

RESEARCH AND EVALUATION

Commercial Lobbying in Australia: Exploring the Australian Lobby Register

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Politicians and policy makers routinely engage with lobbyists and see them as crucial agents in the political process. But how much do we really know about the Australian lobby system? Although there are a range of reviews of lobby regulation schemes and discussions about the work of lobbyists, a comprehensive contemporary picture of the commercial lobbying system in Australia is missing. Using data from the 'federal lobby register', this article sets out to map the commercial lobbying scene at the national level. Using this as a backdrop, the article goes on to discuss what questions this raises and how we might develop a deeper understanding of the commercial lobbying system in Australia.

Key words: *lobbying, Australia, political influence*

As the term suggests, commercial lobbyists are paid professionals engaged on a fee-for-service basis by clients. The services of professional lobbying firms are engaged by interest groups, individual corporations, or other institutions (such as local or state governments), who see the need for an inside track to decision makers. Lobbyists may be engaged in addition to (as well as a substitute for) the 'in-house' lobbyists of firms or pressure groups to bring specific talents, skills, or expertise – which may include sector policy knowledge, analytical or campaign skills, or even political party affiliations/networks, to name a few – to a given task. In contrast to the United States, where lobbying has long been associated with concerns over money buying influence, the role of lobbyists in Australian politics has only intermittently stirred controversy. Indeed, in Australia the bigger controversies have revolved around the conflict of interests among ministers who turn to lobbying when they exit politics (see Warhurst 1998).

Although paid lobbyists have been around in Australia for decades (see Sekules 1991), several scandals involving commercial lobbyists

– perhaps dating back to the Combe–Ivanov Affair in 1983 – and (undue) political influence have prompted contemporary efforts to regulate the industry (see Warhurst 2007). The issue has evoked recent attention owing to the (failed) attempts by the Greens and others to see reform of the system along the lines of the US lobby registration system (see Senate Standing Committee on Finance and Public Administration 2012). In short, this plan would mean expanding the definition of who is considered a lobbyist (to include those in-house staff of corporations and interest groups) and to collect data on the issue level (who they contacted, when and the money they expended).

The research-based literature on commercial lobbyists is curiously underdeveloped. Early practitioner-led contributions provided an insight into their world from the coalface. Particularly, authoritative contributions emphasised the nature of their 'game' and tricks of the trade for the newly arrived or uninitiated (Cullen 1991; Fitzgerald 2006; Sekules 1991; Sheehan and Sekules 2012). For academic researchers, such contributions cannot be underestimated for what they tell us about the 'rules of the

game' according to those who are active participants. Yet, such contributions are insufficient, on their own, to stand in for a dedicated research literature capable of supporting some theoretically generated, analytical, and generalizable insights about commercial lobbying. In this regard, the Australian literature is the preserve of a relatively small number of dedicated scholars. Key studies include Warhurst's (2007, 2009) study of debates about lobby scandals and regulation, Darke's (1997) study of the involvement of law firms in lobby services, and comparative research around lobbying regulation systems (see Hogan et al. 2011).

An important starting point concerns establishing the scale, dynamics, and extent of this form of lobbying in Australia. Up till now any answer to these questions has had – by necessity – to be based on hunches, anecdotes from insiders, and back of the envelope calculations. It is difficult to get a handle on how many commercial lobbyists operate in Australia although commentators suggest that numbers have been expanding (see Sekules 1991). One exception is data from the 1983 lobby registration scheme. Analysis revealed 151 registered lobbyists in 1985 rising to 203 lobbyists in 1989. In 1987, 183 lobbyists serviced around 700 clients (Warhurst 1990: 181). The data do not allow us to determine how many lobbying firms were in operation – individual lobbyists had to register every time they took on a new client. Since that scheme wound up, assessments have been based on informed guesses. As such, recent assessment of 'hundreds' is probably as close as we can get without a dedicated empirical study (Warhurst 2008). The 'Senate Standing Committee report' (2008) into the lobbying issue received evidence to the effect that the broader community would total some 4000 lobbyists. However, there has been an absence of a clear sense of how many there are, who employs them, and how often they shift and change clients.

The recent creation of a National Lobby Registration system provides a unique opportunity to further develop our scholarly understanding of this system. Utilising the online public release of entries in the data from the Commonwealth Lobby Register, this article sets out

to answer two questions: (i) how many commercial lobbyists are *active* at the national level? and (ii) who are the core clientele for commercial lobbyists?

