

From: [Michael Baume](#)
To: [Lobbying](#)
Subject: Submission to ICAC inquiry into the regulation of Lobbying
Date: Tuesday, 21 May 2019 7:40:25 PM

Dear Chief Commissioner,

Thank you for the opportunity to make a submission to you enquiry.

In view of my significant correspondence with the NSW government and the NSW Electoral Commission which has the duty to regulate the Lobbyist legislation and Code, expressing my concerns at the disgraceful failure to implement the letter and the spirit of the Parliament's clear intent as shown in the Second Reading speeches, I regret that I was not given that opportunity directly but had to rely on a Lobbyist friend to forward me a copy of your invitation to make a submission.

My concerns are outlined in the voluminous correspondence which is attached. In summary, the farcical nature of the present arrangements is indicated in the following letter to me of June 15 2017 from the NSW Electoral Commission's Alison Byrne in which she acknowledges that:

- # The legislation prohibits a lobbyist who is an officer of a political party from being registered, but permits a lobbyist who is already registered to become an officer of a political party
- # That acting as a proxy for a prohibited function (a member of a party's state executive) in a party pre-selection for a parliamentary seat (ie the main purpose of a political party being the selection and support of parliamentary candidates) does not represent a breach of the Act
- # That being an elected member of the State Council of the Liberal Party (its supreme body to which the state executive reports and must seek approval) does not constitute being an "officer of the party" but only "an ordinary member" of the Party.

This combination of inadequate legislation and incompetent administration requires correction before the stated intentions and principles of the legislation as outlined in your background paper of Transparency, Integrity, Fairness and Freedom can be achieved

I am prepared to appear before any public inquiry you may hold in July and August.

Yours sincerely,

Michael Baume AO
MP for Macarthur 1975-83
Senator for NSW 1984-96

PS Attached are links to three press articles relating to Lobbyist involvement in Liberal Party politics. I also refer you to my article in The Spectator magazine of 13th May, 2017.

CORRESPONDENCE RELATING TO THE LOBBYIST REVIEW

ELECTORAL COMMISSION OF NSW.

Mr Michael Baume

By email: mebaume@yahoo. com. au

15 June 2017

Dear Mr Baume

Your email of 5 May 2017 was considered by the NSW Electoral Commission (NSWEC) at the Commission's meeting on 14 June 2017.

The Lobbying of Government Officials Act 2011 (the Act) prohibits a person from being registered as a third-party lobbyist in the Lobbyists Register if, among other things, the person is an officer of a registered political party (section 9(3) of the Act).

In your original complaint dated 15 April 2016 you questioned whether Messrs Photios and Campbell, as registered third-party lobbyists, breached the Act by acting as alternates for members of the State Executive participating in the State Selection Committee on 1.9 March 2016.

The NSWEC conducted an investigation of the matter. The constitution of the Liberal Party of Australia (NSW Division), as well as other material and evidence obtained during the investigation was examined.

It was determined that section 9(3) of the Act relates to a person's eligibility to be registered rather than create a measure once the person is registered. That is, a person who is already registered as a third-party lobbyist, who subsequently acts as an officer of a registered political party does not become ineligible to remain on the Register.

Notwithstanding the determination that section 9(3) does not apply to registered lobbyists, the investigation determined that participating in a Senate Selection Committee does not make a person "an officer" of the party. Members of the State Executive participate as selectors in an ex officio capacity, not as officers of the State Executive. Messrs Photios and Campbell, when acting as proxies for Bishop and Leaser, participated as ordinary members and not officers of the party,

