

t e r nd Cabinet

nt A it Report

Lobbyist Register

June 2013



Summary

Number and rating of management actions			Overall priority rating for this report
High	Moderate	Low	
0	3	0	Moderate

Timetable

Timetable	Planned date
Audit committee agreed to audit	19-20 February 2013
Scoping discussions with Head of Internal Audit	27 February 2013
Audit plan provided to Head of Internal Audit	5 March 2013
Audit Plan signed by Audit Sponsor	19 March 2013
Fieldwork commencing	8 April 2013
Discussion paper provided to Audit Sponsor week commencing	22 April 2013
Exit discussions held	24 April 2013
Draft report issued to Audit Sponsor week commencing	29 April 2013
Management response received on draft report	24 September 2013
Final report issued	26 September 2013

Disclaimers

This report and PricewaterhouseCoopers deliverables are intended solely for the Department of the Prime Minister and Cabinet's internal use and benefit and may not be relied on by any other party. This report may not be distributed to, discussed with, or otherwise disclosed to any other party without PricewaterhouseCoopers' prior written consent. PricewaterhouseCoopers accept no liability or responsibility to any other party who gains access to this report. Our internal audit work was performed in accordance with the Terms and Conditions of the Contract in relation to the Provision of Internal Audit Services, dated 30 January 2009 and related Deed of Novation dated 1 July 2010, between PricewaterhouseCoopers and Department of the Prime Minister and Cabinet.

Our work was limited to that described in this report and was performed in accordance with International Standards for the Professional Practice of Internal Auditing from the Institute of Internal Auditors. It did not constitute an examination or a review in accordance with generally accepted auditing standards or assurance standards. Accordingly, we provide no opinion or other form of assurance with regard to our work or the information upon which our work was based. We did not audit or otherwise verify the information supplied to us in connections with this engagement, except to the extent specified in this report or our approved objectives and scope.

Contents

Contents	3
Executive summary	4
Key findings	7
1 Appendix A: Consultations	14
2 Appendix B: Scope	15
3 Appendix B: Priority ratings	16

Executive summary

The Department of the Prime Minister and Cabinet (PM&C) has responsibility for administration of the Lobbying Code of Conduct (the Code) and the Lobbyists Register (the Register). The Code and the Register were established to ensure that contact between lobbyists and Commonwealth Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty. The Code applies to any lobbyist who conducts lobbying activities on behalf of a third party client.

PM&C identified the Register for review in order to determine whether PM&C has sufficient controls in place to support the accuracy and completeness of the Lobbyist Register. The key Departmental risks which were addressed with this review are:

- The reputation of the Department, the Australian Government or beneficial stakeholders is harmed.
- Inability to record, catalogue, process, store and learn from information.¹

Recognising the potential reputational and compliance risks to the operations of PM&C, the Audit Committee endorsed a review of the Lobbyist Register in the 2013 Internal Audit Plan in its meeting on the 27 September 2012.

The scope of work is attached at Appendix B.

Engagement Summary

Positive findings

The lobbyist register team have developed comprehensive procedural guidance which contains screen shots of the system making it understandable and user friendly. The team members were knowledgeable and clear in explaining the current processes in place and demonstrated a sound understanding of the processes required to administer the Register to ensure compliance with the Code.

Testing exceptions

A sample of 25 lobbyist agencies as at 2 April 2013 was selected for testing while items were selected to ensure a range of size of lobbyists was selected the selection was otherwise random. From the sample selected 30 instances of non-compliance with manual controls were identified. Twenty-five of these instances reflect inconsistencies in the maintenance of documentation to demonstrate performance of due diligence procedures and five relate to evidence of Section / Branch Head review. Compliance was tested against PM&Cs internal policies and procedures in respect of Lobbyist Register maintenance.

The lobbyist registrations selected span the period 2008 – 2013 reflecting the build up of the lobbyist population over time. The number of exceptions is evenly spread across the period with 20 in the four years 2008 – 2011 and 10 in the two years 2012 – 2013. The nature and timing of exceptions does change over time as illustrated in the table below, further detail in respect of the identified exceptions is provided in Finding 1.1.

¹ Department of the Prime Minister and Cabinet Risk Management Plan 2012-13

Table 1 – Test exceptions

Nature of exception	Total	2008	2009	2010	2011	2012	2013
Absence of evidence of research over clients	4	4	-	-	-	-	-
Incomplete documentation of research performed over clients	6	4	1	-	-	1	-
Absence of documented evidence of research over owner of lobbyist agency	6	6	-	-	-	-	-
Statutory declarations not retained on file	3	-	-	1	-	2	-
Absence of section head approval on checklists	4	2	-	-	-	1*	1*
Checklist not signed by Preparer or Branch Head	1	1	-	-	-	-	-
Evidence to support updates to new client documents not maintained on file	5	-	-	-	-	4	1
Evidence to support assessment of statutory declaration not documented in checklist	1	1	-	-	-	-	-
Total by period	30	18	1	1	0	8	2

*Occurred in the period October 2012 – February 2013 when the Section Head role was unfilled, this accountability was not delegated.

Procedural exceptions

Current procedures do not require due diligence checks over the lobbyist's prior work history as a government official. These checks are currently performed on an ad-hoc basis. This finding indicates that the procedural guidance and checklists needs to be updated to incorporate due diligence procedures with respect to prior government official status. Refer finding 2.1.

Our review of the automated controls in place to support the accuracy and completeness of the register and to ensure that appropriate reminders are being sent to lobbyists found that they appear to be operating as intended. One finding has been identified in that password requirements for users of the register are not in line with Australian Government requirements. The Information Security Manual mandates that passwords with no complexity requirements must have a minimum length of 12 characters, and be changed every 90 days (controls 0421.2, and 0423.1). Due to the procedures in place for users to make password changes the web development team are aware of users' passwords. There is a need to increase password complexity and eliminate or decrease manual involvement of the web development team in the password resetting process. Refer finding 2.2.

The Lobbyist Register team acknowledges the need to update procedural guidance and checklists to address areas of non-compliance and we understand drafting of the required changes has commenced. Refer section 3.

A summary of recommendations and management actions is provided below:

Summary of Recommendation and Agreed Actions		
Ref	Recommendation	Management Responses
1.1	<p>We recommend that PM&C:</p> <ol style="list-style-type: none"> 1. Update the operational guidance and templates to ensure they contain explicit guidance and prompts for the areas of non-compliance noted as part of this review. 2. Consider the need to review older files with instances of non-compliance to determine if a review and update of research is required to ensure the currency of lobbyist information. 3. Provide the results of the sample testing to staff undertaking Lobbyist Register administration in the Parliamentary & Governance Branch, to inform future improvements. <p>Priority: Moderate</p>	<p>These recommendations are agreed.</p> <ol style="list-style-type: none"> 1. Operational guidance documentation has been updated to ensure processes and practices are in line with the recommendation. Guidance documents now contain explicit guidance and prompts for the areas of non-compliance identified in the review. We are also implementing improvements in records management practices. 2. Lobbyists' Register staff will review older files to ensure that information is as accurate as possible. Files will be identified on a risk basis. 3. Lobbyists' Register staff who have responsibility for administering the register have been provided with the results of the sample testing.
2.1	<p>We recommend that PM&C update the operational guidance and templates to ensure they contain explicit requirements in respect of due diligence checks over lobbyist's disclosure of their former government representative status.</p> <p>Priority: Moderate</p>	<p>This recommendation is agreed.</p> <p>Updating of operational guidance documentation has been undertaken to ensure that operational guidance documents and templates contain explicit detail of due diligence requirements for verifying lobbyists' former government representative status.</p>
2.2	<p>We recommend that PM&C should:</p> <ol style="list-style-type: none"> 1. seek to increase the complexity of password requirements for internal and external users, to strengthen the existing control 2. consider whether the password reset could be performed automatically without manual intervention, to strengthen the IT general controls environment. <p>Priority: Moderate</p>	<p>These recommendations are agreed.</p> <ol style="list-style-type: none"> 1. Lobbyists' Register staff will work with the web development team to develop a process for increasing the complexity of passwords issued to both internal and external users. 2. As part of the development work referred to in the first recommendation, Lobbyists' Register staff will work with the web development team to enable internal users to reset their passwords independently.