Lobby Registration in Australia

The issue of lobby regulation in Australia first surfaced in the 1980s, when the then Labour administration instituted an executive order establishing a lobbying registration scheme in 1983. It was subsequently rescinded without controversy after the election of the Howard Coalition government in 1996, because the scheme was widely regarded as ineffective. Corruption scandals in Western Australia in the early 2000s reopened the debate about lobbying regulation in Australia. The West Australian government established the *Contact with Lobbyists Code* in 2006, which included a 'register of lobbyists'. A new *Lobbying Code of Conduct* was released in 2008. However, compared to schemes operated elsewhere the coverage was relatively narrow: it currently includes only hired lobbyists contacting public officials. Thus, it does not cover the 'in-house' staff of companies and large pressure groups (see Warhurst 2008).¹

Other states have announced reviews and inquiries into codes of conduct too. Most recently, moves were made to establish a register at the federal level. The federal government instituted a *Lobbying Code of Conduct*, effective from 1 May 2008. The scheme drew heavily on the WA precedent. The difficulty in regulating based on a broad definition of lobbying – one that included all organisations engaged in seeking to influence public policy (directly or indirectly) – has meant that the Australian scheme focuses on commercial lobbyists, those engaged on a third-party basis.

The current federal scheme requires those defined as lobbyists² and engaging with government to register with the Department of Prime Minister and Cabinet. The register has recently been made public via the web, and is updated regularly. The lobbyist must list their business name, members of their firm that lobby, and the names of their clients. Without registration, government will not engage with the lobbyist. The new scheme also deals with

the targets of lobbying: politicians and civil servants. Its focus on government ministers means that it does not include all senators, despite the fact that the senate is rarely controlled by the government of the day, making the votes of cross-bench senators especially crucial to the passage of government legislation. However, it does include all civil servants, irrespective of rank. The scheme also addresses the so-called 'revolving door', which refers to the way ministers and senior public officials move swiftly between lobbying and public office. The code sets out an 18-month period between public appointment and registration as a lobbyist for all ministers and parliamentary secretaries, and 12-month period for ministerial staff.

It is worth noting that some variations exist by state (see ICAC 2010 and Hogan et al. 2011 for overviews). For instance, the NSW Department of Planning and Infrastructure maintains a lobby register that provides details of meetings between lobbyists registered in the NSW state lobby register and departmental officials, including details of date, specific issue discussed, and form of the contact. This is not a practice across government, despite recommendations to that effect in key reports such as the Independent Commission against Corruption (ICAC 2010) report on lobbying. Again, this absence of a comprehensive lobby registration system perhaps reflects two factors: firstly, there have only been two big lobby scandals and only one of these was federal in nature, and, secondly, that corruption concerns have been far more focussed on the behaviour of ministers (and other elected officials).

For the first time the Australian political system finds itself with a growing number of lobbying registers that are publicly available. However, the response to concerns over lobbying in Australian politics has been comparatively weak. And the debate as to whether coverage is sufficient continues. As it stands, the scheme captures a small sliver of the lobbying world: commercial lobbyists.

The Register as a Data Source

As discussed above, the register offers a unique chance to create a snapshot of lobbying in

Australia. It is, however, crucial to be aware of what precisely is, and is not, included.

The term lobbying is deployed in diverse ways (Jordan 2010). In its broadest usage, it is used as a term to indicate influence-seeking activity by political organisations and individuals. Thus, lobbying is a synonym for seeking political influence; and, as such, all organised interests engaged in political advocacy can be viewed as 'lobbying'. But, the term is also used more narrowly to refer to those individuals who make their professional living as paid or 'commercial' lobbyists. And it is this deployment of the term that is developed in this article. While this form of lobbying is perhaps most easily associated with Congressional lobbying in Washington, scandals have led to more attention to this practice in Australian politics.

As is well known, the register's coverage means it only requires paid or commercial third-party lobbyists to enter their details. One rationale for such a decision is that civil servants know for whom interest groups and company advocates speak for, but with commercial lobbyists this is obscured: of course, this position does not address issues of public transparency. Rationale aside, this introduces several limitations to the way such data might be used to generalise about the exercise of influence more generally. For instance, the blog site 'Power-Index' in 2012 noted that the register does not catalogue the activities of obviously active and influential 'in-house' lobbyists working for key interest groups (they cite Anthony Ball at Clubs Australia, Mitch Hooke at the Minerals Council, and Heather Ridout at the Australian Industry Group) or for corporations (they cite BHP Billiton, Rio Tinto, and Qantas).³ They report that of their top-10 most influential lobbyists of 2011, only 3 would appear in the register. In and of itself, this does not diminish the salience of the data reported here – it is an empirically important question as to who is registered, for whom they act, and how this changes as a system – yet it does narrow the scope of generalisation to the system of *commercial third-party* lobbyists.⁴

