

In December 2014, the Western Australian (WA) Premier Colin Barnett introduced a new Lobbyists' Bill (Bill) to State Parliament. The Bill is designed to enhance the transparency of dealings between State Government representatives and people who undertake lobbying on behalf of third parties.

Lobbying in WA is currently governed by the Contact with Lobbyists Code (Code). The Bill will strengthen current rules found in the Code to ensure that contact between Lobbyists and Government Representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

Proposed Changes

The Bill stems from the "Publish What You Pay" group, a movement that advocates for greater transparency for payments made by companies in "extractive industries". In particular, the movement seeks to tackle corruption in developing countries where Western companies have been accused of making undeclared payments to government officials. The Bill aims to align Australia with US, UK, EU and Canadian transparency standards for extractive industries and ensure that the benefits from the revenue derived by these industries flows directly to the broader community.

Which Companies Could Be Affected?

Under the Bill, member-based and non-profit organisations, in-house staff, or businesses performing a technical or professional occupation such as lawyers, doctors, architects or engineers, would not need to be registered. However, individuals and companies will be prohibited from lobbying unless they are registered and will face a AU\$10,000 fine should they do so. Registration (administered by the Public Sector Commissioner) will be based on a 'fit and proper' test.

To increase public trust in the Register, it will also be an offence to supply false or misleading information to the Public Sector Commissioner, punishable by a fine of up to AU\$10,000.

In addition, the Bill introduces a 'gap year' to ensure there is a one-year period before retiring Members of Parliament, Ministers or senior public servants can seek to be registered as lobbyists. This will reduce their capacity to gain inappropriate personal advantage from information acquired in areas for which they previously had some official responsibility.

The Bill also prohibits success fees or other rewards that are contingent upon achieving a particular outcome. Any contractual clause to this effect will be rendered void and unenforceable and the Treasurer will have the right to take legal action on behalf of the State to recover unlawfully paid success fees.

Contacts

Margie Tannock
Partner
T +61 8 9429 7456
E margie.tannock@squirepb.com