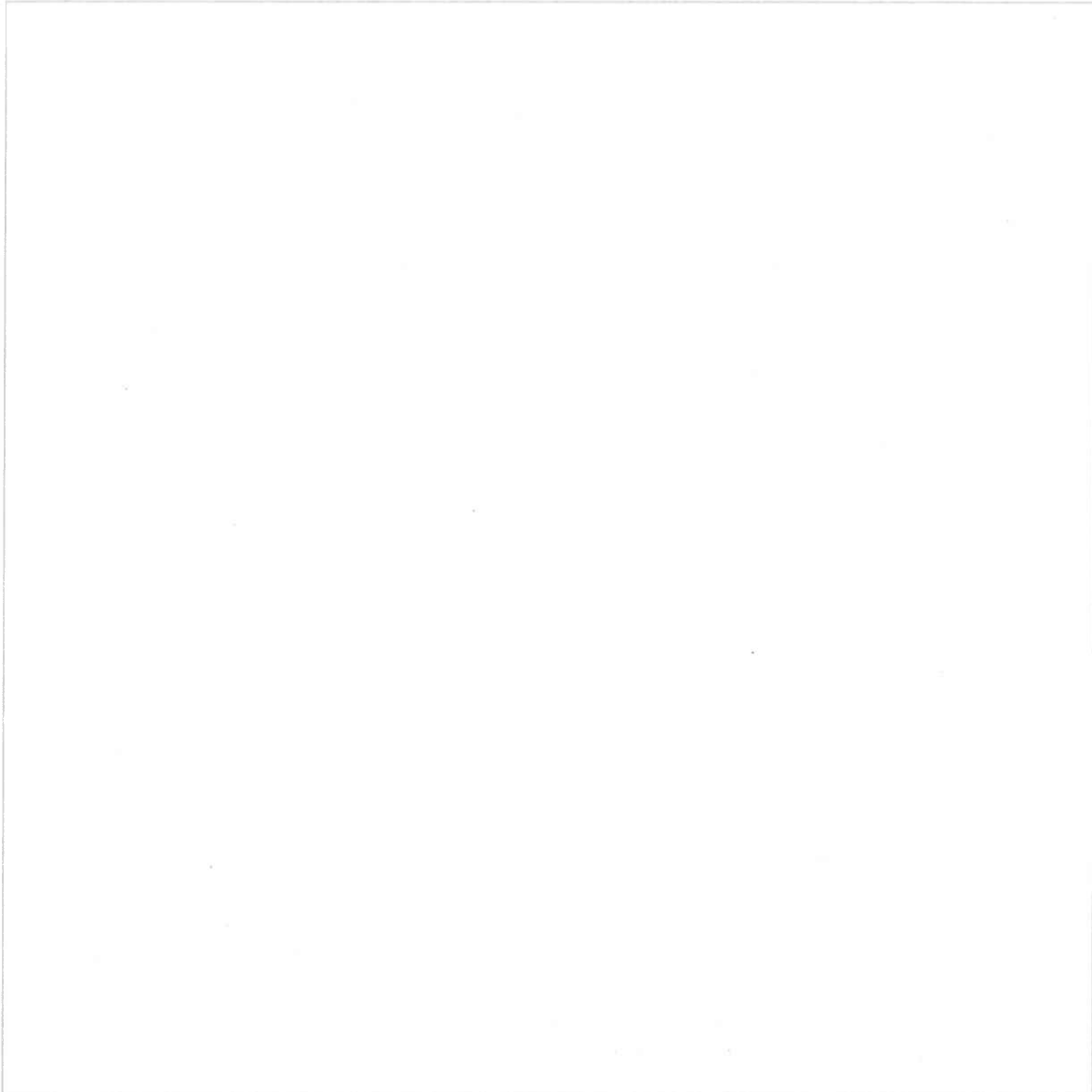
The NSW Electoral Commission reviewed and confirmed the determination at its latest meeting on 14th June 2017.

Alison Byrne,

Executive Director,

Funding, Disclosure and Compliance,

NSW Electoral Commission



Sent: Friday, 5 May 2017 3:43 PM

To: Sarah McCann <Sarah.McCann@elections.nsw.gov.au>

Subject: Re: FAO Mr Michael Baume: Letter from Alison Byrne

Dear Ms McCann,

Your email of 29 September 2016 covering a letter to me from Alison Byrne, Executive Director Funding Disclosure and Compliance, NSWEC, raises some concerns relating to the finding that there was no breach of the Lobbyists Code or the Act involved in Messrs Photios and Campbell voting in a Liberal Party Senate pre-selection.

I would appreciate your seeking an answer from Ms Byrne as to the basis of that decision.