This all raises the age-old debate about what is lobbying. In our case, the concern is with what is *commercial* lobbying – but this is not

itself sufficient as the last word.⁵ Commercial lobbyists may turn out in practice to be more akin to consultants who themselves – or through their firms – possess expertise or technical nous that is critical to persuade policy makers of the merits of one or other courses of action. The nexus between consulting and lobbying is also borne out in the phenomenon whereby a consulting firm will advise government in terms of overcoming a sticking point in its relations or regulation of a specific industry, and then utilise this knowledge – say its observation that company *x* is particularly underperforming in said area – to approach company *x* with a view to assisting it raise performance. The currency of inside information, knowledge, and contacts makes such agents important to both policy makers and policy takers.

Of course, there is good reason to be cautious in accepting the entries in these registers as the last word. There is the obvious ‘problem’ that these registers apply only to commercial lobbyists. This simply means we need to be mindful of generalisations beyond this niche. However, the more problematic issue is that ‘secret lobbying’ can still occur and is not covered by such registers (Tham 2010: 238–239). An additional issue with coverage is that the nature of lobbying – and lobbyists – means that it is hard to be sure of the scope of the commercial lobbying system itself. Evidence to the 2008 senate hearings on lobby regulation has one commercial lobbyist discussing the ‘revolving door’ whereby commercial lobbyists enter and exit ‘in-house’ jobs and roles with interest groups (Senate Standing Committee on Finance and Public Administration 2008: 7). Lobbying is understood as focussed on influencing public policy, and as such modes of political activism directed at the public via outside lobbying: though campaigns in the media and online are not included in the register. Campaigns associated with *GetUp!*⁶ and issue-based groups such as the animal welfare lobby whereby companies or citizens are the targets of lobbying, and where responses might actually be made outside of the traditional governing institutions, are similarly not covered by these types of lobby regulations.⁷ Individuals who specialise in grassroots campaigns will not be required to

register if they never lobby directly. The same is true of some researchers, consultants, and administrative staff within lobbying firms.

Empirical Findings

Dataset

To grasp the scope of the commercial lobby system in Australia, some rudimentary descriptive analysis was performed on entries in the federal government’s lobby register. To the knowledge of the authors, these data were only made available publicly via the register’s website – managed by PMC – in late 2012. This article utilises compilations of data on clients, lobby firms, and lobbyists, all reported in separate (downloadable) data sheets on the website. We took two time slices. The first, in August 2012, was the first version of the register made publicly available. This is the baseline for the analysis that follows. To examine the impact of a change in government on the complexion of the contract lobbying community at the federal level, a second dataset was created based on data downloaded from the official PMC web site in February 2014. Why this date? The lobby register requires that ‘Registered lobbyists are also required to confirm or update their details within 10 business days of 31 January and 30 June each year. The Register will send reminder emails to Responsible Officers when these updates are due.’ The 2013 Australian federal election was held on 7 September, with the new coalition government sworn in on 18 September. Therefore, the 10th February is the first mandatory update period after the election. This means it is the first point at which the new post-election lobbying universe can be gleaned from the lobbyist register with any confidence. Each entry in the dataset is an individual client–lobbyist dyad. The 2014 dataset includes 1771 entries, compared to 1687 in 2012.

The Lobbyists

Our initial focus is on the size of the lobbying community. As background, existing counts are provided in publications that give us some fix

Table 1. 2012 top-10 lobbying firms

Agency	Number of clients	Percentage of total clients	Number of lobbyists
Hawker Britton Group Pty Ltd	107	6.34	11
Kreab Gavin Anderson (Australia) Ltd	53	3.14	27
Government Relations Australia Advisory Pty Ltd	49	2.90	24
CPR Communications & Public Relations Pty Ltd	46	2.73	9
RedStick Strategic Communications	41	2.43	3
Executive Counsel Australia*	31	1.84	4
Essential Media Communications Pty Ltd	27	1.60	13
Public Relations Exchange Pty Ltd	26	1.54	7
Endeavour Consulting Group Pty Ltd	25	1.48	3
Media Affairs	25	1.48	1

Source: The Register of Lobbyists, Commonwealth of Australia (as on 3 August 2012).