We would like to acknowledge the cooperation and assistance extended to us during this review by the management and staff of PM&C.

s22

Bruce Papps
Partner
PricewaterhouseCoopers

26 September 2013

Key findings

Section 1 – Testing Results

1.1 Manual Controls

Context

A lobbyist may apply to be listed on the Lobbyist Register by submitting the required details on an online form. The Lobbyist Register team perform high level due diligence of the lobbyist using the Registration Application Checklist. A guidance document has been developed that provides information to staff on how to complete the checklist.

The checklist prompts the Lobbyist Register team member to check and retain the following evidence of research performed:

- ABN registration from the Australian Business Register website
- company's authenticity and contact details
- lobbyist's clients
- owner/s of the lobbyist agency
- statutory declarations for all persons performing lobbyist activities.

The checklist must be signed by the preparer, the Section Head and the Branch Head. Management review of the checklist acts as a control over the completeness and adequacy of procedures performed to verify information being published on the Lobbyist Register.

After registration, the lobbyist must update their details in January and June each year. Some updates including a new client, new owner or new lobbyist, requires verification by the team before the change is updated in the Lobbyist Register. For such changes evidence of the verification performed should be maintained on file.

Twenty five lobbyist agencies representing a range of small to large client portfolios were selected for compliance testing against the requirements detailed above. The initial registrations of the sampled lobbyists occurred in the following time periods: 12 in 2008, three in 2009, one in 2010, one in 2011, seven in 2012 and one in 2013.

Observation

1. We identified that although there were checklists for all files reviewed, the evidence to support each step on the checklist is inconsistently maintained:
 - a. Four registration files did not have evidence of research performed over clients (all 2008 registrations). A further six large lobbyist agencies had evidence of verification of some, but not all clients (four 2008 registrations, one 2009 registration and one 2012 registration). For each of these 10 instances of non-compliance we also noted that there was no evidence of review apparent on the registration application such as notations or sign off to compensate for the lack of documentation on file.
 - b. Six registration files did not have evidence of research performed over the owner/s of the lobbyist agency (all 2008 registrations). Additionally, there was no evidence of review apparent on the registration application to compensate for the lack of documentation on file.

- c. One registration file from 2010 and two from 2012 did not contain the statutory declarations for all employees despite notes in the system that these documents had been obtained. We were unable to obtain electronic copies of these statutory declarations and cannot determine from evidence whether or not these statutory declarations were ever obtained or have been misplaced.

From nineteen instances of non-compliance above we note that the majority (fifteen) have occurred in older files from 2008-2009, and obtaining and maintenance of the documentation has improved as the process has matured over time.

2. Four registration checklists did not have evidence of Section Head approval. Two of these registrations are from the period October 2012 – February 2013 when the Section Head role was unfilled and are noted as signed by the Branch Head. The third was a 2008 registration and again is noted to have been signed by the Branch Head. The final noted instance (2008 registration) had not been signed by the Section Head or Branch Head.
3. The final checklist mentioned in (2) above was also not signed by the preparer in addition to not being signed by the Section Head or Branch Head. Section 7 of this checklist requiring an assessment of statutory declarations was also incomplete.
4. Five update documents in relation to new clients could not be located (four were 2012 updates and one was a 2013 update).

Implication

The above findings reflect non-compliance with departmental internal policies and procedures put in place to maintain a degree of integrity in the register. Noting that the users of the register are key PM&C stakeholders and that information on the register is subject to FOI requests, inaccurate or incomplete research may ultimately lead to increases in risks to reputation. While 20 instances of non-compliance relate to periods up to 2011, 10 reflect incomplete documentation from 2012 and 2013.

Recommendation

We recommend that PM&C:

1. Update the operational guidance and templates to ensure they contain explicit guidance and prompts for the areas of non-compliance noted as part of this review.
2. Consider the need to review older files with instances of non-compliance to determine if a review and update of research is required to ensure the currency of current lobbyist information.
3. Provide the results of the sample testing to staff undertaking Lobbyist Register administration in the Parliamentary & Governance Branch, to inform future improvements.

Audit Priority

Moderate

Management Response

We have welcomed the opportunity for review of the practices and procedures relating to the Register of Lobbyists through an audit process. The recommendations of the audit are agreed and will be adopted into the operational practices of the Register of Lobbyists.

We note that the majority of the exceptions occurred (18 of 30) within the first months after the Register was established and as processes were being bedded down.

In relation to the exceptions for client research identified in 2013, these checks were completed in accordance with guidelines however the information was not consistently retained on file. This process has been corrected.

During the testing phase it was identified that one registration checklist appeared to have not been signed by the preparer or branch head. A subsequent review of this file by Lobbyist Register staff indicated that there were two checklists on file, with the second checklist being properly signed off.

The recommendations proposed by the audit are agreed and have been implemented, including updating operational guidance documentation to ensure that it contains explicit guidance and prompts for the areas of non-compliance identified in the review. We are also implementing improvements in records management practices.

Lobbyists' Register staff will review older files to ensure that information is as accurate as possible. Files will be identified on a risk basis. Lobbyists' Register staff who have responsibility for administering the register have been provided with the results of the sample testing.

Accountable Officer

s22

Date of Completion

December 2013

Section 2– Procedural Findings

2.1 Compliance with the Lobbying Code of Conduct

Context

The Lobbying Code of Conduct requires that:

Persons who, after 6 December 2007, retire from office as a Minister or a Parliamentary Secretary, shall not, for a period of 18 months after they cease to hold office, engage in lobbying activities relating to any matter that they had official dealings with in their last 18 months in office (section 7.1) ; and

Persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the Members of Parliament (Staff) Act 1984 at Adviser level and above, members of the Australian Defence Force at Colonel level or above (or equivalent), and Agency Heads or persons employed under the Public Service Act 1999 in the Senior Executive Service (or equivalent), shall not, for a period of 12 months after they cease their employment, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months of employment (section 7.2).

PM&C, in administering the Lobbyist Register has a role in identifying that lobbyists are in compliance with the Code.

Observation

Current policies and procedures do not require staff to verify whether the lobbyist has accurately completed the self assessment in relation to prior employment status however, we understand through discussion that checks are performed on an ad-hoc basis.

Implication

Current procedural guidance does not require staff to perform due diligence over the lobbyist's prior employment status.

Recommendation

We recommend that PM&C update the operational guidance and templates to ensure they contain explicit requirements in respect of due diligence checks over lobbyist's disclosure of their former government representative status.

Audit Priority

Moderate

Management Response

This recommendation is agreed. Updating of operational guidance documentation is currently underway to ensure current processes and practices are reflected in the guidance documents. Changes will be made as appropriate to ensure that operational guidance documents and templates contain explicit detail of due diligence requirements for verifying lobbyists' former government representative status.