As she will be aware, my objection was that these Lobbyists were able to participate in that vote not by virtue of their being selected by their Liberal Branches of Conferences, but solely by virtue of their acting as proxies for members of the state executive, positions they are

prohibited from occupying under the NSW Code. The consequences of that ruling are that the Electoral Commission allows Lobbyists to defy the clear intentions and wording of the Code by acting as proxies for positions they cannot occupy while remaining on the Lobbyists Register.

I draw your attention to the following Note to the Code: "An officer of a registered political party (a person who holds ANY [my emphasis] position concerned with the management of a political party) cannot be on the register". Acting as proxies for members of state executive to fulfill functions to which they were not otherwise entitled, represents occupying (as proxies) "any" position concerned with the management of a political party, particularly as the primary purpose of a political party to to select and support the election of members of parliament.

On what grounds has the Electoral Commission determined that acting as a proxy for a prohibited position does not represent a breach of the Lobbyists Act or Code?

Yours Faithfully,

Michael Baume AO

MP for Macarthur 1975-83,

Senator for NSW 1984-96

----- Forwarded Message -----

From: Michael Baume <mebaume@yahoo.com.au>
To: "legalmail@dpc.nsw.gov.au" <legalmail@dpc.nsw.gov.au>
Sent: Wednesday, 22 February 2017, 2:15
Subject: Review of NSW Lobbyists Code

22nd February, 2017

The Deputy Secretary,
Cabinet and Legal,
Dept. Premier and Cabinet,
PO Box 5341,
SYDNEY 2001

I welcome the opportunity to provide by email a written submission to the current review of the operations of the NSW Lobbyists Code and will forward a signed copy by mail. However, It is disappointing that I was not directly advised of this review or invited to participate despite my having in April last year lodged a notice of a serious breach of the Code's principles, with details listed in Attachment (A) My Statutory Declaration as required by the Electoral Commission's investigator is Attachment (B). The NSW Electoral Commission rejection my complaint without explanation is Attachment (C).

It is regrettable that no attempt was made by the Department of Premier and Cabinet to involve me -- an obvious stake-holder -- in this issue. This raises the question of the effectiveness of this review if public stakeholders like me who are not directly involved in lobbying have not been

invited to participate.

A necessary forward to my submission is that I oppose the denial of full participation in all aspects of the democratic process to any eligible Australian voter except in those rare circumstances where absolute transparency does not provide the public with adequate protection from dishonesty and unacceptable conflicts of interest that have the potential to damage the integrity of the democratic process.

The objectives of the Lobbyists Code, as clearly stated by Premier O'Farrell, have not been met in relation to lobbyists' links with the Liberal Party. The Code was intended to "set out ethical standards of conduct.... to promote "transparency, integrity and honesty". The current Discussion Paper confirms this: "The Lobbyists Code sits within a broader accountability framework designed to protect the integrity of government decision-making and prevent corruption". The Code itself asserts that: "Third-party lobbyists (and the individuals they engage to undertake the lobbying for them) must keep separate from their lobbying activities any personal activity or involvement on behalf of a political party". This injunction, and particularly the word "any" has been totally ignored by those administering the Code and blatantly disregarded by lobbyist factional leaders within the Liberal Party. The word "any" has also escaped the notice of regulators where the Code also contains the following: **Note: AN OFFICER OF A REGISTERED POLITICAL PARTY** (a person who holds any position concerned with the management of a political party) **CANNOT BE ON THE REGISTER.**

My concern is that the inadequate implementation of the Code has resulted in a clear failure to achieve these objectives in relation to conflicts of interest evident in the continuing capacity of some lobbyists to participate in, and exercise influence over, the selection of political candidates. On the election to office of such candidates, lobbyists who have been responsible for arranging the necessary factional numbers to ensure, or significantly influenced, their selection (and who may be considered to be "owed a favour") are free to approach them on behalf of paying clients. It is clearly unethical for a lobbyist to seek to influence a member of parliament for commercial benefit by way of an overt or covert involvement in the political process (apart, of course, from the democratic right to exercise a vote as a constituent in an election). This concern is heightened by the potential for those lobbyists who have the capacity to exercise factional power either overtly or by inference, to threaten the re-endorsement of politicians currently involved in determining the legislative outcome of matters in which a lobbyist's client may have a commercial interest.

