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ADJ Consultancy Services

To: Mel Keenan
Principal Legal Officer
Manager, Register of Third-Party Lobbyists
NSW Electoral Commission
Level 25, 201 Kent Street
Sydney NSW 2000
Phone: (02) 9290 5999, Fax: (02) 9290 5991
Email: Lobbyists@elections.nsw.gov.au

From: Adam Johnston, Proprietor, ADJ Consultancy Service

CC:

Date: 5 May 2015

Re: RIS: Lobbying of Government Officials (Lobbying Code of Conduct) Regulation 2014

Dear Ms. Keenan

I write as the proprietor of a one-man lobbying and consulting business, ADJ Consultancy Services.ⁱ With access to the internet, I have little difficulty maintaining my registration with the Electoral Commission (previously, the Department of Premier and Cabinet). However, one would question the necessity and value of completing a new Statutory Declaration every year, particularly if the details being confirmed remain unchanged.

Furthermore, with modern technology being as it is, there seems little reason for Ministerial diaries to be released quarterly. Why not make it monthly - with the advance of smart phone and 'tablet' technology it is arguable that such information could be transferred to a public website almost instantly. And why not extend this idea to all serving members of the NSW Senior Executive Service, so their diaries are regularly and publicly scrutinized.

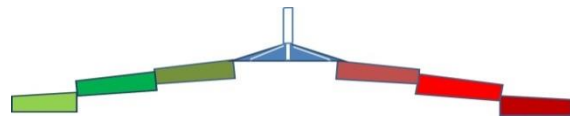
To me, this would be truly transparent. While appreciating why the Electoral Commission does not favour Option 2 (given the resources it would require), it is certainly my preferred option. Firstly, it put all lobbyists and/or lobbying organisations on an administrative "level playing field". It is also noteworthy that ICAC recommended Option 2 in order to improve transparency.ⁱⁱ Despite ICAC's current credibility and jurisdictional difficulties, its arguments still have merit in relation to this matter.

I dispute the Electoral Commission's apparent view that Option 2 represents too much or too complex regulation. If I approach my local Member of Parliament or a Minister as a private citizen with a complaint, inquiry or suggestion, this is an example of me exercising my democratic franchise. This is completely in accord with the OECD Principles cited in the RIS.ⁱⁱⁱ

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POST: 35 WOOLRYCH CRESCENT DAVIDSON N.S.W 2085 AUSTRALIA ABN: 62 275 253 029 NSW LOBBYIST NO.: 62 275 253 029 (ABN) COMMONWEALTH
LOBBYIST NO.: LR2013000559 - REGISTERED TRADE MARK NO: 15292249

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However, as soon as this same action is taken for an organization, such activity takes on a whole new character; and this should be seen for what it is – lobbying. Alleged stakeholders, pressure groups, action committees, churches, charities and NGOs have pushed individual citizens out of the civic space and, action needs to be taken to redress this imbalance.

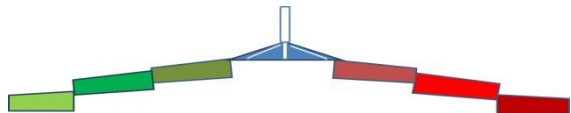
For example, as someone with a disability, I am very conscious of a gaggle of groups from the Australian Council of Social Services to the NSW Disability Council, alongside many others, who claim (at various times) to represent me. They don't represent me and, can often struggle to represent anyone at all. It would be preferable if the media, politicians and bureaucrats could recognise what empty husks these organisations can tend to be; run by cliques with a very doubtful membership base.^{iv} It is the height of arrogance for such bodies, to which one has never paid a membership due, cast a ballot, stood for office or received a newsletter, to claim they represent me.

For all these reasons, the register of lobbyists must be expanded. Also, many bodies who lobby government go onto to receive grants to provide goods and services on the State's behalf.^v In some contexts, this might be regarded as a success fee and, the Electoral Commission should look closely at the growing influence of not only NGOs, but also major corporations in public-private-partnerships and the role lobbying may have played in these arrangements. My own resolution to these questions is to call for even more transparency, in the form of Recall Elections^{vi} and, for a realistic (as well as pragmatic) view of lobbying to be taken.^{vii}

I trust these comments are of some assistance.

Yours faithfully,

Adam Johnston



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DAVIDSON N.S.W 2085 AUSTRALIA

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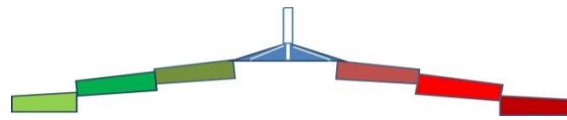
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Endnotes

ⁱ I attach my consultancy's Introductory document, for your information

ⁱⁱ See Regulatory Impact Statement, p. 12 of 33 [Adobe: 12 of 31]

ⁱⁱⁱ See *ibid*

^{iv} I have written about my growing scepticism about charities, their authenticity and, the wisdom of governments giving these bodies tax relief or granting them public funds. This is explained in my 2015 Pre-Budget Submission to the Commonwealth Government, attached for your information. It would be a welcome reform, if the NSW Government were to adopt similar fiscal changes, as one suggests to the Commonwealth

^v The NSW Parliament's Public Accounts Committee reviewed the Efficiency and Effectiveness of the NSW Audit Office (Report:

<http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/7A16B6D80EF9244CCA257BEA0023D739> as at 5 May 2015), in which it accepted my recommendation that NGOs who receive public money, should have their books publicly audited (Submission 7:

[http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/bddedc83e0a9ff20ca257bcf000c442c/\\$FILE/Submission%20No%207.pdf](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/bddedc83e0a9ff20ca257bcf000c442c/$FILE/Submission%20No%207.pdf) as at 5 May 2015)

^{vi} See generally, my submission to the Special Inquiry into Recall Elections at

http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0008/131120/06_Johnston.pdf and the Final Report at

http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0013/134221/Panel_of_Constitutional_Experts_-_Review_into_Recall_Elections.pdf as at 5 May 2015

^{vii} See generally, my submission to the NSW Premier's Review of Political Donations at

http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0003/166008/Submission_19_-_Adam_Johnston.pdf and the Final Report at http://www.dpc.nsw.gov.au/announcements/panel_of_experts_-_political_donations as at

5 May 2015. This might have been an inquiry formally about political donations, but political donations and lobbying are invariably linked at some level. As it is said – “money talks”.