Accountable Officer

s22

Date of Completion

September 2013

2.2 Password settings not in accordance with Australian Government requirements

Context

As recent breaches of LinkedIn and Sony sites have shown, strong passwords are fundamental to ensuring the confidentiality and integrity of Departmental information. Key elements of strong passwords configuration are complexity, periodic changes, and preventing reuse of prior passwords.

The Australian Government Information Security Manual (ISM) defines a set of detailed controls that must be implemented by FMA Act Agencies to mitigate risks to their information and systems. Agencies are encouraged to make informed, risk-based decisions specific to their unique environments, circumstances and risk appetite.

The ISM specifies that Agencies using passphrases (passwords) as the sole method of authenticating a system user must implement a passphrase policy enforcing either:

1. a minimum length of 12 alphabetic characters with no complexity requirement; or
2. a minimum length of nine characters, consisting of at least three of the following character sets:
 - lowercase alphabetic characters (a-z)
 - uppercase alphabetic characters (A-Z)
 - numeric characters (0-9)
 - special characters.

Observation

The password settings for the Lobbyist Register are not in accordance with the ISM. For both internal and external users, the lobbyist register only requires that passwords be longer than six characters, and has no password history or complexity requirements.

Internal users are unable to independently change their password. The web development team is required to make password changes on the users behalf and therefore has knowledge of what that password is.

Implication

Weak password controls means that passwords can be more easily compromised increasing the risk of a person gaining unauthorised access to data.

The Lobbyist Register is not the only web facing application operated by PM&C therefore it is possible that this issue is not limited to systems within the scope of this review.

Recommendation

We recommend that PM&C:

1. seek to increase the complexity of password requirements for internal and external users, to strengthen the existing control
2. consider whether the password reset could be performed automatically without manual intervention, to strengthen the IT general controls environment.

Audit Priority

Moderate

Management Response

These recommendations are agreed.

1. Lobbyists' Register staff will work with the web development team to develop a process for increasing the complexity of passwords issued to both internal and external users.

2. As part of the development work referred to in the first recommendation, Lobbyists' Register staff will work with the web development team to enable internal users to reset their passwords independently in line with the new arrangements.

Accountable Officer

s22

Date of Completion

April 2014

Section 3– Business Process Improvements

3.1 Registration Application Checklist

We noted that seven registration files contained evidence of a search performed on the Australian Securities and Investments Commission (ASIC) website. However the operational guidance and templates do not provide guidance as to when an ASIC search may be required. Through discussions with staff we noted that an ASIC search is usually performed when there is either no ABN, when the lobbyist does not have a website or when their clients do not have a website. This practice is not currently documented in operational guidance or checklist. We recommend that PM&C update the procedural guidance and templates to reflect when and how ASIC searches should be performed.

3.2 Document Management

During the internal audit we noticed that it was much easier to locate information in older files which had statutory declarations filed together with registration paperwork for each lobbyist firm. The current filing system has a separate statutory declaration file sorted by individual employee of the lobbyist firm. As noted in finding 1.1 PM&C was unable to locate the statutory declarations for three lobbyist firms' registrations.

Furthermore, the use of the system audit trail as an index for identifying the file location of a particular document is limited to staff with access to the Lobbyist Register system.

We recommend that PM&C should consider whether there is capacity to attach all documentation to the Lobbyist Register system. However if this creates current operational or budgetary constraints, PM&C should ensure records in respect of the Lobbyist Register are considered in the plans to adopt and departmental Electronic Document Management System (EDRMS).

Appendix A: Consultations

Consultations were held with:

#	Officer	Position
1.	Phillipa Lynch	First Assistant Secretary, Government Division
2.	Gerard Martin	Assistant Secretary, Parliamentary and Government Branch
3.	s22	Senior Adviser, Government Section
4.	s22	Adviser, Parliamentary and Government Branch

Appendix B: Scope

Objective

The objective of this review is to assess whether there are appropriate processes and controls in place in respect of the maintenance of the Register to mitigate identified key risks.

Scope

To address the identified objective we will:

- understand and evaluate the manual and automated controls and processes in place at PM&C to:
 - support the accuracy of the Register
 - ensure the completeness of the Register
 - ensure system reminders, prompts and actions are timely and accurate
 - ensure that adequate supporting documentation is retained and that system backup processes are in place
 - ensure that registered lobbyists are being provided with appropriate reminders on their obligations by automated Register systems
- administer the Register and ensure compliance with the Code.
- perform testing of identified key manual controls over a sample of individual records held in the Lobbyist Register in accordance with PwC sampling methodology.
- perform testing of system based automated controls to identify the level of effectiveness.

Appendix B: Priority ratings

Rating scale for individual findings

Each finding and recommendation has been ranked according to an Audit Priority based on an assessment of the level of risk it potentially imposes on the Department. The relationship between the Audit Priority and associated risk is illustrated in the table below. The risk definitions have been drawn from the Department's Risk Management Framework. More detail is provided on the Department's risk management framework at Appendix A of the report.

Internal Audit Priority	Internal Audit Response Required from Management	Departmental Risk rating (see below)	Level of Management Action Required
High	Specific management action must be taken to address the recommendation within 3 months due to Internal Audit's assessment that the risk(s) associated with the finding is not acceptable to the Department	Very High / High	Very high or high risks are not accepted in the Department and must be treated
Moderate	Specific management action is required to address the recommendation within 6-12 months due to Internal assessment that the risk(s) associated with the finding outweigh the associated benefits	Moderate	Moderate risks may be accepted if the possible benefits of the activity outweigh the consequences of the associated risk
Low	Internal Audit has brought the finding, to the attention of management but deems the associated risk does not warrant ongoing Audit Committee monitoring	Minor / Low	Minor or low risks are acceptable to the Department but must be monitored to ensure the rating does not change

Departmental Risk Framework

The risk matrix table shows the relationship between the likelihood and the consequence/impact or risk to produce an overall level of risk. To determine a rating, down the left hand side, use ratings from the measures of likelihood table above, and across the top of the matrix, use the ratings of the measures of consequence table below.

LIKELIHOOD RATINGS	Low	Minor	Moderate	High	Very High
Almost Certain	MINOR	HIGH	HIGH	VERY HIGH	VERY HIGH
Likely	MINOR	MODERATE	HIGH	HIGH	VERY HIGH
Possible	LOW	MINOR	MODERATE	HIGH	VERY HIGH
Unlikely	LOW	MINOR	MODERATE	MODERATE	HIGH
Rare	LOW	LOW	MINOR	MODERATE	HIGH

<i>Risk Tolerance - Level of Action Required</i>	
The table below describes the minimal action required for the 'residual risk' rating.	
RESIDUAL RISK RATING	LEVEL OF ACTION REQUIRED
Very High	Very high or high risks are not acceptable in the Department and MUST be treated
High	
Moderate	Moderate risks may be accepted if the possible benefits of the activity outweigh the consequences of the associated risks.
Minor	Minor or low risks are acceptable to the Department but MUST be monitored to ensure that the risk rating does not change
Low	

Consequence Ratings

The table below describes the five ratings that can be selected to show how severe the consequence or impact would be if the risk occurs.

Risk Areas	Reputation, Financial, People, Sustainability, Outcomes
Consequence Rating	
Very High	Ultimate consequences could prejudice the Department
High	Ultimate consequences could prejudice the Division
Moderate	Ultimate consequences could prejudice the Branch
Minor	Ultimate consequences could prejudice the Activity
Low	Ultimate consequences could prejudice Elements of the Activity

Likelihood Ratings

The table below describes the five ratings that can be selected to show how likely it is that a risk will occur.