However, the unavoidable implications of the Electoral Commission's rejection of my breach notice must be not only that it is acceptable under the Code for lobbyists to act as proxies for a political party position (member of State Executive) that is prohibited under the Code, but also that membership of State Council (the representative and governing body of the NSW Liberal Party's branch structure) is, incredibly, not regarded by the regulator as **"any position concerned with the management of a political party"**. It is no justification of this farcical outcome to note that the federal Code has been similarly interpreted, as it does not contain the key words "any position".

In attachment (D) I have responded to the questions put in the Department's January Discussion Paper where these are relevant to my concerns.

Yours Sincerely,

Michael Baume AO,
MP for Macarthur 1975-83
Senator for NSW 1984-96

ATTACHMENT (A)

The text of my breach notice sent on April 15, 2016 to the NSW Electoral Commission is as follows. [Dates and other specific details were covered in separate response boxes in the official pro-forma]:

"In breach of the requirement that "An officer of a registered political party (a person who holds any position concerned with the management of a political party) cannot be on the Register", Michael Photios and Nick Campbell, both listed on the register under Premier State, acted as proxies for members of the State Executive of the NSW Division of the Liberal Party of Australia (i.e. its managing body) in exercising the duties of state executive members in voting to select candidates for Liberal Party nomination for Senators in the federal parliament. The impropriety of lobbyists determining candidates for political office who they may, on election, then approach on behalf of clients is in clear breach of the stated intent of the regulations: "The Lobbyists Code is to set out the ethical standards of conduct to be observed by lobbyists in connection with the lobbying of Government officials in order to promote transparency, integrity and honesty."

ATTACHMENT (B)

Statutory Declaration in the form required by the Electoral Commission's investigator, Mr Peter Smithers.

WITNESS STATEMENT

In the matter of:	New South Wales Electoral Commission ('NSWEC') -v- Michael PHOTIOS and Nicholas CAMPBELL
Place:	NSWEC Level 21, 201-207 Kent Street SYDNEY NSW 2000
Date:	31 August 2016
Name:	Michael Ehrenfried BAUME AO

STATES:

1. This statement made by me accurately sets out the evidence which I would be prepared, if

necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

2. My full name is Michael Ehrenfried BAUME. I am 86 years of age.

3. I ceased full time employment 15 years ago in 2001 aged 71 when I retired as Australia's Consul-General in New York and currently reside in the NSW Southern Highlands with my wife. .

4. Educated at North Sydney Boys' High School, I obtained my Bachelor of Arts at the University of Sydney in 1950 where I studied History, English and Economics. After graduating, I held a number of full time paid positions, including finance journalist, author, music critic, television panellist, radio commentator, stockbroker and director of public companies..

5. Concerned about the economy under the Whitlam government, in 1973, aged 43, I joined the Liberal Party of Australia (**'the Liberal Party'**) and the following year determined to seek to win a Labor-held seat in order to help defeat the Whitlam government.

6. In 1975 I successfully contested preselection to become the Liberal Party candidate for the federal seat of Macarthur, which I won for the Liberal Party in the 1975 Federal election and retained in 1977 and 1980 until defeated in 1983. During my tenure as the Federal member for Macarthur, I was appointed Parliamentary Secretary to the Federal Treasurer, Hon. John HOWARD MP.

7. Between my defeat and being elected to the Senate I was Senior Advisor to the Deputy Opposition Leader, John HOWARD.

8. Preselected as a Liberal candidate for the Senate in 1984, I was successful in that year's election with my term as a Senator for NSW commencing on 1 July 1985, and I was re-elected in 1987 and 1993. I resigned from the NSW Senate in September 1996, to take up the appointment of Australian Consul-General in New York, a position I held until 2001.

9. Since 2001, I have occupied several part-time positions, including membership of the Superannuation Complaints Tribunal, and was a foundation member of the Board of the United States Studies Centre at Sydney University. For more than a decade I was a regular columnist in the Australian Financial Review and now write for The Spectator and for three years was on the advisory board and acted as Special Counsel at Sydney-based public and government relations firm Jackson Wells (now Wells Haslem Strategic Public Affairs). During my retirement I have been involved in community and arts organisations such as spending 12 years on the Council of the Sydney Symphony Orchestra, and I remain a director of the American-Australian Association Ltd.