*This is the trading name for Cotterell Jannette Suzanne.

on the scale of the system before and after the advent of the registration system. The report of the 2008 senate committee inquiry into the operation of the register reports that ‘The register has operated since 1 July 2008 and as on 4 August 2008, lists the details of 171 lobbyists and their clients’ (2008, 1). One could speculate that there is likely to be significant churn in the population of commercial lobbying firms working in Canberra – not least because as governments and issue agendas change the expertise available and the individuals ‘free’ from government service shifts. However, the data suggest for now that despite likely churn there is growth.⁸

The issue of numbers of clients has also been subject to speculation. On the one hand, there is some indication from lobbyists themselves that the system is somewhat stable. In evidence to the 2008 senate inquiry, one such lobbyist claimed ‘I have a small, but stable client list’ (2008: 11). Growth is likely to come only at this end of the spectrum, as small commercial lobby firms develop an equally small number of stable clients. These ebb and flow as ex-MPs and their advisers move in and out of government – and as the policy agenda shifts. Against this figure, we need to keep in mind again that one assessment is if all in-house lobbyists were included, we would be talking of a system closer to 5000 lobbyists (DPMC evidence to Senate Committee Report 2012: 10).

What does the register tell us? The 2012 lobby register reveals that there are 240 firms of lobbyists registered to lobby nationally. Moreover, these firms have registered 552 individual lobbyists on the register. As one might expect, this long list contains a varied cast of actors. Taking the number of clients listed on the register as a proxy for size, we find that the 10 agencies with the highest number of clients account for just over 25% of all clients (see Table 1). The 2014 dataset shows a steady rise: 630 individual lobbyists, employed by 281 different lobbying firms, working on behalf of 1561 different clients (keeping in mind the same client might hire multiple firms, Table 2). It reports the same basic concentration of clients among a handful of firms: albeit that there is a very long tail of one client firms.

In comparing the two tables, the most obvious shift over time is the rise of Barton Deakin in terms of clients and lobbyists, and the relative fall of Hawker Britton.⁹ These party-aligned firms are to a large extent contingent on the ebb and flow of changes in government, and our data confirm this. Although Hawker Britton’s drop in relation to clients is not high, their staff compliment is down by more than 50%.

The same picture of concentration is also evident when one takes a look at the top-10 firms by number of lobbyists – here these firms account for just over 23% of all lobbyists (see Table 3). There is some overlap between the

Table 2. 2014 top-10 lobbying firms

Agency	Number of clients	Percentage of total clients	Number of lobbyists
Barton Deakin	66	3.73	15
Government Relations Australia Advisory Pty Ltd	56	3.16	19
Hawker Britton Group Pty Ltd	45	2.54	5
Kreab Gavin Anderson (Australia) Ltd	45	2.54	21
First State Advisors and Consultants	35	1.98	6
RedStick Strategic Communications	35	1.98	3
Endeavour Consulting Group Pty Ltd	32	1.81	3
PRX Unit Trust	32	1.81	6
CPR Communications & Public Relations Pty Ltd	30	1.69	11
Jo Scard Pty Ltd	28	1.58	3

Source: The Register of Lobbyists, Commonwealth of Australia (as on 10 February 2014).

Table 3. 2012 top-10 lobbying firms (by number of lobbyists)

Agency	Number of lobbyists	Percentage of total lobbyists
Kreab Gavin Anderson (Australia) Ltd	27	4.89
Government Relations Australia Advisory Pty Ltd	24	4.35
Essential Media Communications Pty Ltd	13	2.36
Purple Communications Australia Pty Ltd	12	2.17
Hawker Britton Group Pty Ltd	11	1.99
Parker & Partners Pty Ltd	10	1.81
CPR Communications & Public Relations Pty Ltd	9	1.63
Covance Pty Ltd (Covance Market Access Services division)	8	1.45
Ogilvy PR Health	8	1.45
GRA Everingham Pty Ltd	7	1.27

Source: The Register of Lobbyists, Commonwealth of Australia (as on 3 August 2012).

Table 4. 2014 top-10 lobbying firms (by number of lobbyists)

Agency	Number of lobbyists	Percentage of total lobbyists
Kreab Gavin Anderson (Australia) Ltd	21	3.33
Government Relations Australia Advisory Pty Ltd	19	3.02
Barton Deakin	15	2.38
Purple Communications Australia Pty Ltd	13	2.06
CPR Communications & Public Relations Pty Ltd	11	1.75
Essential Media Communications Pty Ltd	11	1.75
Capital Hill Advisory Pty Ltd	10	1.59
Newgate Communications Pty Limited	10	1.59
Ogilvy PR Health	10	1.59
Statecraft	10	1.59

Source: The Register of Lobbyists, Commonwealth of Australia (as on 10 February 2014).

lists of firms by number of lobbyists and number of clients – suggesting somewhat of a correlation between the number of lobbyists a firm employs and the number of clients it services. Yet, there are some glaring exceptions, such as

‘Media Affairs’ that acts for 25 clients with a single registered lobbyist. What this example also highlights is that these numbers need to be read in the correct context. The number of lobbyists registered is a count of those