LIKELIHOOD RATINGS	LIKELIHOOD OF RISK HAPPENING
Almost Certain	Expected in most circumstances.
Likely	Will probably occur in most circumstances.
Possible	Might occur at some time and may be difficult to control due to external influences.
Unlikely	Could occur at some time.
Rare	May occur only in exceptional circumstances.

List of breaches of the Lobbying Code of Conduct

s47G	
s47G, s47F	

File Note – s47G

On 6 March 2013, s 47G lodged a media query with the PMO via email, requesting information about when clients were added to s 47G profile on the Australian Government Register of Lobbyists.

Mr Gerard Martin provided a suggested response to the query to s22 in the PMO later that day. The response indicated that the Register provides current information in relation to lobbyists and their clients and that the Register is not currently set up to provide historical information along the lines s47F sought.

s47G

An email was sent from lobbyistsregister@pmc.gov.au to the responsible officer for s47G s47G s47F in the afternoon of 8 March 2013, requesting s47F to confirm the current client list for s47G

On 14 March 2013 a subsequent email was sent from lobbyistsregister@pmc.gov.au to s47F requesting confirmation of s47G client list. Later that day s47F submitted an update to s47G registration to update the responsible officer email address and remove three clients: s47G. These changes were processed the same day.

A further email was sent from lobbyistsregister@pmc.gov.au to s47F on 14 March 2013 reminding her of the obligation under Clause 5.4 of the Lobbying Code of Conduct to submit any changes to s47G profile within 10 business days of the change occurring.

s22

Government Division

14 March 2013


Rush, Peter

From: Rush, Peter
Sent: Wednesday, 2 December 2015 12:25 PM
To: Lobbyists Register
Subject: RE: Lobbyist Register ~~[SEC-UNCLASSIFIED]~~

~~UNCLASSIFIED~~

Note for file

I spoke to ^{47F} by phone on 1 December 2015 and again on 2 December 2015. He advised that he ^{47G}
^{47E}



Peter Rush
Assistant Secretary | Parliamentary and Government Branch

From: Lobbyists Register
Sent: Monday, 30 November 2015 2:51 PM
To: ^{s47F}
Subject: RE: Lobbyist Register ~~[SEC-UNCLASSIFIED]~~

~~UNCLASSIFIED~~

^{s47F}

Thank for your email.

^{s47F} as a registered lobbyist and former Government representative, is under certain restrictions in relation to matters on which he can lobby, specifically under section 7.2 of the Lobbying Code of Conduct:

Persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the *Members of Parliament (Staff) Act 1984* at Adviser level and above, members of the Australian Defence Force at Colonel level or above (or equivalent), and Agency Heads or persons employed under the *Public Service Act 1999* in the Senior Executive Service (or equivalent), shall not, for a period of 12 months after they cease their employment, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months of employment.


"Lobbying activities" are defined in Section 3.4 of the Code to mean:

communications with a Government representative in an effort to influence Government decision-making, including the making or amendment of legislation, the development or amendment of a

Government policy or program, the awarding of a Government contract or grant or the allocation of funding, but does not include:

- (a) communications with a committee of the Parliament;
- (b) communications with a Minister or Parliamentary Secretary in his or her capacity as a local Member or Senator in relation to non-ministerial responsibilities;
- (c) communications in response to a call for submissions;
- (d) petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision;
- (e) communications in response to a request for tender;
- (f) statements made in a public forum; or
- (g) responses to requests by Government representatives for information.

s47F, 47E



If you would prefer to discuss directly, you can contact Peter Rush, Assistant Secretary, Parliamentary and Government Branch, on s22


Regards

Lobbyist Register

From: s47F
Sent: Monday, 30 November 2015 12:35 PM
To: Lobbyists Register
Subject: Lobbyist Register [SEC=UNCLASSIFIED]

~~UNCLASSIFIED~~

s47F, s 47E

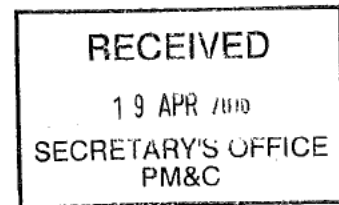


s47F



EC16-000691

s47F



15th April 2016

The Secretary,
Dept. of Prime Minister and Cabinet,
PO Box 6500,
CANBERRA ACT 2600.

Elizabeth Kelly
- for action & advice
to Secretary, if necessary.
- Not from key Secretary.
Her 20.4

Dear Sir,

Philippa Lynch
EC16 2214

BREACH OF THE LOBBYING CODE OF CONDUCT

As a s47F with a strong desire to uphold the integrity of the Australian political system, I wish to report a serious breach of the Lobbying Code of Conduct by s47F s47F listed on the Lobbyists' Register under s47G. This breach is not only formal, it goes to the essence of the government's objective of compliance with the requirements of the code "in accordance with their spirit, intention and purpose".

s47F in defiance of the Code's requirement that the Register shall not include "a member of a state or federal political party executive or administrative committee", s47F s47F

s47F represents an intolerable conflict of interests and is in clear breach of the stated intent of the code: "to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty".

It would be unfortunate if this breach were not to be resolved before s22 s22 and there is a clear need for the Commonwealth to enforce a code of conduct for lobbyists that is so clearly in the public interest.

Yours Sincerely,

s47F

s47F

08/04/2016 03:10:50 AM

s47F

URGENT need to reaffirm the Abbott/O'Farrell ban on lobbyists

Dear Malcolm,

s 47F

s 47F

, there is an urgent need for you to reaffirm the
Abbott/O'Farrell ban on lobbyists in executive roles s 47F

s 47F

47F

exist or doesn't it? ***
problem. s 22

Does the ban
r outlines the

s 22

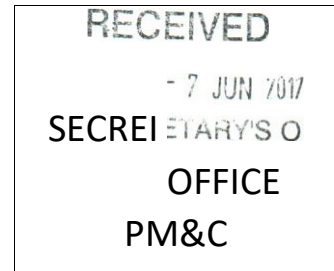
s 22

. Who can I talk to in your office about
this?

Regards,

s47F

CC I q 60D*-s



The Secretary
Department of Prime Minister and Cabinet
PO Box 6500
Canberra 2260

RE: LOBBYIST s47F

CONFIDENTIAL

Dear Sir,

Please note the following:

1. s47F on the lobbyist register may be a member of a state or federal political party, executive, state executive or administrative committee (or equivalent body)
2. s47F, s47G
- 3.
4. s47F may have been a lobbyist in years 47F. Perhaps Statutory Declarations were signed for these years.
5. If a person intentionally makes a false statement in a Statutory Declaration this is an offence under Section 11.

Yours sincerely,

s47F



DEPARTMENT OF THE PRIME MINISTER AND CABINET

To: A/g Secretary (for decision by 6 June 2014)

Through: Deputy Secretary, Governance *Ed 3/1*

PROPOSED SUSPENSION OF LOBBYIST FROM THE AUSTRALIAN GOVERNMENT REGISTER OF LOBBYISTS

Recommendations - that you:

1. Sign the letter at Attachment A, advising s47F that you intend to remove him from the Register for non-compliance with the Lobbying Code of Conduct (the Code).
2. Note that s47F of s47G is now compliant and that no further action is required.