10. I maintain my active involvement with the Liberal Party after 43 years, currently in the Mittagong branch where I have been a member for eight years, including, until recently, five as president as well as being appointed by the branch as a delegate to the Liberal Throsby Federal Electorate Conference (now renamed Whitlam) and the Liberal Wollondilly State Electorate Conference, providing an entitlement to vote on a number of NSW Liberal Party matters,

including voting on candidacy at the Senate Selection Committee (**'SSC'**).

11. I have known Mr PHOTIOS for approximately 30 years, which started when I was Liberal federal MP for Macarthur and he was president of the Young Liberals and was very active in the NSW Liberal Party, particularly at forums like Liberal State Council that we would attend. I had greater contact with him after he became a NSW state MP in 1988 and subsequently as Minister for Multicultural Affairs (from 1993 to 1995) in which I had a political interest when I was a Senator for NSW.

12. Other than by repute in view of his roles in the Liberal Party organisation (ending up as NSW State President) and as a Howard government staffer, I have known Mr CAMPBELL only since my return from New York 15 years ago as we have both been involved in Liberal forums such as State Council and fund-raising and election campaigns..

13. To the best of my knowledge and belief, both Mr PHOTIOS and Mr CAMPBELL are third-party lobbyists in NSW. They are identified as such on the Lobbyists Register.

14. At 9am on Saturday 19th March 2016, being registered as entitled to vote, I attended the Liberal Party SSC meeting held at the Celebrity Lounge at City Tattersalls Club, 194 Pitt Street Sydney, to determine the order of candidates on the Liberal Party Senate ticket for the 2016 Federal Election.

15. I was one of 100 persons, along with my wife Toni Baume, listed by the Liberal Party as entitled to vote on this issue, the remainder being made up from other delegated FEC representatives, selected State Council Members, and members of the Liberal Party's State Executive.

16. Prior to the formal SSC voting process taking place, and whilst all eligible SSC members were gathered together, I recognised two (2) persons seated in the area reserved for those who would be voting on that day, Mr Michael PHOTIOS (**'Mr PHOTIOS'**) and Mr Nicholas CAMPBELL (**'Mr CAMPBELL'**).

17. A member of State Executive, Mr Nathaniel Smith who was seated in the front row of seated delegates immediately in front of my wife and me, told us that state executive had agreed to the unusual situation of allowing members of state executive who would not be attending to appoint members of State Council as proxies for them at this preselection, which explained the presence of Messrs Photios and Campbell as voting delegates. He said that State Executive, in agreeing to the principle of having State Council members acting as proxies, had not been informed that the proxies had gone to people who were specifically excluded under the NSW Lobbyists Code from being members of State Executive. It subsequently was reported that the proxies were in the place of executive members Mr Julian Leeser and Miss Bishop.

18. Candidates for Senate preselection confirmed to me after the conclusion of the preselection, that they had not been aware of the substitution of proxies prior to the meeting and had thus been deprived of the opportunity normally available of privately presenting their case for selection prior to the preselection meeting where they make formal presentations and

answer questions.

19. It required five ballots to determine the first position on the Liberal Senate ticket from the 10 candidates. The votes of Messrs Photios and Campbell were decisive in establishing the outcome, due to the close nature of the fourth and fifth ballots. In the fourth ballot Senator Fierravanti-Wells secured 50 votes to Holly Hughes' 49 with one informal, but the State Director ruled that as this did not constitute a majority of votes cast, there should be a fifth ballot which was won by 51-49 by Holly Hughes – the candidate openly supported by the Photios/Campbell faction. In the ballot for second position, Senator Fierravanti-Wells was elected with 58 votes which would have placed her in the risky third position on the combined Liberal/National ticket after the National's Senator Williams. The remaining positions on the ticket were not of significance in view of the unlikely prospect of their winning enough votes in the federal election to be successful and some delegates absented themselves.

20. In every ballot for the first two winnable positions, I observed both Photios and Campbell physically casting their ballots, which they had filled in privately in cardboard voting booths, as the ballot box was placed in a very public position close to the front row of delegates and clearly within my sight-lines. Their participation in the ballot is also evidenced by the fact that in each ballot for the winnable positions, all 100 delegates were recorded as voting.

