

How tobacco companies use the revolving door between government and industry to influence policymaking: an Australian case study

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Key points

- This study examines how tobacco companies in Australia have the potential to influence public health policymaking via the so-called 'revolving door' of key staff moving between roles in both government and lobbying organisations
- There is an urgent need to strengthen Australia's integrity and transparency legislation to eliminate the political influence of tobacco companies
- The evidence and case study examples also provide valuable insights and lessons for other countries where the tobacco industry is actively lobbying government

Abstract

Objectives and importance of the study: The study investigates and documents how tobacco companies are using the revolving door between government and industry as a tactic to try to influence public health policymaking in Australia. This is the first Australian study to systematically investigate the revolving door tactic in tobacco lobbying and highlights the importance of strengthening integrity and transparency legislation and oversight bodies to eliminate the political influence of tobacco companies in Australia.

Study type: Mixed-methods including non-experimental descriptive and exploratory case studies.

Methods: To build a picture of tobacco lobbying through the revolving door in Australia, data was triangulated from multiple publicly available sources: 1) Australian federal, state and territory government lobbyist registers, 2) the online social networking platform, LinkedIn; and 3) Australian news media reports.

Results: Tobacco companies lobby the Australian government using 'in-house' employees, lobbyists working in firms acting on their behalf, and third-party allies with common interests. Almost half (48%) of internal tobacco company lobbyists had held positions in the Australian government (state, territory and/or federal) before or after working in the tobacco industry. Likewise, 55% of lobbyists acting on behalf of tobacco companies had held government positions before or after working as a lobbyist. In-house tobacco industry lobbyists, as well as those working on behalf of tobacco companies within lobbying firms, were found to have held senior governmental positions, such as a Member of Parliament (MP) or Senator, chief or deputy chief of staff, or senior advisor in a ministerial office, and many had moved into or

out of government within 1 year of working for a tobacco company (56%) or as a lobbyist (48%).

Conclusions: Tobacco companies are strategically using the revolving door between the government and the tobacco industry as a key political lobbying mechanism to try to influence public health policy in Australia.

Introduction

In response to the global burden of tobacco use, the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) was established in 2003 to provide ratifying nations with evidence-based measures and guidelines targeted at curbing the demand for, and supply of, tobacco products.¹ However, efforts to reduce tobacco use through health promoting policies stand in direct opposition to tobacco companies' financial obligations to shareholders to remain profitable. The tobacco industry has, for decades, used interference tactics and strategies aimed at derailing, undermining or weakening policies, including political lobbying, intimidating governments with litigation, manipulating public opinion to appear credible, funding industry front groups, publishing deceitful research and obscuring evidence of tobacco-related health risks.²

In Australia, tobacco industry interference tactics largely hinge on the industry's new product pipeline, e-cigarettes (vaping products) and heated tobacco products, to restore long-term market sustainability and shareholder confidence as tobacco use declines. Tobacco companies are increasing political lobbying efforts in Australia, aiming to legalise the retail sale of vaping and heated tobacco products. Philip Morris International (PMI), British American Tobacco (BAT) and Imperial Tobacco are heavily lobbying the Federal Government through submissions to legislative reviews³⁻⁵, participating in inquiry hearings, making political donations, meeting privately with parliamentarians, funding third parties to lobby on their behalf, and sending unsolicited letters to ministers.⁶⁻⁸ Tobacco companies argue that these products offer substantial public health benefits by supporting smokers to quit cigarettes, while systematically marketing them to young people, effectively creating the next generation of consumers.⁹

An empirical analysis of the mechanisms used by the tobacco industry to influence Australian policymakers has not yet been published in the academic literature. A previous study of political lobbying activities within the alcohol, food and gambling industries in Australia identified that the 'revolving door' tactic – a lobbying strategy whereby the industry recruits individuals who have worked in key government positions – is commonplace.¹⁰ This practice aims to gain and share insider knowledge of the policymaking process, develop ties and relationships with influential people, and establish quid pro quo contributions to industry.¹¹ Beyond public health, revolving door lobbying has also shaped

government policy on climate change and energy issues in Australia.¹² Our study aims to systematically investigate and document how tobacco companies operating in Australia use the revolving door lobbying tactic in a bid to further their policy agendas and influence public health policymaking.

Methods

To build a picture of how tobacco companies lobby Australian governments through the 'revolving door' lobbying strategy, we triangulated data from multiple publicly available sources: 1) Australian federal, state and territory government lobbyist registers; 2) social networking platform, LinkedIn; and 3) Australian news media reports. This study was approved by the University of Sydney Human Research Ethics Committee in 2022 (project number 2022/276).