Signed / Not Signed

Noted

REBECCA CROSS

s22

Date: 4/6/14

Key Points:

1. Changes to the Lobbying Code of Conduct (the Code) in September 2014 prohibit certain political party office holders from remaining on the Register of Lobbyists past 20 March 2014. Under the Code, the Secretary of PM&C can remove such persons from the Register.
2. Following our enquiries, two lobbyists indicated they held political party offices.
 - a. 47F sought advice on whether his position as s 47F 47F, is a breach of the Code. The Code specifically prohibits members of administrative committees remaining on the Register after 20 March 2014 (Clause 10.2).
 - b. 47F was a member of the 47F but informed us that, as of 19 May 2014, he is no longer a member. On that basis we consider there is no present cause to remove 47F from the Register.

Background

3. Under Clause 10.4 of the Code, the Secretary of PM&C may remove an individual from the Register if he or she is satisfied that the individual is a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

4. On 5 March 2014, all registered lobbying entities were emailed to seek their confirmation that each of their individual lobbyists was not a prohibited party office holder. They were advised that failure to provide confirmation by 20 March 2014 would result in the removal of their lobbyist/s from the Register.
 - a. The email was re-sent to non-respondents on 18 March 2014.


s47F




9. Clause 10.5 of the Code provides that:

The Secretary shall not remove a lobbyist or a person who is an employee of a lobbyist, or a contractor or person engaged by a lobbyist, from the Register under clause 10.3 and 10.4, unless the Secretary has advised the lobbyist or the individual concerned of the reasons why he or she proposes to remove the lobbyist or individual concerned from the Register and given the lobbyist or individual concerned an opportunity to state why the proposed course of action should not be followed.

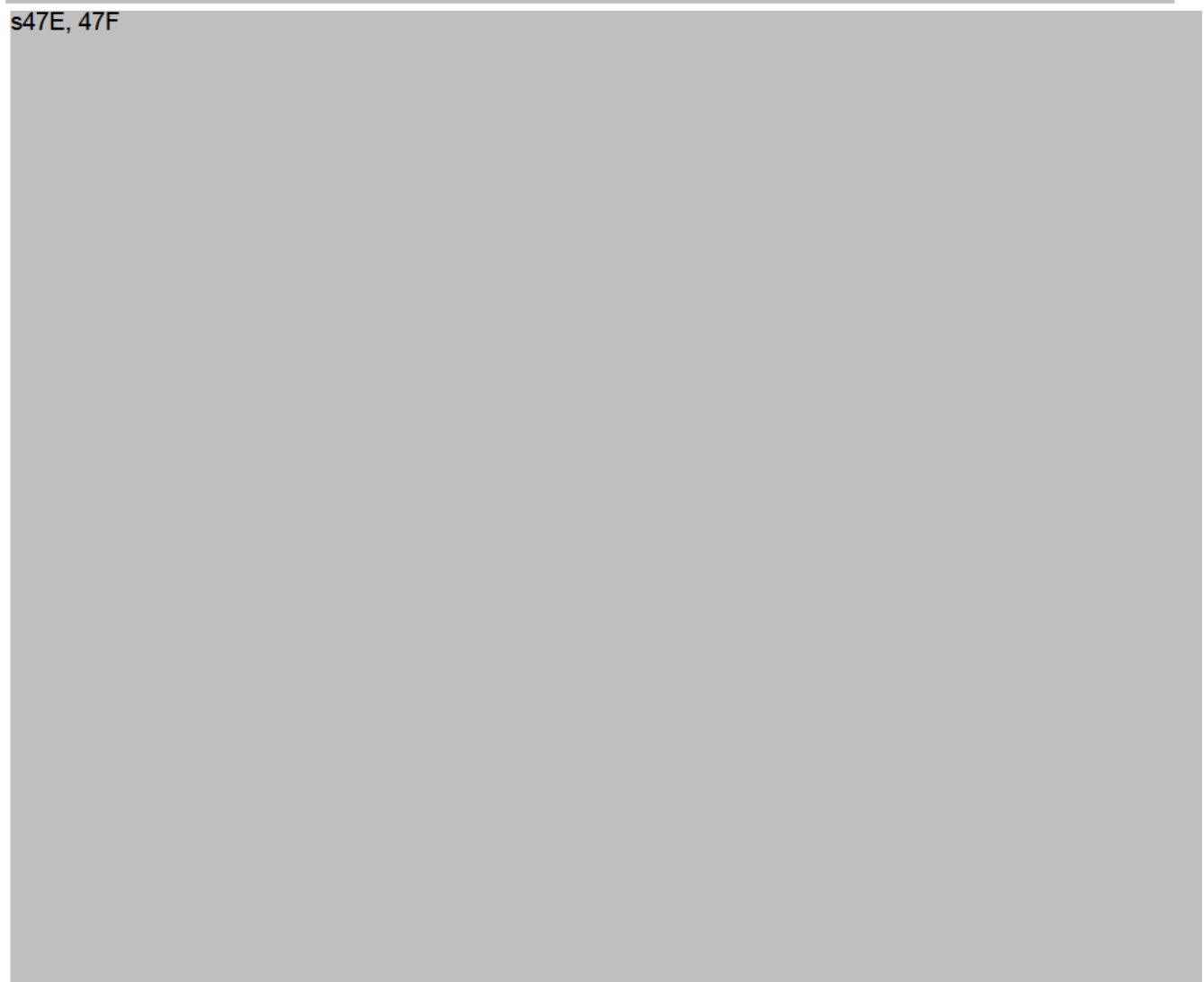
s47E, 47F



s47E, 47F



s47E, 47F



s47G



Robert McMahon
Assistant Secretary
Parliamentary and Government Branch
3 June 2014

Policy Officer: s47G
Phone no: s47G
Consultation: s 47E

ATTACHMENTS

ATTACHMENT A DRAFT RESPONSE TO s47F

ATTACHMENT B EMAIL CORRESPONDENCE WITH s47F

ATTACHMENT C EMAIL CORRESPONDENCE WITH s47F



Australian Government

Department of the Prime Minister and Cabinet

**Ms Rebecca Cross
Acting Secretary**

Ref:EB14/615

s47F

Dear s47F

I am writing to advise you that I intend to remove you from the Australian Government Register of Lobbyists (the Register), subject to your explanation of why you should not be removed.

Under clause 10.4 of the Lobbying Code of Conduct (the Code), I am required to remove the name of an individual from the Register if satisfied that the individual is a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

In your email dated 7 March 2014, you informed the Register that you hold the position of

47F

47F

I consider that your membership of this committee is prohibited under clause 10.2 of the Code, whereby a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body) may not remain on the Register beyond 20 March 2014.

Under clause 10.5 of the Code, an employee of a lobbyist must be given an opportunity to state why they should not be removed from the Register before the proposed course of action is followed. I am informed that you have been provided with a number of opportunities to respond and have not made any submission as to why you should remain on the Register.

I am now providing you with a final opportunity to state why my proposed course of action to remove you from the Register should not be followed. I ask that you do so within seven days of the date of this letter.

It should be noted that under clause 4 of the Code, a Government representative shall not knowingly and intentionally be a party to lobbying activities by an employee of a lobbyist whose name does not appear in the lobbyist's details noted on the Register in connection with the lobbyist.

If you have any further questions the contact person in my department is Mr Robert McMahon, Assistant Secretary, Parliamentary and Government Branch. He can be contacted on email at robert.mcmahon@pmc.gov.au.

Yours sincerely

s22

Rebecca Cross
4 June 2014

ATTACHMENT B

From: s22
Sent: Wednesday, 5 March 2014 1:28 PM
To: Lobbyists Register
Subject: Lobbyist Register – 20 March 2014 requirements [SEC=UNCLASSIFIED]
Importance: High

Dear Sir/Madam

I am writing in relation to the position of registered lobbyists holding party political offices.