21. Other voting delegates and non-voting observers attending this preselection are prepared to make statements as to the participation of Messrs Photios and Campbell in this selection of Liberal candidates for election to the Senate. I have their contact details, if required.

ATTACHMENT (D).

The Department's January Discussion Paper asks a series of questions preceded by an explanation. I have dealt with those on which I have a comment by putting them in context

DISCUSSION PAPER: Noting that the Lobbying Act and Regulation do not have a specific objects and purpose' provision, the Department considers that the objectives of the Lobbyists Code are to promote transparency, integrity and honesty by ensuring third-party lobbyists and other individuals and organisations who communicate with NSW Government officials for the purpose of representing the interests of others comply with ethical standards of conduct.

1. Should the Lobbying Act be amended to include an 'objects and purpose' provision?

ANSWER: YES. THIS SHOULD HAVE THE OBJECT OF ENSURING TRANSPARENCY, INTEGRITY AND HONESTY BY REQUIRING LOBBYISTS (ETC) TO COMPLY WITH THE HIGH ETHICAL STANDARDS IMPLIED IN THE CODE'S OBJECTS AND IN PARTICULAR TO BE SEEN TO AVOID ANY CONFLICTS OF INTEREST BETWEEN THEIR PERSONAL POLITICAL ACTIVITIES AND THEIR OBLIGATIONS UNDER THE CODE. THE LEGISLATION SHOULD INCORPORATE THE STATEMENT IN THE GUIDELINES THAT "The code requires lobbyists to strictly separate their activities as lobbyists from any personal activities or involvement in a political party". THE WORDS "ANY...INVOLVEMENT IN A POLITICAL PARTY" HAVE CLEARLY NOT BEEN IMPLEMENTED IN PRACTICE AND SHOULD EITHER BE GIVEN LEGISLATIVE FORCE OR THEIR MEANING CLEARLY STATED FOR REGULATORY PURPOSES.

2. Do you agree with the Department's views about the policy objectives of the Act (i.e. that the objects of the Act are to promote transparency, integrity and honesty in connection with

lobbying of NSW Government officials)?

ANSWER: YES

3. Do the definitions of 'Government official', 'lobbyist', 'third-party lobbyist' and 'lobbying' meet the policy objectives of the Act identified by the Department? If not, what changes should be made to these definitions to meet those objectives?

ANSWER: YES

4. Does the Lobbyists Code meet the aims and objectives of the Act identified by the Department? If not, what changes should be made to the Lobbyists Code to meet the aims and objectives of the Act?

ANSWER: NO

IT IS ABSURD TO IMAGINE THAT IT IS POSSIBLE TO PREVENT IMPROPER ACTIONS WITHOUT LISTING THOSE ACTIONS AND, INSTEAD, DEPENDING ON PROHIBITING THE HOLDING OF CERTAIN OFFICES IN POLITICAL PARTIES. THE REALITY IS THAT IN ORDER TO ACHIEVE THE CODE'S STATED OBJECTIVES, LOBBYISTS WOULD NEED TO BE PROHIBITED:

(a) FROM ANY INVOLVEMENT IN THE CREATION OR EXERCISE OF POLITICAL PARTY POLICY THAT MAY RELATE TO THE INTERESTS OF ANY CURRENT OR POTENTIAL CLIENTS;

(b) FROM PARTICIPATING IN OR INFLUENCING SELECTION PROCESSES FOR CANDIDATES FOR POLITICAL OFFICE (FEDERAL, STATE OR LOCAL GOVERNMENT) WHERE THAT CANDIDATE IF ELECTED TO OFFICE WOULD BE CAPABLE OF BEING SOLICITED BY THE LOBBYIST ON BEHALF OF CLIENTS. [This is only necessary where the selection of candidates is done by relatively small committees of party representatives (as in the NSW Liberal Party) where lobbyists with factional power may exercise undue influence on the outcome; there is no need for such constraint where political parties allow open plebiscites of their members in selecting candidates.

