interactions and create a significant administrative burden on the public service.

The ACT State of Service Report 2024-25 provides that there are nearly 32,000 staff working in the ACT Public Sector (ACTPS). Staff work in a variety of roles from administrative officers, teachers, dentists, bus operators, ICT officers, paramedics, nurses and midwives, rangers, legal and correctional officers to senior executive service officers. All ACTPS directorates and agencies and their employees must promote integrity and prevent misconduct, including fraud and corruption. The conduct of the ACTPS is strictly regulated, including via the *Public Sector Management Act 1994*, *Public Sector Management Standards 2016*, *Public Sector Management Standards 2006* (repealed), *Financial Management Act 1996,* ACTPS Code of Conduct, Enterprise Agreements, and whole-of-government policies.

It is therefore considered that such a broad approach would create a significant resource impost and administrative burden that may not be the best mechanism to deliver a lobbying framework which fosters ethical practice and builds community trust in public administration.

Similarly, in relation to the Discussion Paper question about whether public servants classified below the level of executive be prohibited from being registered as a lobbyist for certain periods of time, it is considered that such a response would be disproportionate to the level of influence and risk associated with these roles.

The ACT Government reaffirms its commitment to continuously improve probity, integrity and accountability in decision-making. As such, we appreciate the opportunity to contribute and welcome the views of the Commissioner and other stakeholders as part of the inquiry process. We look forward to receiving your report.

Yours sincerely



Andrew Barr MLA
Chief Minister

26 May 2026