Data collection

Federal, state and territory registers of lobbyists

Under federal, state and territory lobbying regulations, Australian lobbyists and agencies that lobby on behalf of third-party clients must register their business details, including all relevant employee names and associated clients. These details are published online on a periodically updated 'Register of Lobbyists'.¹³ By searching the registers in each jurisdiction, we were able to identify and record the names of lobbyist firms and employees registered as representing tobacco companies operating in Australia (BAT, PMI and Imperial Tobacco). Searches were conducted routinely between September 2021 and June 2022. A total of 51 individual lobbyists were identified.

To build a complete historical overview of the revolving door in Australia, we requested records from the Attorney-General's (AG) office dating back to 2010, when lobbyists were first mandated to declare if they were former Government representatives. Five additional people working for lobbying firms with tobacco clients were identified through the Federal archive dataset and included in the list.

LinkedIn

Given the fact that lobbying codes and regulations in Australia only require lobbyists representing third-party clients to register on the federal and state registers, it was also important to collect data on "in-house" tobacco lobbyists. To identify individuals employed directly by

tobacco companies to conduct lobbying activities, we used the business and employment-oriented social networking platform, LinkedIn. We conducted advanced searches in March 2022 using a paid 'Sales Navigator' premium account to identify individuals who had formerly or currently worked at BAT, PMI or Imperial Tobacco in Australia in the area of government relations or affairs, and/or corporate relations. A total of 65 individuals were identified. Each of their position(s) and length of service for the company as detailed on LinkedIn was recorded, as well as any employment history in Australian governments and time served in those positions.

LinkedIn was also used to gather additional data on the registered lobbyists identified through the Australian federal and state lobbyist registers. A search for each individual was conducted on LinkedIn, and for those who had a LinkedIn profile, their reported position and length of service at the lobbying firm were recorded, as well as any Australian government roles and time served.

Australian news media

We also conducted a search of Australian news media using Factiva¹⁴ and Google News¹⁵ to identify additional lobbyists or tobacco company employees engaged in lobbying activities. An additional eight names from this search were added to our list. A summary of the data collection methods used to collect details of tobacco employees and lobbyists is outlined in Figure 1 below.

Data synthesis

For each individual identified through the above data collection strategies, we tabulated the following details using data captured from the above three sources:

- Total time working in a government position (Australian) pre- or post-working for a tobacco company or lobbyist firm representing a tobacco company
- Time elapsed between government position and tobacco company/lobbyist position
- The most senior government position held pre- or post-working for a tobacco company or lobbyist firm representing a tobacco company.

These details were used to determine the extent of the revolving door between government and tobacco lobbying in Australia. It highlighted the proportion of tobacco lobbyists, both in-house and hired, who had government experience, and their potential influence based on their seniority in government and how quickly they moved between industry and government. Case examples were developed to further illustrate the strategy, using data obtained from media reports, LinkedIn and the lobbyist registers. We have only identified and discussed individuals who are already named publicly in the news media as case examples.

Results

Tobacco company employees engaged in lobbying

Of the 73 individuals who were identified as being former or current Australian employees of tobacco companies working in government relations or affairs or corporate relations roles, 35 (48%) had held positions in Australian governments (state, territory and/or federal) before or after working in the tobacco industry. Sixty percent of these tobacco employees disclosed being an Advisor or Senior Advisor in a ministerial office or to a Member of Parliament (MP) or Senator ($n = 21$), and 14% worked as a chief or deputy chief of staff (COS or DCOS) to an MP or Senator ($n = 5$) (Table 1). Other roles included media or communications advisors, government officials, and electoral officers.