As noted in emails sent on 25 September 2013 and 17 January 2014, members of a state or federal political party executive, state executive or administrative committee (or the equivalent body) may not remain on the Register of Lobbyists (the Register) after 20 March 2014.

To that end, we request your advice **by Friday 7 March 2014;**

- in relation to yourself and each person employed, contracted or otherwise engaged by your organisation or firm to carry out lobbying activities,
- whether or not that person is a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

Clause 10.3 (c) of the Lobbying Code of Conduct (the Code) states that the Secretary may remove a lobbyist or person who is an employee of a lobbyist, or a contractor or person engaged by a lobbyist, from the Register of Lobbyists if, in the opinion of the Secretary, the lobbyist fails to answer questions within a reasonable period of time relating to the lobbyist's details on the Register or the lobbyist's lobbying activities.

On 20 March 2014, we will remove from the Register any currently registered lobbyist:

- who is a member of a state or federal political party executive, state executive or administrative committee (of the equivalent body); or
- **whose status in relation to such offices has not been advised.**

Please contact us on 02 6271 5717 or lobbyistsregister@pmc.gov.au if you have any queries.

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet
Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: s47F, s47G
Sent: Friday, 7 March 2014 12:06 PM
To: s22
Subject: RE: Lobbyist Register – 20 March 2014 requirements [SEC=UNCLASSIFIED]

Dear s22

Thank you for your update on this important matter.

I am in need of some clarification of my own situation.

You would be aware I am a lobbyist with the
47F, s47G

If I remain on this committee, am I in breach of the Lobbying Code of Conduct?

47F

From: Lobbyists Register
Sent: Wednesday, 9 April 2014 8:22 AM
To: s47F
Cc: Lobbyists Register
Subject: Removal from Australian Government Register of Lobbyists ~~[SEC-UNCLASSIFIED]~~

Good morning s47F

Thank you for your email advising that you are the 47F

47F

The Lobbying Code of Conduct states that persons employed, contracted or otherwise engaged to carry out lobbying activities may not remain of the Australian Government Register of Lobbyists (Register) if they are a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body) after 20 March 2014.

You were informed of this requirement in emails dated 25 September 2013 and 17 January 2014. Further, emails sent on 5 and 18 March 2014 conveyed that you would be removed from the Register if your status had not been advised by 20 March 2014.

On this basis of your position as 47F you have been removed from the Register. However, we would be happy to return you to the Register if your status were to change

Regards

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet
Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: Lobbyists Register
Sent: Tuesday, 13 May 2014 10:29 AM
To: s47F, s47G
Subject: Registration on the Australian Government Register of Lobbyists ~~[SEC=UNCLASSIFIED]~~

Dear s47F

I refer to our email of 9 April 2014 in relation to your registration on the Australian Government Register of Lobbyists advising of your removal from the Register.

On further consideration of your correspondence, there may be additional issues which might be relevant to your status which have not yet been addressed. Consequently, we have decided to restore your registration pending any further submissions you may wish to make.

Before considering this matter further, we will consider any reasons you have already provided or which you now wish to provide us.

Would you kindly provide by close of business Thursday, 15 May 2014 any reasons for us to consider why you should not be removed from the Register of Lobbyists given s47F
s47F

Regards,

Robert McMahon

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet
Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: Lobbyists Register

Sent: Wednesday, 21 May 2014 1:04 PM

To: s47F, s47G

Subject: RE: Registration on the Australian Government Register of Lobbyists ~~[SEC-UNCLASSIFIED]~~

Good afternoon s47F

Further to my email of 13 May 2014 below, I note that we do not appear to have received a response from you.

If there is any further matter of which you wish to advise us in relation to your registration as a lobbyist, please do so by close of business tomorrow, Thursday 22 May 2014.

Regards,

Robert McMahon

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet

Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

ATTACHMENT C

From: s47F, s47G
Sent: Wednesday, 5 March 2014 1:28 PM
To: Lobbyists Register
Subject: Lobbyist Register – 20 March 2014 requirements [SEC-UNCLASSIFIED]
Importance: High

Dear Sir/Madam

I am writing in relation to the position of registered lobbyists holding party political offices.

As noted in emails sent on 25 September 2013 and 17 January 2014, members of a state or federal political party executive, state executive or administrative committee (or the equivalent body) may not remain on the Register of Lobbyists (the Register) after 20 March 2014.

To that end, we request your advice **by Friday 7 March 2014;**

- in relation to yourself and each person employed, contracted or otherwise engaged by your organisation or firm to carry out lobbying activities,
- whether or not that person is a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

Clause 10.3 (c) of the Lobbying Code of Conduct (the Code) states that the Secretary may remove a lobbyist or person who is an employee of a lobbyist, or a contractor or person engaged by a lobbyist, from the Register of Lobbyists if, in the opinion of the Secretary, the lobbyist fails to answer questions within a reasonable period of time relating to the lobbyist's details on the Register or the lobbyist's lobbying activities.

On 20 March 2014, we will remove from the Register any currently registered lobbyist:

- who is a member of a state or federal political party executive, state executive or administrative committee (of the equivalent body); or
- **whose status in relation to such offices has not been advised.**

Please contact us on 02 6271 5717 or lobbyistsregister@pmc.gov.au if you have any queries.

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet
Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: s47F
Sent: Wednesday, 19 March 2014 8:40 PM
To: Lobbyists Register
Subject: Re: Lobbyist Register – 20 March 2014 requirements ~~[SEC-UNCLASSIFIED]~~

Further to our discussion yesterday, I advise you as follows:

s47F



From: Lobbyists Register
Sent: Wednesday, 9 April 2014 8:18 AM
To: s47F
Cc: Lobbyists Register
Subject: Removal from Australian Government Register of Lobbyists ~~[SEC-UNCLASSIFIED]~~

Good morning s47F

Thank you for your email advising s47F
s47F

The Lobbying Code of Conduct states that persons employed, contracted or otherwise engaged to carry out lobbying activities may not remain of the Australian Government Register of Lobbyists (Register) if they are a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body) after 20 March 2014.

You were informed of this requirement in emails dated 25 September 2013 and 17 January 2014. Further, emails sent on 5 and 18 March 2014 conveyed that you would be removed from the Register if your status had not been advised by 20 March 2014.

On the basis of s47F you have been removed from the Register. However, we would be happy to return you to the Register if your status were to change

Regards

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet
Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: s47F

Sent: Wednesday, 9 April 2014 9:13 PM

To: Lobbyists Register

Subject: Re: Removal from Australian Government Register of Lobbyists [SEC=UNCLASSIFIED]

s47F



From: Lobbyists Register

Sent: Tuesday, 13 May 2014 10:29 AM

To: s47F

Subject: Registration on the Australian Government Register of Lobbyists ~~[SEC=UNCLASSIFIED]~~

Dear s47F

I refer to our email of 9 April 2014 and subsequent conversations in relation to your registration on the Australian Government Register of Lobbyists.

We have taken into account your comments which have highlighted issues of which we should have taken account before removing you. Consequently, we have decided to restore your registration pending further consideration.