Table 5. Clients listed in register, by type

Client type	Registrations		Unique organisations		Registrations		Unique organisations	
	2012		2012		2014		2014	
	Total	%	Total	%	Total	%	Total	%
Private companies	1141	67.6	968	65.2	1192	67.3	1046	67
National interest group	274	16.2	255	17.2	284	16	252	16.1
Local interest group	119	7.1	114	7.7	105	5.9	93	6
International interest group	15	0.9	15	1	15	0.8	10	0.6
Federal government	6	0.4	6	0.4	6	0.3	6	0.4
State government	5	0.3	5	0.3	3	0.2	3	0.2
Local government	24	1.4	22	1.5	25	1.4	24	1.5
Public institutions	40	2.4	38	2.6	46	2.6	42	2.7
Individuals	12	0.7	12	0.8	23	1.3	19	1.2
Others	51	3	50	3.4	72	4.1	66	4.2
Total	1687	100	1485	100	1771	100	1561	100

individuals the agency declares are acting on behalf of the clients listed ‘and’ are targeting officials and elected members covered by the lobby code. In the case of Media Affairs, its website lists four staff in total that one might expect would be engaged in some type of public affairs or lobbying activity (although not all staff of firms are in fact engaged in lobbying). It is notable, then, that the vast majority of lobby firms operating federally are in fact very small enterprises. It has been remarked that the commercial lobbying scene is not numerically dominated by the high-profile professionalised firms, but rather by ‘mum-and-dad’ operations with single clients (Sekules 1984). Comparisons over time show little overall difference in concentration, however replicate the basic fall of Labour Party aligned firms, such as Hawker Briton, from the top 10. (compare Tables 3 and 4).

Although it is worth focussing on the big firms, there is a lot of diversity out there. Some basic distinctions are worth developing. We might usefully talk of the big ‘corporate firms’ as being one basic type of lobby firm. At the other end of the spectrum there are small ‘single-person firms’. In fact these are the modal type of lobby firms – there are more of them than any single other type. To some extent these might be considered the traditional type in Australia. As has been well documented, Peter Cullen considered as the first lobbyist in Canberra was a one-person operation. In between we have several different types of firm. We have the ‘Personality Firms’, which

are small and operated by very high-profile political operators. For instance, ECG Advisory Solutions is run by former Treasurer Peter Costello.

So who are these lobbyists? The lobbyists themselves are individuals often with a background as a politician, senior public servant, or political staffer. However, they may also have professional expertise, such as in the areas of public or commercial law, political science, public relations, or public opinion research. Lobbyists may target civil servants, or they may seek to engage directly with politicians. Interestingly, lobbyists will rarely ply their trade under that term. Many will describe themselves in more neutral terms such as consultants, public affairs managers, or media advisers. With such a diverse nature, it is hard to generalise about what lobbyists actually do. However, the skills set of lobbyists range from providing inside knowledge of who the key decision makers are within government, what the likely agenda is, and even the timing of policy formulation and decision making. Others, such as those with skills in polling, will provide research to support campaigns on current policy issues: showing a minister credible ‘polling numbers’ in support of a proposed initiative may shape policy decisions.

More definitive statements require additional research. However, when listing their lobby staff, the lobby register requires firms to indicate if their employees have been government representatives¹⁰ in the past and to enter the month and year when they ceased that

employment. For the 2014 data, 31% of all lobbyists have such an employment history. Although a handful record their staff as new entrants to lobbying from the ranks of government representatives with cessation dates in late 2013, the average is in fact 4138 days or 11.3 years. There may be some kind of revolving door, however in many cases the typical lobbyist is some time distance away from his/her political role.

Although the data show changing patterns among firms that brand themselves as having a special relationship with one side of politics rather than the other, most major firms must deal with both sides of politics if they are to prosper. The federal system makes this all the more necessary as both sides of politics will almost always be represented among Australian federal and state governments. The major firms will hire a range of lobbyists with this in mind and, in addition to party political balance, will employ former public servants and others without clear party political links. Some firms deliberately set out to demonstrate political balance. One contemporary example is the South Australian based firm, Bespoke Approach, set up with political balance in mind by former Liberal minister Alexander Downer, former Labour minister Nick Bolkus, and Ian Smith, whose wife is former Australian Democrats leader Natasha Stott Despoja.

