PROPERTY COUNCIL of Australia

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

May 2026



PROPERTY COUNCIL of Australia

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Thank you for the opportunity to provide a submission to the *Inquiry into arrangements for lobbying and influence in government in the ACT*.

About the Property Council

The Property Council of Australia is the leading advocate and biggest employer for the nation's largest industry. In the ACT, the property sector continues to account directly for more than $4.5 billion in economic activity, a further $2.1 billion indirectly, and one in seven jobs.

Property is the beating heart of the ACT's success across all measures – with almost 45 per cent of tax and royalty revenue being contributed by the sector. The continued success of Canberra depends on the success of property, development, and the built environment.

Members of the ACT & Capital Region Division of the Property Council include the people and companies who plan, design, invest, own, manage, support, and build, the homes for Canberrans. We are committed to great cities, strong economies, and sustainable communities. Our members include the owners, managers, and developers of office, retail, industrial, residential and mixed-use property across Canberra and the Capital Region, as well as small, medium, and large building companies, architects, designers, planners, and other consultants who are pivotal to the delivery of housing and infrastructure across the Territory.

Our purpose is to lead evidence-based reform and shape policy to create a stable, competitive environment for investment, planning and innovation. We do this through our powerful advocacy, leading conversations, and undertaking research to solve problems and create a better future. Formally, our organisation is a not-for-profit entity, primarily involved in public policy advocacy and the provision of information, professional development, research and events activities for our members and the broader property industry.

Overview

As explained in the Discussion Paper, lobbying is a legitimate and important part of democratic processes. Individuals, businesses, industry and community organisations regularly make representations to ACT Government employees and Members of the Legislative Assembly, seeking to influence decision-making. We agree that strong integrity settings, transparency in decision-making, and public confidence in government are essential to a well-functioning system. Integrity reforms must be evidence-based, proportionate, and targeted to an identified problem.

On the material presented, we do not believe that a case has been established for the existing lobbying framework to be expanded. The existing Lobbyist Regulation Guidelines provide clear

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rules for what a Minister, Member of the Assembly (and their staff), as well as ACT public service officers, must do in the event they receive certain communications or if they become aware (or reasonably suspect) that a contravention of the ACT Lobbying Code of Conduct has occurred.

We note the Discussion Paper has asked a number of Focus Questions, which we have responded to below.

Should the Scheme move to a statute-based model?

The Property Council does not support moving to a statute-based model in the ACT, at this time.

While we acknowledge that statutory schemes can offer greater formality and enforceability, any such change must be justified by a clearly identified problem in the existing framework. On the material presented in the Discussion Paper, no evidence has been established of systemic failure, widespread non-compliance, or integrity risks that cannot be managed under the current arrangements.

The ACT's existing administrative model appears to be well understood, and operates within a broader and robust integrity framework, which includes codes of conduct, disclosure obligations, procurement rules as well as the powers of the Integrity Commission. It is unclear what practical difference a statute-based model would have other than changing the administrative or bureaucratic processes.

When dealing with any type of compliance framework, ongoing education is vital. This should be the first step in improving understanding of the existing scheme and compliance framework. We have concerns that moving to a statute-based model would increase the legal complexity and compliance burden, particularly for small to medium businesses and not-for-profit industry associations, which may discourage interactions with Ministers (both from the public and from the Ministers themselves). In sectors like property and business, there is ongoing and regular engagement on planning, taxes, and infrastructure, often at a policy level rather than at a project specific or individual level. It is important that still continues without discouragement as it is vital for effective policy development.

What aspects of the Scheme would be strengthened through implementation of a statutory model?

Noting our response to the question above, if the Commission considers that aspects of the Scheme need to be strengthened, we recommend a focus on improved guidance and education for all public servants, practical examples that are appropriate to the role and responsibility of those public servants, and modernisation of administrative processes. This would enhance

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transparency and understanding without creating additional administrative burden or compromising integrity and effective stakeholder engagement.

Should the definition of persons and entities required to be registered under the Scheme be expanded to include other persons and entities whose activities would constitute lobbying activities?

We do not support expanding the definition of persons and entities required to be registered under the Scheme.

The current framework draws an appropriate and deliberate distinction between commercial third-party lobbying and representative advocacy undertaken by not-for-profit organisations, including industry associations. This distinction should be retained.

Organisations like the Property Council play an important role in representing a broad membership base, consolidating and communicating industry views, as well as contributing technical and practical expertise to policy development. Importantly, we do not operate as paid agents for unrelated private clients, and therefore do not present the same risk profile as professional third-party lobbyists who are often focused on particular projects or specific outcomes.

It is also critical to emphasise that exclusion from the lobbying register does not equate to exemption from integrity obligations. Industry associations, like any other entity, remain subject to the ACT's broader integrity framework, corruption and misconduct provisions, and applicable governance and accountability requirements. The exclusion of industry and trade associations is a deliberate recognition – that exists across all states and territories – that good democratic engagement depends on governments hearing directly from representative organisations.