Before considering this matter further, we will therefore consider any reasons you have already provided or now wish to provide us.

s47F

Would you kindly provide by close of business Thursday, 15 May 2014 confirmation that the reasons you have already provided remain current or provide additional reasons for us to consider why you should not be removed from the Register of Lobbyists given s47F

Regards,

Robert McMahon

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet

Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: s47F

Sent: Thursday, 15 May 2014 3:22 AM

To: Lobbyists Register

Subject: Re: Registration on the Australian Government Register of Lobbyists ~~[SEC-UNCLASSIFIED]~~

s47F



From: Lobbyists Register

Sent: Wednesday, 21 May 2014 12:53 PM

To: s47F

Subject: RE: Registration on the Australian Government Register of Lobbyists [SEC=UNCLASSIFIED]

Good afternoon s47F

Thank you for your email. s47F
s47F

Please confirm also that you are not a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body).

Regards,

Robert McMahon

Australian Government Register of Lobbyists | Department of the Prime Minister and Cabinet

Tel: (02) 6271 5717 | Fax: (02) 6271 5776 | Email: lobbyistsregister@pmc.gov.au

From: s47F
Sent: Wednesday, 21 May 2014 1:07 PM
To: Lobbyists Register
Subject: Re: Registration on the Australian Government Register of Lobbyists ~~[SEC - UNCLASSIFIED]~~

Sir,

s47F



DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Kelly
Ms Lynch
Mr McMahon

File:
2014/0746

To: A/g Secretary (for decision)

Through: Deputy Secretary, Governance *Call 4/6/14*

POTENTIAL BREACH OF THE LOBBYING CODE OF CONDUCT BY A REGISTERED LOBBYIST

Recommendation - that you:

1. Agree that s47F remain on the Register of Lobbyists and that no further action be taken in regards to s47F s47F

Agreed / Not Agreed

2. Sign the draft letter to s47F at Attachment A noting his explanation and confirming no sanction, but stressing the importance of actively ensuring compliance with the Lobbying Code of Conduct.

Signed / Not Signed

REBECCA CROSS s22

Date: 5/6/14

Key Points:

1. We seek your views on action to be taken against a registered lobbyist for failure to disclose that he held a political party office after the 20 March 2014 deadline.
 - a. The Lobbying Code of Conduct empowers the Secretary of PM&C to remove a lobbyist from the Register if they provide inaccurate information in response to our questions about their registration (Attachment B).
2. s47F Following the change to the Lobbying Code of Conduct in 2013 to exclude *a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body)*, we asked all registered lobbyists prior to the 20 March 2014 deadline to advise us whether or not they held a relevant office.


s47F

3. s47F

s47F



s47F, s47E



6. In all the circumstances, we recommend that s47F remain on the Register of Lobbyists and that no sanction be imposed in regards to s47F s47F but that he be issued with a letter by you noting his explanation, confirming no sanction but stressing the importance of actively managing his arrangements to ensure that no breach of the Code occurs. We have cleared the letter with AGS.

s22



Robert McMahon
Assistant Secretary
Parliamentary and Government Branch
3 June 2014

Policy Officer: s22
Phone no: s22
Consultation: AGS



Australian Government

Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING
ONE NATIONAL CIRCUIT
BARTON

Reference: EB14/610

s47F

Dear s47F

I am writing in relation to your listing as a registered lobbyist for s47G
s47G following contact you have had with the Department.

As the preamble to the Lobbying Code of Conduct (the Code) notes, its purpose is to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty. As you will appreciate, it is vital that information provided by lobbyists is accurate and that lobbyists comply with the Code.

Under clause 10.4 of the Code, individuals who are members of a state or federal political party executive, state executive or administrative committee (or the equivalent body) are to be removed from the Register.

s47F

On balance therefore, I do not propose to impose a sanction on you or to limit your inclusion on the Register as a lobbyist. Notwithstanding, I would ask that you carefully manage your arrangements in the future to prevent a recurrence of these events.

If you require clarification of any of the matters in this letter, please contact Mr Robert McMahon, Assistant Secretary, Parliamentary and Government Branch. Mr McMahon can be contacted on ^{s22} [REDACTED] or by email at Robert.McMahon@pmc.gov.au.

Yours sincerely

s22 [REDACTED]

Rebecca Cross
Acting Secretary
5 June 2014

~~Unclassified: Sensitive: Legal~~

Urgent/Low Complexity

PM&C
Secretary
Ms Kelly
Ms Lynch
Mr McMahon

MO
File:

DEPARTMENT OF THE PRIME MINISTER AND CABINET

^{29/5}
To: Secretary (for decision by 29 May 2014 – to allow a timely response to this issue)

REGISTRATION OF ^{s47F} ON THE AUSTRALIAN GOVERNMENT REGISTER OF LOBBYISTS (THE REGISTER)

Recommendations - that you:

1. Note that ^{s47F} queried the inclusion of ^{s47F} as a lobbyist for ^{s47G} on the Register, given that she ^{s47F} (Noted)
2. Note that the Lobbying Code of Conduct (the Code) does not include a blanket prohibition on the registration of former government representatives but restricts their lobbying activities. (Noted)
3. Approve the attached email to ^{s47G} seeking confirmation that ^{s47F} has not lobbied in relation to a matter ^{s47F} (Noted)

I J Watt ^{s22} Date: 29/5/14 Approved / Not Approved

Key Points:

1. On 27 May 2014, ^{s 47F} queried the inclusion of ^{s 47F} on the Register, noting ^{s 47F} has in the previous 12 months been employed as ^{s 47F} ^{s 47F} ^{s 47F}
2. While the Code does not prohibit former government representatives being registered as lobbyists, it prohibits certain former government representatives from lobbying, for a set period, on matters with which they had official dealings within a certain period:

7.2 Persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the *Members of Parliament (Staff) Act 1984* at Adviser level and above, members of the Australian Defence Force at Colonel level or above (or equivalent), and Agency Heads or persons employed under the *Public Service Act 1999* in the Senior Executive Service (or equivalent), shall not, for a period of 12 months after they cease their employment, engage in lobbying activities **relating to any matter that they had official dealings with in their last 12 months of employment.**
3. As a former ^{s 47F}, ^{s 47F} is prohibited from lobbying, for 12 months following the cessation of her employment in that role, on any matters with which she had official dealings in the last 12 months as a ^{s 47F}.

~~Unclassified: Sensitive: Legal~~

4. s 47F s 47F s 47F
s 47F

- a. On adding s 47F to the Register, PM&C staff reminded the responsible officer for s 47F that, depending on her former position, s 47F may be subject to the prohibition in clause 7.2 of the Code.
5. While s 47F stated that s 47F was a s 47F he did not suggest s 47F has lobbied in a field in which she had had official dealings in the last 12 months of her previous employment.
- a. Nevertheless, for the sake of prudence, we propose to send an email to s 47F requesting verification of this.
6. We have cleared the attached draft email with the Australian Government Solicitor. Should you agree, we will send it to the responsible officer of s 47G
- a. The responsible officer is s 47G nominated contact person for matter relating to s 47G registration and the registration of its lobbyists.

s22

Robert McMahon
Assistant Secretary
Parliamentary and Government Branch
28 May 2014

Policy Officer: s22
Phone no: s22
Consultation: AGS

ATTACHMENTS

DRAFT EMAIL TO ^{s47G} 

~~—Unclassified: Sensitive: Legal—~~

ATTACHMENT A

Good afternoon s47G, s47F

I am writing to you regarding the inclusion of s47F as a person employed by s47G s47G to carry out lobbying activities whose details are included on the Australian Government Register of Lobbyists (the Register).

I note that s 47F is listed as a former government representative with a cessation date of s 47F. I understand that s 47F was formerly employed as a s 47F under the s 47F s 47F s 47F

As you will be aware, under clause 7.2 of the Lobbying Code of Conduct (the Code) s 47F is prohibited, for a period of 12 months from the date of her cessation as s 47F employed s 47F, from engaging in lobbying activities relating to any matter that she had official dealings with in her last 12 months of employment as s 47F

I would appreciate, by return email within seven calendar days, your advice as to whether s s has engaged in lobbying activities relating to any matter with which she had official dealings in her last 12 months of employment.