The Clients

There were 1485 different clients listed in the register in 2012 and 1561 in 2014 (closer scrutiny revealed somewhat fewer names than first glance indicated, owing to incorrect spelling and listing of subsidiaries or other sub-units of the same company or association). How often are these clients listed? The overwhelming majority of clients are listed just a single time. That is, taking 2012 as an example, 1335 of the clients had just one entry, with 110 clients having two entries and only 40 having three or more entries (the highest entry was 6). Almost without exception, those that had more than one entry utilised different agencies. This is likely an artefact of the registration system, where entries are made by lobby firms,

and thus they are unlikely to mention the same group twice.

One of the key themes in the literature on lobbying is the role of 'background' resource levels enabling the field to be dominated by business. For instance, speaking of in-house lobbyists in the United Kingdom, Wyn Grant suggests that they are likely to be found only in the top-100 companies given they have the resources to employ such persons (1991: 99; see Bell and Warhurst (1993) for Australian case). On this basis, it is worth probing the extent to which this finding still holds: are commercial lobbyists the preserve of big business?

Table 5 reports the clients included in the register coded by a rather rudimentary typology. The data on 'Registrations' refers to the total number of times an organisation of a given type is listed as a client, it thus contains duplicates. By contrast the 'Unique organisations' column removes all duplicates, and thus gives a better sense of the composition of the lobby clientele at the federal level.

The first stand-out observation is that private companies compose the vast majority of all clients, just over 65%. These include many of the top Australian listed companies such as AMEX, BHP Billiton, BUPA, and AMP Ltd. That being said, comparing the list of top-100 listed Australian companies with the entries on the register reveals many missing names. This highlights three salient points about business power. Firstly, the register only counts commercial lobbyists, although many large companies will have in-house public affairs and government relations departments who will engage in much of the lobbying activity of the company, and who are not listed. Secondly, many businesses will *also* be working through industry and general business associations (such as the Business Council of Australia) whose in-house lobbyists will not be listed. Lastly, this is but a slice of the system at a single point of time and we would expect the cast of clients to shift as the policy agenda does.

Given the coverage of the register, we might have suspected that few interest groups would be clients. However, about a quarter of the client base for lobbying is composed of interest groups of one form or another. As might be expected given the register pertains to

lobbying at the Federal level, the bulk of these groups are national interest groups (defined as organisations with national coverage, and include all forms of associations of individuals, businesses, governments, and organisations). Given the buoyant mining sector (in 2012) – and associated taxation and regulatory issues on the political agenda – it is perhaps unsurprising that groups such as the Association Mining and Exploration Companies and Australian Coal Association are listed. Some other lower-profile groups include the Australian Breast-feeding Association, Cancer Voices Australia, and Early Childhood Australia. Local interest groups are all those that are either state or local branches of national groups, or those that are organised at a non-national level. These include groups such as Guide Dogs NSW/ACT – a branch of a national body – and the Friends of Collector – a group of local people who oppose citing of wind farms near Collector, New South Wales. The finding that some lobbyists are in fact acting on behalf of voluntary associations – many of which might be considered local or non-political in nature – might be explained by the fact that some lobbyists act on an unpaid basis, so-called *pro bono* work. There are relatively few international groups hiring commercial lobbyists in Australia. In our dataset, we found the Noor Foundation – a charity that operates and lobbies for the provision of free health care to the underprivileged in the United States – and the more usual advocacy NGOs such as the World Society for Protection of Animals.

The finding that many groups and companies that we know have substantial in-house lobbying capabilities also seems to work with commercial lobbyists is noteworthy. Take the case of Coles. The firm ECG Advisory Solutions – the lobbying firm of Peter Costello, former treasurer in the Howard government – is working alongside the experienced in-house government relations staff of retail giant Coles as it takes on Woolworths (and increasingly ALDI) in a battle for market share (see Warhurst 2013). This case highlights the important general point that commercial lobbyists can do things that even well-staffed large companies cannot. Although in some cases they may have a skill set

that in-house lobbyists do not possess, more often the location of a commercial lobbyist in Canberra and their knowledge of how Canberra works are what commercial lobbyists can bring to the table.

An area where expectations are somewhat less clear based on the scholarly lobbying literature is the role of government – and its institutions – as a client for commercial lobbyists. In this regard, based on 2012 findings, several observations are relevant. Firstly, governmental actors of various forms account for only 4.8% of all unique organisations. Secondly, the largest chunk of what might be called governmental activity is made up of public institutions – these include almost exclusively individual government funded universities, broadcasting services (such as SBS), or medical/research institutes. Given these are mostly operational – and self-governing – organisations, it is perhaps not surprising from time to time they engage in direct lobbying via commercial lobbyists. What is perhaps more surprising is that we found a small trace of local and state government activity as clients. Local governments are almost exclusively individual local councils, or else groupings of councils. State government activity is by contrast almost exclusively agencies of state governments, one example being Sustainability Victoria.

