



7 February 2025

Jeremi Moule
Secretary
Department of Premier and Cabinet
1 Treasury Place
East Melbourne VIC 3001

Via: lobbying.reform@dpc.vic.gov.au

Dear Mr Moule,

Protecting democracy is union business, so the Victorian Trades Hall Council (VTHC) welcomes the opportunity to contribute to the Department of Premier and Cabinet's inquiry into Supporting Transparency and Integrity in Lobbying.

VTHC was founded in 1856 and is the peak body for trade unions in Victoria. VTHC represents over 40 affiliated unions and more than 450,000 workers across each and every industry in the state. These workers ensure Victoria's economy meets the needs of the community: they work to keep us safe, deliver lifesaving medical care, operate the public transport system, teach the next generation and build vital infrastructure. These workers deserve a say on the issues that matter to them, and to be part of the democratic process.

Community activism and advocacy upholds democratic principles by promoting political engagement for citizens, workers and their organisations. It is one of the reasons Victoria is considered a world leader in countless reform areas. Community advocacy is essential to progress in Victoria and the voices of those who actually build and grow this state should be heard at every decision-making table.

Without community advocacy, Victoria would not have had historic inquiries into child sexual abuse or family violence, which have highlighted systemic abuse of some of our most vulnerable Victorians. We would not have any of the lifesaving industrial reforms that keep Victorian workers safe, and we would not now be progressing Treaty with First Nations People.

A healthy democracy needs participation, engagement, and advocacy from the community and workers. This form of democratic engagement should always be protected and promoted.

Recent reforms promoting transparency, including the publishing of ministerial diaries, have adequately expanded the accountability framework in regard to advocacy from organisations and individuals other than third party lobbyists.

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THE VOICE OF WORKING VICTORIANS

Victorian unions believe the current regulatory framework for lobbying, lobbyists, and government affairs directors largely strikes an appropriate balance between transparency and accountability. The framework ensures key decision makers can receive the advocacy appropriate to make informed decisions in the best interests of Victoria.

In considering reforms to the lobbying framework, it is vital that the Victorian Government continue to acknowledge the key differences between professional “fee for service” third-party lobbying and genuine advocacy on behalf of an organisation or an organisation’s members. This is particularly relevant when considering the regulatory and administrative burden that would be placed on non-professional lobbyists through any expansion of the framework.

1. Who should be regulated for lobbying activity

The Independent Broad-based Anti-Corruption Commissions (IBAC) proposal to specifically regulate lobbying by employee and employer associations displays a fundamental misunderstanding of democratic processes, and the vital role collectivism plays in advocacy in Victoria. Victorian unions strongly object to classifying employee and employer associations as lobbyists. Unions are democratically led, not-for-profit organisations. They advocate on behalf of workers and not for corporate profit.

There is a world of difference between workers in union collectively advocating for change, and third-party lobbyists and corporations which deliberately circumvent obligations by bringing in-house lobbyists who would ordinarily be captured by third-party lobbyist regulations. Corporations who have the capacity to directly employ these third-party lobbyists are able to avoid existing regulations entirely and utilise their political connections for profit, at times against the public interest.

2. Regulating contact with decision makers

Victoria’s current Lobbyist Code of Conduct provides a comprehensive list of ‘Government Representatives’ who are covered. However, given the nature of our electoral system and the likelihood that Opposition parties will eventually become governments, it is important that the Code of Conduct is expanded to include the Shadow Ministry and Opposition Leader.

3. Prohibition of Activities

Public entity boards are often made up of experts or community and industry leaders who engage with boards in addition to their primary employment. These board members promote better outcomes for public organisations and public policy due to their lived experience.

These board directors are appropriately regulated by instruments including the Code of Conduct for Directors of Victorian Public Entities and the Appointment and Remuneration Guidelines.

In certain circumstances it may be necessary to limit the appointment of third-party lobbyists to public-entity boards where conflicts of interest arise.

However, if further regulation is pursued to exclude public entity board directors from engaging with decision makers, then one of two things will happen. Either these experts

and leaders will disengage from boards to pursue their primary work, and our public entity boards will be poorer for it; or our decision makers will not have access to the expertise of board directors and make poorer decisions on behalf of Victorians.

Care must also be taken to ensure that community groups, campaigning organisations, advocates, and unions are not prohibited from engaging in internal democratic party processes. Working people established the Labor Party because of systemic exclusion from democratic decisions that favoured pastoralists and capital over working people. Restricting unions and community organisations who have formed political parties from participating fully in those activities makes little sense and would be a failure of our democratic system.

Additionally, no limitations should be placed on interactions between decision makers and the community through engagement at street stalls, town halls, branch meetings and/or information sessions. We need elected representatives to spend more time in the community, not less.

4. Further measures to enhance transparency

Victoria has a history of privatisation. Corporations lobbying to sell off public services for private profit not only undermines the quality of the services, but it also undermines the responsiveness of the government workforce and promotes workforce insecurity. Lobbying that seeks to sell off public assets have no place in our democratic system.

Thank you for your consideration of our submission. We look forward to reforms that promote democracy and transparency.

If you have any questions about our submission, please address them to VTHC Politics and Research Lead, Tiarne Crowther, at tcrowther@vthc.org.au.

Sincerely,



Luke Hilakari

Secretary

Victorian Trades Hall Council

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