As you will also be aware, under clause 10.3 (c) of the Code, the Secretary may remove a lobbyist if, in the opinion of the Secretary, the lobbyist fails to answer questions within a reasonable period of time relating to the lobbyist's lobbying activities (in particular questions relating to allegations of breaches of the Code) or provides inaccurate information in response to those questions.

Regards

Robert McMahon

~~Sensitive Personal~~

Routine/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Kelly
Ms Lynch
s22

Mr McMahon

To: Acting Secretary (for noting and decision) through Ms Kelly *Call 3/6/14*

REGISTRATION OF s47F ON THE REGISTER OF LOBBYISTS --
FOLLOW UP

Recommendation(s) - that you:

1. Note the information provided in this brief; and

Noted

2. Agree that no further action is required.

Agreed / not agreed

Rebecca Cross

s22

Date: 4/6/14

Key Points:

1. On 28 May 2014, we advised Dr Watt in EB14/1642 that s47F
s47F had raised with PM&C
s47F was
included on the Register of Lobbyists (Attachment A, refers).
2. As our previous advice to Dr Watt indicated, the Code prohibits certain former government representatives from lobbying, for a set period, on matters with which they had official dealings within a specified period.
 - a. As a former s47F whose employed with s47F ceased in
s47F is therefore prohibited from lobbying in matters in which she
had previous dealings for 12 months, until s47F
3. Per Dr Watt's agreement, we sent the responsible officer of s47G an email on 30 May bringing the Code's requirements to the entity's attention and seeking confirmation that s47F had not engaged in lobbying activities relating to any matter with which she had had official dealings in her last 12 months of relevant employment.
4. Yesterday, the responsible officer of s47G advised me by reply email (Attachment B, refers) that s47F has fully complied with the obligations under the Code and has not undertaken lobbying in relation to official dealings in her last 12 months' employment as a s47F.
5. On the basis of assurances provided, I therefore consider that no breach of the Code has occurred and propose that no further action is necessary at this stage.
6. Should you agree to my recommendations, I will let s47F in the PMO know in case
s47F raises the matter with the PMO.

Robert McMahon
Assistant Secretary, Parl & Govt
3 June 2014

Policy Officer: Robert McMahon
Phone no: s47F
Consultation: AGS

~~Sensitive Personal~~

~~Sensitive Personal~~

ATTACHMENTS

ATTACHMENT A

EB14/642 – FORMER BRIEF TO DR WATT

ATTACHMENT B

**RESPONSE FROM ^{s47G} [REDACTED] OF
2 JUNE 2014**

~~Sensitive Personal~~

Urgent/Low Complexity

PM&C
Secretary
Ms Kelly
Ms Lynch
Mr McMahon

MO
File:

DEPARTMENT OF THE PRIME MINISTER AND CABINET

29/5
To: Secretary (for decision by 29 May 2014 – to allow a timely response to this issue)

REGISTRATION OF s47F ON THE AUSTRALIAN GOVERNMENT REGISTER OF LOBBYISTS (THE REGISTER)

Recommendations - that you:

- Ms Lynch
1. Note that s47F queried the inclusion of s47F as a lobbyist for s47G on the Register, given that she s47F
 2. Note that the Lobbying Code of Conduct (the Code) does not include a blanket prohibition on the registration of former government representatives but restricts their lobbying activities. **Noted**
 3. Approve the attached email to s47G seeking confirmation that s47F has not lobbied in relation to a matter **Noted**

I J Watt

s22

Date: 29/5/14

Approved / Not Approved

Key Points:

1. On 27 May 2014, s47F queried the inclusion of s47F on the Register, noting s47F has in the previous 12 months been employed as s47F s47F
2. While the Code does not prohibit former government representatives being registered as lobbyists, it prohibits certain former government representatives from lobbying, for a set period, on matters with which they had official dealings within a certain period:

7.2 Persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the *Members of Parliament (Staff) Act 1984* at Adviser level and above, members of the Australian Defence Force at Colonel level or above (or equivalent), and Agency Heads or persons employed under the *Public Service Act 1999* in the Senior Executive Service (or equivalent), shall not, for a period of 12 months after they cease their employment, engage in lobbying activities **relating to any matter that they had official dealings with in their last 12 months of employment.**
3. As a former s47F, s47F is prohibited from lobbying, for 12 months following the cessation of her employment in that role, on any matters with which she had official dealings in the last 12 months as a s47F.

4. s 47F [REDACTED]

a. On adding s 47F to the Register, PM&C staff reminded the responsible officer for s 47F that, depending on her former position, s 47F may be subject to the prohibition in clause 7.2 of the Code. [Signature]

5. While s 47F stated that s 47F was a s 47F he did not suggest s 47F has lobbied in a field in which she had had official dealings in the last 12 months of her previous employment.

a. Nevertheless, for the sake of prudence, we propose to send an email to s 47F requesting verification of this.

6. We have cleared the attached draft email with the Australian Government Solicitor. Should you agree, we will send it to the responsible officer of s 47G

a. The responsible officer is s 47G nominated contact person for matter relating to s 47G registration and the registration of its lobbyists.

s22 [REDACTED]

Robert McMahon
Assistant Secretary
Parliamentary and Government Branch
28 May 2014

Policy Officer: s22 [REDACTED]
Phone no: s22 [REDACTED]
Consultation: AGS

~~Unclassified: Sensitive: Legal~~

ATTACHMENTS

DRAFT EMAIL TO s47G

Unclassified: Sensitive: Legal

ATTACHMENT A

Good afternoon s47G, 47F

I am writing to you regarding the inclusion of s47F as a person employed by s47G s47G to carry out lobbying activities whose details are included on the Australian Government Register of Lobbyists (the Register).

I note that s 47F is listed as a former government representative with a cessation date of s 47F. I understand that s 47F was formerly employed as a s 47F under the s 47F

As you will be aware, under clause 7.2 of the Lobbying Code of Conduct (the Code), s 47F is prohibited, for a period of 12 months from the date of her cessation as s 47F employed s 47F, from engaging in lobbying activities relating to any matter that she had official dealings with in her last 12 months of employment as a s 47F

I would appreciate, by return email within seven calendar days, your advice as to whether s 47F s 47F has engaged in lobbying activities relating to any matter with which she had official dealings in her last 12 months of employment.

As you will also be aware, under clause 10.3 (c) of the Code, the Secretary may remove a lobbyist if, in the opinion of the Secretary, the lobbyist fails to answer questions within a reasonable period of time relating to the lobbyist's lobbying activities (in particular questions relating to allegations of breaches of the Code) or provides inaccurate information in response to those questions.

Regards

Robert McMahon

s22

From: s47G
Sent: Monday, 2 June 2014 9:34 AM
To: Lobbyists Register
Cc: s47G
Subject: Attn Robert McMahon

Follow Up Flag: Follow up
Flag Status: Completed

Categories: s 22 Robert McMahon

Dear Mr McMahon

I refer to your email of May 30 regarding s47F

I can confirm that s47F is aware of and has fully complied with her obligations under the Lobbying Code of Conduct (the Code). Specifically, she is aware of and has complied with clause 7.2 relating to official dealings in her last 12 months as a s 47F.

Feel free to contact me if I can be of further assistance.

Yours Sincerely

s47G