Very few individuals were listed as clients of commercial lobbyist. And, it is most likely those who are included are being represented with respect to issues that pertain to their commercial interests – not personal matters. However, the data available allow us only to speculate such matters. The vast majority in the ‘other’ category are trusts and foundations. In principle, many could be included in one of the interest-group categories, yet their voluntary or membership basis is questionable (and this is a definitional requirement for an organisation to constitute an interest group). These include organisations such as the Butterfly Foundation, The Winston Churchill Memorial Trust, White Ribbon Day Foundation, and the Peter Cullen Water and Environment Trust. Again, these constitute a very small part of the client base for commercial lobbyists registered at the federal level.

Concluding Remarks

Commercial lobbying – as with the act of lobbying more generally – is a key facet of democratic life, and one that deserves research attention. The tone of this piece is that there is still much to know and that this is but an initial attempt to stake out the territory. The register is by no means a perfect instrument for research, yet it does offer a welcome chance to firm up the basics of the commercial lobbying system. The immediate benefit is that it provides key measures for number, type, and changes over time, in commercial lobbying firms and their employees and clients. Yet, most importantly in our view, it provides the basis for additional work to be done. Several things seem well worth exploration. These include the following.

1. The partisan nature and specialisation of lobby firms: Comparison of pre and post-election registers will tell us (perhaps) something about the impact of change in party in government on the structure of the commercial lobby industry in Canberra. More broadly, we might examine the specialisation of lobbying (media work, issues management, partisan work, public relations, reputation management, etc.) that is underexplored. As raised above, we know that many lobbyists are not the general political operators but in fact highly trained experts. What is the split?
2. Churn and the hiring decision: This work is a snapshot, however the long-term plan is to extend this collection to capture ‘decisions’ by clients to take on commercial lobbyists. This ‘decision’ might be explored further through interviews with ‘clients’ identified in the register.
3. Supply-side factors: As hinted at above under ‘Churn’, one approach might be to address the *supply side* for lobbying. Who engages in the act of lobbying? Why do clients decide to hire a lobbyist, as opposed to work with ‘in-house’ resources? And what of the revolving door? How long do ex-politicians or civil-servants last in the lobbying game? And who hires them? Are they a weapon of last resort when in-house approaches have failed, or are they a substitute for in-house capacity all together? Anecdotal evidence suggests that some lobbyists, including Sekules and Cullen, have very lengthy, even lifelong, careers. We also know that some lobbyists are employed on a retainer rather than a case-by-case basis (see case of Brian Burke in West Australia noted in Warhurst 2008: 58). These sorts of questions can only be hinted at with the type of data provided here. More convincing work requires methodical and systematic discussions with those involved in the lobbying business.
4. Demand-side factors: Conversely, the demand side of lobbying requires further attention. Here ethnographic-style approaches that look at the way lobbying unfolds in, for example, Ministerial Offices, could be highly productive. One might arrange to sit alongside such staff as issues explode onto the agenda, noting how it is that key policy makers respond. An allied approach would be to investigate how various ‘targets’ for lobbying prefer to experience being lobbied. Do ministers seek out the views of stakeholders to formulate positions, or do they seek out lobbyists who can provide a position to justify a preferred (and pre-chosen) course of action?
5. Lobbyists and MPs – A paradoxical relationship: Another area for attention is the paradoxical relationship between lobbyists and MPs. Lobbyists seem both well-accepted as part of the political furniture by MPs (Committee Bulletin 2006) and also the subject of severe questioning (e.g. both the Greens 2010 agreement with Gillard and Oakeshott and Windsor’s Agreement gave attention to the need for stronger lobbyist regulations).

We intend this contribution as the beginning of a research project, which will include analysing the register again at regular intervals, and invite collaborators in this task. We have suggested some areas for future research, but

others will perceive the need for some different directions.

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Endnotes

1. By contrast, the US federal system covers ‘in-house’ staff, but it is still some way behind the tighter regulation in many US states that includes penalties for breaches and disclosure of expenditure (see Chari et al. 2007).

2. According to the ‘code of conduct’, a lobbyist refers to ‘any person, company or organisation who conducts lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client’ but excludes charities; not-for-profits; individuals representing friends or family; and visiting trade delegations and professionals in their capacity as, say, a practising solicitor, doctor, or accountant (see Code of Conduct http://lobbyists.pmc.gov.au/conduct_code.cfm#definitions, accessed 15 April 2015).

3. See <http://www.thepowerindex.com.au/analysis/lobbyist-regulation-nothing-to-see-here-say-the-major-parties> (accessed 8 August 2012).