Expanding the definition to capture representative bodies would risk blurring the distinction between legitimate policy engagement (which is open to all members of the community) and commercial lobbying, discouraging structured, transparent engagement with government and creating an unnecessary compliance burden for industry and community organisations without any demonstrated integrity benefit.

We consider the current scope of the Scheme is appropriate and proportionate, and should not be broadened in the absence of clear evidence of regulatory failure.

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Should the Scheme adopt an 'activity based' model, such that any activity that falls within the definition of lobbying activity is covered under the Scheme, regardless of who is conducting the lobbying?

We do not support the adoption of an activity-based model. Such an approach would create significant practical and administrative challenges, particularly in a jurisdiction like the ACT where engagement between stakeholders is frequent, often informal, and often carried out by not-for-profit community and industry associations that have limited resources.

Our key concerns include:

- Uncertainty and ambiguity – routine activities such as submissions, consultations, technical discussions, responding to government requests, or even social media posts tagging Ministers, could inadvertently fall within scope.
- Disproportionate compliance burden – this proposal would shift the Scheme from regulating a defined group of people to capturing a very wide range of individuals and organisations, where most of them do not have the resources or systems to manage this.
- Impractical – monitoring, defining, and enforcing an activity-based regime would be complex for both stakeholders and government, with a real risk that it just becomes process-heavy without improving integrity.
- Stifling engagement – this would discourage stakeholders and government engaging, or causing engagement to become overly cautious or procedural. It would ultimately reduce the quality of information available to decision-makers, particularly in sectors like property where policy outcomes rely on detailed, real-world input.

Should 'influencing' activities that fall outside the definition of lobbying under the Scheme between interest groups and public officials be subject to public disclosure and if so, in what circumstances and in what form?

No. Expanding the definition to capture broader 'influencing' activities would risk blurring the line between lobbying and ordinary policy engagement, including submissions, consultation, and technical discussions. This submission itself could be seen as seeking to influence and therefore be subject to public disclosure. Similarly, submissions from not just industry associations but from individuals that contain significant personal information, may be seen as influencing. While these are often published, there are occasions when that does not occur for a variety of legitimate reasons.

Any transparency enhancements should be targeted, evidence-based, and focused on areas of demonstrated risk rather than routine engagement.

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Where significant representations to public officials have been made by excluded groups, should these be recorded and made known publicly?

In most circumstances, excluded groups like trade or industry associations regularly communicate with their members – and therefore publicly – about the representations made to public officials. On the occasions where representations aren't immediately made public, it is ordinarily due to commercial sensitivity reasons, which may include financial pressures, planning and land-use matters, sensitive research or other matters which may cause financial or other harm to the industry if it were disclosed. A public register has the ability to change the behaviour of both government and industry – for the worse. For example, the government would be less likely to speak with industry in the early stages of policy development about the impacts of the policy on the industry. Community organisations would become less guarded because of concerns that any information provided would become publicly available.

Representative bodies such as the Property Council operate transparently by publishing policy positions, engaging on issues of broad industry relevance, and acting as a conduit between members and government on policy, not on specific issues. This form of engagement should not be treated as inherently requiring additional disclosure beyond existing integrity settings.

Are there circumstances and/or types of information brought to the attention of public officials by lobbyists that ought to be kept confidential, e.g. commercially sensitive data or matters impinging on personal privacy?

Yes. There are clear, and important circumstances, where information provided to public officials should remain confidential. This is particularly relevant in the property sector, where engagement with government may involve:

- Commercially sensitive information, including project feasibility, land values and transaction details, and development timing and investment decisions
- Market-sensitive information that could distort competition, and affect pricing or investment behaviour if it was disclosed prematurely
- Preliminary or draft proposals, where early engagement allows government to clearly identify issues, and improve policy or project outcomes
- Personal or private information including employment matters, stakeholder or community impacts, or commercially confidential third-party data.

Maintaining appropriate confidentiality supports free and frank discussion, encourages early engagement (which is vital for the government on planning, development, and infrastructure discussions), and protects legitimate commercial and privacy interests.

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There are already existing mechanisms that exist – including confidentiality provisions, procurement rules, privacy obligations, and integrity frameworks.

Should the Scheme be amended to set out standards of conduct by public officials when interacting with lobbyists?

Public officials are already bound by the ACT Public Sector Code of Conduct, which legally binds ACT public employees under the Public Sector Management Act 1994. This could be expanded to include requirements for dealing with lobbyists.

Should the Scheme require public officials to maintain disclosure logs of contact with lobbyists?

No, this is not supported. This would add a layer of administrative complexity, without clear evidence it would actually improve integrity outcomes. The ACT already operates within a robust integrity framework, including codes of conduct, ministerial diary disclosures, and the oversight of the Integrity Commission.