5. The amendments to the Code in 2014 mean that ethical obligations apply to all individuals and bodies that communicate with NSW Government officials for the purpose of representing the interests of others. Has this been effective in promoting the objects of the Act?

ANSWER: YES IN RESPECT OF THE LIMITED OBJECTIVE OF "PROMOTING THE OBJECTS OF THE ACT" BUT HAVE BEEN A DISMAL FAILURE ON ENSURING COMPLIANCE WITH THE ACT.

Do the community and stakeholders understand that the ethical obligations have been extended beyond third-party lobbyists?

NO COMMENT

"Part 3 (section 9) provides that a third-party lobbyist is not eligible to be registered if the person is:

- an officer of a registered political party. The elements of the 'fit and proper person' test are not currently prescribed in the Lobbying Act. The NSW Electoral Commission's current practice is that a person will not be deemed 'fit and proper' if:

- they are occupying or acting in an office or position concerned with the management of a political party registered under Part 4A of the Parliamentary Electorates and Elections Act.'

6. Does the Lobbyists Register meet the aims and objectives of the Act identified by the Department? If not, what changes should be made to the provisions dealing with the Lobbyists Register to meet the aims and objectives of the Act?

ANSWER: NO. SEE ABOVE ITEM 4.

IN ADDITION, MY EXPERIENCE AFTER I LODGED A NOTICE THAT THE CODE HAD BEEN BREACHED BY TWO LIBERAL PARTY MEMBERS ON THE LOBBYIST REGISTER, MESSRS PHOTIOS AND CAMPBELL, INDICATES THERE IS A NEED FOR A CLEAR STATEMENT OF THE PROPER PROCEDURES IN DEALING WITH SUCH MATTERS. (No reason was given for the rejection of my complaint which had been backed by a statutory declaration and a list of witnesses prepared to provide supporting evidence of a clear breach of the declared intentions of the code). REASONS SHOULD BE PROVIDED FOR ALL DETERMINATIONS FOR TRANSPARENCY PURPOSES AND AN APPEAL PROCESS INSTITUTED TO ENSURE FAIRNESS FOR ALL PARTIES.

7. Should the NSW Electoral Commission's current practice with respect to the 'fit and proper person' test for registration as a third-party lobbyist be prescribed in the Lobbying Act?

ANSWER: YES TO THE CONCEPT, BUT THE TEST NEEDS TO BE CORRECTED TO MEET THE OBVIOUS FAILURE OF THE PRESENT WORDING TO DEAL WITH DECEPTIVE CONDUCT. "OCCUPYING OR ACTING IN AN OFFICE OR A POSITION CONCERNED WITH THE MANAGEMENT OF A POLITICAL PARTY" HAS BEEN FOUND BY THE ELECTORAL COMMISSION NOT TO COVER LOBBYISTS ACTING AS PROXIES FOR THE PROHIBITED POSITION OF MEMBER OF THE NSW LIBERAL PARTY'S STATE EXECUTIVE IN THE CLEARLY CONFLICTED ROLE OF SELECTING LIBERAL CANDIDATES FOR POLITICAL OFFICE. ALTHOUGH THE MAIN FUNCTION OF A POLITICAL PARTY IS THE SELECTION OF CANDIDATES AND THEIR ELECTION TO OFFICE IN ORDER TO IMPLEMENT A SET OF DETERMINED POLICIES, THESE ACTIONS RELATING TO CANDIDATES HAVE BEEN DETERMINED BY THE ELECTORAL COMMISSION NOT TO BE PART OF "ACTING..IN A POSITION....CONCERNED WITH THE MANAGEMENT OF A POLITICAL PARTY". THE COMMISSION HELD, IN REJECTING MY DEMONSTRABLY CORRECT EVIDENCE, THAT THE LOBBYISTS' MEMBERSHIP OF LIBERAL PARTY NSW STATE COUNCIL WAS NOT IN BREACH OF THE CODE ALTHOUGH IT IS THE GOVERNING BODY OF THE NSW LIBERAL PARTY AND APPOINTS THE STATE EXECUTIVE, (WHICH IS ANSWERABLE TO THE STATE COUNCIL) TO DEAL WITH THE MANAGEMENT OF THE PARTY. [The Liberal NSW State Director has subsequently required lobbyists to resign from State Council in recognition of the accuracy of my concerns about conflict of interest.] ANY CHANGES TO THE ACT SHOULD BE AIMED AT PREVENTING THE CLEAR CONFLICT OF INTEREST INVOLVED IN LOBBYISTS SELECTING CANDIDATES FOR ELECTION WHO THEY MAY SUBSEQUENTLY APPROACH ON BEHALF OF PAYING CLIENTS.