4. There is a requirement to register but of course the absence of enforcement means that entries are likely to over-represent the larger players for whom omission would be obvious.

5. Commercial lobbying refers to the professional status of the lobbyists in question not to the type of issue about which they are lobbying.

6. This is an Australian online activist group akin to Moveon.Org in the United States.

7. We think here of the Animal Australia campaign on the pork industry, whereby Coles responded to pressure and agreed to only stock products grown under heightened welfare standards.

8. It is incredibly hard to ‘read’ this figure. It was less than a year after the 2007 election, which ushered in the Labour government after an extended period of Liberal/National government. One could anticipate this being a busy time in Canberra, and thus the register figure being inflated from some baseline. Equally one could say given the register was new, it was not well used.

9. Both these firms are owned by STW Group.

10. According to the *Lobbying Code of Conduct*, a Government representative is “a Minister, a Parliamentary Secretary, a person employed or engaged by a Minister or a Parliamentary Secretary under the *Members of Parliament (Staff) Act 1984*, an Agency Head or a person employed under the *Public Service Act 1999*, a person engaged as a contractor or consultant by an Australian Government agency whose staff are employed under the *Public Service Act 1999* or a member of the Australian Defence Force”.

References

- Bell, S. and J. Warhurst. 1993. ‘Business Political Activism and Government Relations in Large Companies in Australia.’ *Australian Journal of Political Science* 28(2):201–220.
- Committee Bulletin. 2006. Survey of Politicians Lobbying Preferences. Canberra: Client Solutions.
- Cullen, P. 1991. *No Is Not an Answer*. Sydney: Allen and Unwin.
- Darke, M. 1997. ‘Lobbying by Law Firms: A Study of Lobbying by National Law Firms in Canberra.’ *Australian Journal of Public Administration* 56(4):32–46.
- Fitzgerald, J. 2006. *Lobbying in Australia*. Dural: Rosenberg.
- Grant, W. 1991. ‘DIY: The Government Relations Functions of Large Companies.’ In G. Jordan

- (ed.), *The Commercial Lobbyists* (99–110). Aberdeen: Aberdeen University Press.
- Hogan J., G. Murphy and R. Chari. 2011. 'Regulating the Influence Game in Australia.' *Australian Journal of Politics and History* 57(1): 102–113.
- ICAC. 2010. *Investigation into Corruption Risks Involved in Lobbying*. Independent Commission against Corruption Report. Sydney, Australia: ICAC.
- Jordan, G. 2010. 'Lobbying.' In M. Flinders, A. Gamble, C. Hay and M. Kenny (eds.), *Oxford Handbook of British Politics*. Oxford: Oxford University Press.
- Sekules, P. 1984. *The Lobbyists: Using Them in Canberra*. Sydney: Allen & Unwin.
- Sekules, P. 1991. *Lobbying in Canberra in the Nineties: The Government Relations Game*. North Sydney: Allen and Unwin.
- Senate Standing Committee on Finance and Public Administration. 2008. *Knock, Knock . . . Who's There? The Lobbying Code of Conduct*. Canberra: Commonwealth of Australia.
- Senate Standing Committee on Finance and Public Administration. 2012. *The Operation of the Lobbying Code of Conduct and the Lobbyist Register*. Canberra: Commonwealth of Australia.
- Sheehan, M. and P. Sekules (eds.). 2012. *The Influence Seekers: Political Lobbying in Australia*. North Melbourne: Australian Scholarly Publishing.
- Tham, J.-C. 2010. *Money and Politics: The Democracy We Can't Afford*. Sydney: UNSW Press.
- Warhurst, J. 1990. 'Political Lobbying in Australia.' *Corruption and Reform* 5:173–187.
- Warhurst, J. 1998. 'Locating the Target: Regulating Lobbying in Australia.' *Parliamentary Affairs* 51(4): 538–550.
- Warhurst, J. 2007. *Behind Closed Doors: Politics, Scandals and the Lobbying Industry*. Sydney: UNSW Press.
- Warhurst, J. 2008. 'The Lobbying Code of Conduct: An Appraisal.' Democratic Audit Discussion Paper. Available from http://democratic.audit.anu.edu.au/papers/20080415_warhurst_lobbying.pdf [accessed 17 December 2009].
- Warhurst, J. 2009. 'Interest Groups, Political Parties and Lobbying in Australia' In C. McGrath (ed.), *Interest Groups and Lobbying in Latin America, Africa, The Middle East and Asia* (pp. 363–380). Lewiston: The Edwin Mellon Press.
- Warhurst, J. 2013. 'Shopping for Influence.' *The Canberra Times*, 14 March.