Should lobbyists be required to specify the purpose of the contact with the public?

No. While transparency is important, a prescriptive requirement to formally categorise or disclose the purpose of each interaction would be difficulty to apply in practice, particularly where discussions can cover multiple issues, risks oversimplification, and imposes additional compliance burdens without any clear integrity benefits. In the property sector, engagement can be exploratory, technical, or iterative, and requiring formalised purpose statements runs the risk of discouraging early-stage engagement, which is often critical to improving policy and project outcomes.

Should Ministers be required to disclose, as part of the publication of diaries, the purpose of any engagement with a registered lobbyist?

No. The current diary disclosure arrangements already provide a level of transparency that is appropriate for the ACT. Additional requirements are unlikely to enhance transparency, but are more likely to reduce the quality and openness of engagement.

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Should non-executive MLAs also be required to publish their diaries in accordance with existing ACT Government Open Access Information arrangements applying to executive MLAs?

No. Non-executive MLAs have a different role in the Assembly and it may be prejudicial to their roles as local representatives if this were to happen, noting the confidentiality issues raised above. Maintaining the distinction between executive and non-executive roles is both appropriate and necessary.

Are code of conduct requirements on MLAs and their staff, including disclosure of conflicts of interest, sufficient and effective to make transparent any relationships with interest groups, whether represented by a registered lobbyist or other individual, to promote probity and integrity in government decision-making?

The existing code of conduct requirements are appropriate and effective, provided they are properly implemented and enforced. The key integrity safeguard is ensuring that conflicts of interest are clearly identified and disclosed, they are appropriately managed, and there is no inappropriate or unlawful influence on decision-making.

The ACT's broader integrity framework already provides clear expectation of conduct, mechanisms for managing conflicts, and oversight and enforcement. The priority should be ongoing compliance, monitoring and education, rather than introducing additional regulations.

Should the Scheme require public officials, including public servants employed under the *Public Sector Management Act 1994* to record, on a public contact log, interactions with persons undertaking lobbying activities?

No. This would create a significant administrative burden without providing additional benefits. It would discourage routine and constructive interactions, and diminish the quality of policy development.

Should former MLAs, staff of MLAs, and senior public servants be prohibited from undertaking lobbying activities, in any form, for periods longer than those currently specified?

Unless there is evidence that supports such an extension, we do not see the need for the period to be extended.

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Can a case be made for the transfer of the administration of the Scheme from the Clerk to another body?

The case has not been made in this Discussion Paper. It states there have been no complaints about non-compliance with the Scheme. It appears that the Scheme is working appropriately while being managed by the Clerk, and it is important that noting this is an administrative scheme, it continues to be treated as such to allow the Integrity Commission to deal with matters where integrity can or has been questioned. Routine administrative requirements for lobbyists should not be the routine concern of the Integrity Commission.

Should the Scheme be enhanced through the broadening of regulatory powers and sanctions for non-compliance?

Noting there have been no complaints about non-compliance, this is not something that is necessary to be considered.

Questions 18-20 have not been answered as they concern matters not within the knowledge or control of the Property Council.

Does the current Scheme provide adequate transparency to inform the public, in a meaningful way, of the influence of lobbying activities on government decision-making?

Yes, it does. The existing framework, combined with broader integrity measures, provides adequate transparency, and makes sure that government decision-making is subject to appropriate scrutiny without unnecessary constraining engagement. There is no evidence that suggests additional transparency mechanisms are required to maintain public confidence or integrity.

What additional mechanisms are available to make transparent any critical influence over significant decisions so that the community can be satisfied that decisions are being made 'for the right reasons' and in the public interest?

Existing mechanisms are sufficient. Further structural changes are not necessary, in the absence of a demonstrated problem. Rather than introducing new disclosure regimes, the more effective approach would be to ensure strong adherence to existing frameworks, consistent application of conflict of interest provisions, and ongoing education and guidance for public officials and stakeholders.

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Are there interactions between interest groups and public officials not captured as lobbying activities that nevertheless should be 'captured' and form part of the public record?

No, the current boundaries of the Scheme are appropriate and should be maintained.

What other improvements can be made to the Scheme to promote public confidence and trust in government?

We support a practical, targeted approach to strengthen public confidence, focused on clarity and education rather than regulatory expansion.

Summary

In summary, the Property Council supports a strong and transparent integrity framework, but does not consider that a case has been made for expanding the current lobbying scheme. The existing arrangements are proportionate, effective, and appropriately balanced to support both public confidence and high-quality engagement. Any future reforms should remain targeted, evidence-based and focused on practical improvements that enhance clarity without discouraging legitimate participation in government decision-making.

We thank you for the opportunity to continue to engage on this important issue.

Regards,



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