8-9. NO COMMENT

Part 4 ;The Lobbyists Watch List established by Part 4 is another enforcement option available to the Electoral Commission for contraventions of the Lobbyists Code, other than cancellation or suspension of registration of third-party lobbyists. The Lobbyists Watch List is an important interim sanction giving the Electoral Commission flexibility to treat contraventions differently based on, for example, their seriousness. Further, the Electoral Commissioner may remove persons from the Lobbyists Watch List if the Electoral Commission is satisfied that they should no longer be placed on the List, for example, if they have corrected their conduct to ensure compliance with the Lobbyists Code. As at the date of this report, the Electoral Commission has not placed anyone on the Lobbyists Watch List. In the event that the Electoral Commission does so, it will publish those details on its website.

10. Does the Lobbyists Watch List meet the aims and objectives of the Act

identified by the Department? If not, what changes should be made to the provisions dealing with the Lobbyists Watch List to meet the aims and objectives of the Act?

ANSWER: THE FACT THAT THE CODE'S WATCH LIST HAS NEVER BEEN IMPLEMENTED IN THE FACE OF SWORN EVIDENCE OF BLATANT DREGARD BY AT LEAST TWO LOBBYISTS (WITH MANY MORE EXAMPLES AVAILABLE IN RELATION TO THE BREACH OF ETHICAL STANDARDS BY PARTICIPATING IN PRE-SELECTIONS) OF THE CODE'S INTENTIONS INDICATES EITHER THAT THE CODE'S TERMINOLOGY OR ITS MANAGEMENT ARE INADEQUATE. OR BOTH.

11, 12, 13. NO COMMENT

14. Do the provisions about enforcement and offences noted above meet the aims and objectives of the Act identified by the Department? If not, what changes should be made to the provisions to meet the aims and objectives of the Act?

ANSWER: THEY WOULD IF THEY WERE IMPLEMENTED.

15. Are there any additional issues that should be considered in the course of this Review?

ANSWER: THE CODE FAILS TO DEAL ADEQUATELY WITH THE CONFLICTS OF INTEREST THAT ARE AT THE HEART OF ITS REQUIREMENT OF ETHICAL BEHAVIOUR. ACTIONS, LIKE PARTICIPATING IN CANDIDATE SELECTIONS OR POLICY CREATION AND IMPLEMENTATION AT WHATEVER LEVEL IN THE PARTY HEIRARCHY (STATE EXECUTIVE, STATE COUNCIL, ELECTORATE COUNCILS OR BRANCHES) , CREATE A POTENTIAL FOR CONFLICT OF INTEREST. THE UNDENIABLE EVIDENCE OF LOBBYISTS BEING FACTIONAL LEADERS AND INFLUENCING BOTH PRESELECTION AND POLICY OUTCOMES DESPITE THE LOBBYISTS CODE IS EVIDENCE OF THE NEED FOR SIGNIFICANT REFORM. “BY THEIR ACTIONS YOU SHOULD KNOW THEM”; POWER CAN IMPROPERLY BE EXERCISED IN MANY WAYS APART FROM THE HOLDING OF CERTAIN PRESCRIBED POSITIONS. THE CODE CANNOT BE SUCCESSFUL UNLESS IT PROSCRIBES ACTIONS SUCH AS SELECTING CANDIDATES OR CONTRIBUTING TO THE CREATION OR IMPLEMENTATION OF POLICY

<https://www.google.com.au/amp/s/amp.theguardian.com/australia-news/2018/may/03/environmentally-conscious-liberals-urged>

<https://hotcopper.com.au/threads/turnbull-and-lobbyist-michael-photios.4393952/>

<https://mobile.twitter.com/pleaseuseaussie/status/929604778438541312>

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