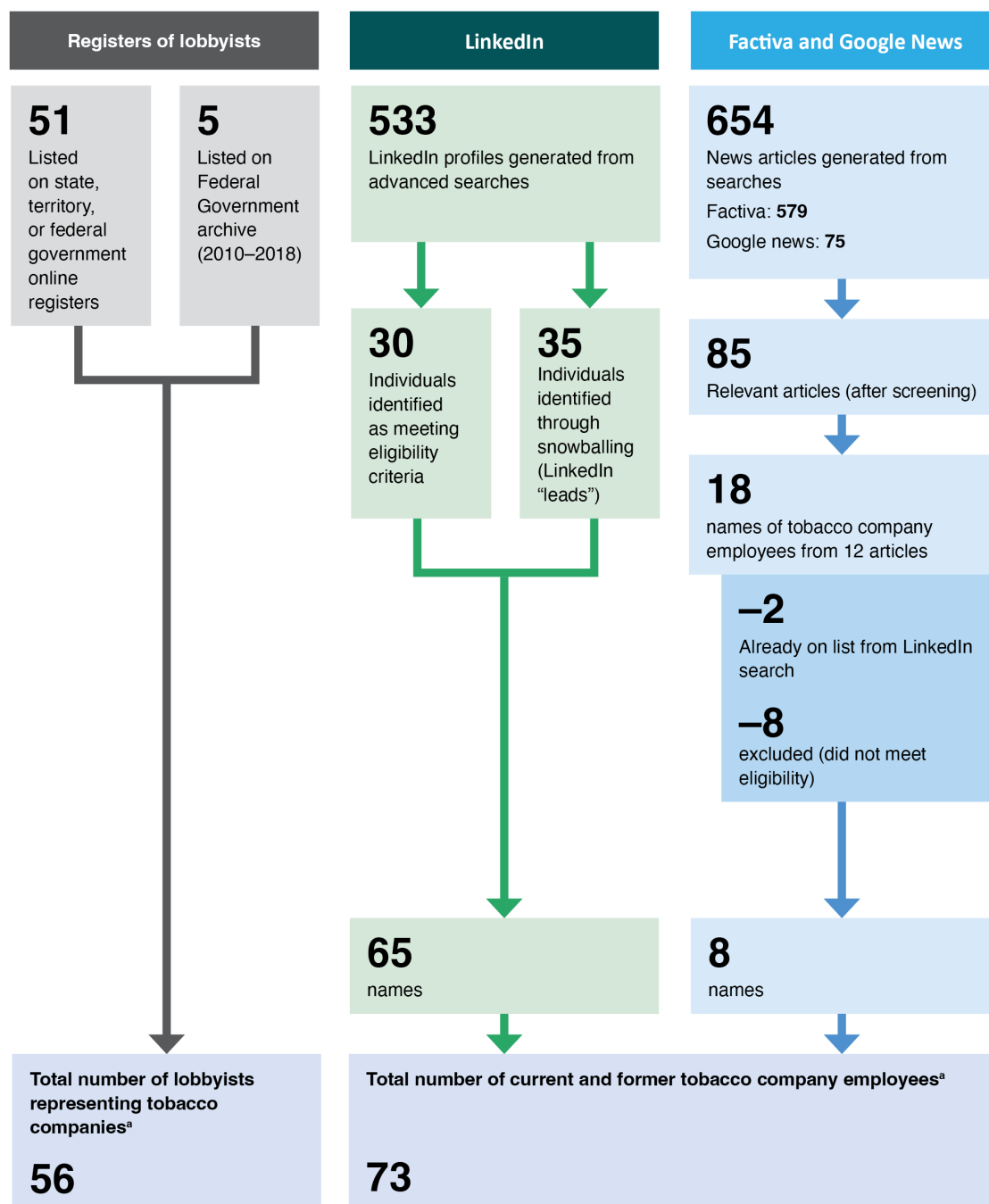
The minimum time elapsed between the government and tobacco company roles was also recorded, with over half (56%) moving into or out of government within 1 year of working for a tobacco company (Table 2).

More than half (53%) of these tobacco employees were employed in a government role(s) for over 5 years pre- or post-working for a tobacco company ($n = 18$) (Table 3). Some tobacco employees not only came directly from working for government ministers (including in related portfolios) but also moved straight back into ministerial advisory roles following roles in tobacco companies. One example is Nat Openshaw, who joined BAT as a Corporate and Government Affairs Manager in December 2017, direct from working as a senior advisor to the Federal Minister for Industry, Innovation and Science, Senator Arthur Sinodinos. Two years later, Openshaw left BAT to become Deputy Chief of Staff to NSW Minister Melinda Pavey (National Party) in March 2020 and was subsequently appointed 'Director Parliament' in the NSW Deputy Premier's Office under National Party leader John Barilaro.¹⁶ John Barilaro's previous COS, Mark Connell, had also worked for BAT for a decade before taking up his advisor role.¹⁷ Openshaw also served as the Young Nationals Federal Secretary while employed by BAT and was COS at the Office of the NSW Minister for Regional Transport & Roads prior to the NSW State election in March 2023.^{16,18}

Lobbyists working on behalf of tobacco companies

A total of 56 relevant individuals were identified through the lobbyist registers, 31 of whom (55%) had held positions in Australian governments before or after working as a lobbyist. Four individuals who worked as lobbyists for tobacco companies had previously been, or later became, an MP or Senator (13%). One-third held positions as COS or DCOS to an MP or Senator ($n = 10$, 32%) and 35% disclosed being an Advisor or Senior Advisor to an MP or Senator ($n = 11$) (Table 1). Close to

Figure 1. Data collection sources



^a Note: The searches did not identify any individuals who had been both a tobacco company employee and a lobbyist representing a tobacco company. The 56 lobbyists and 73 tobacco company employees are unique individuals (i.e. there are no duplicates).

half (48%) had moved into or out of government within one year of working as a lobbyist (Table 2), and 57% were employed in a government role for over 5 years pre- or post-working as a lobbyist (Table 3).

One notable example of an ex-government advisor turned political lobbyist with tobacco company clients is Michael Kauter. Kauter was the National Party Deputy Campaign Director for the 2013 federal election and a Senior Political Advisor (2013–2015) until he left politics in

2015 to become the Chairman and CEO of the lobbying firm, Strategic Political Counsel Pty Ltd.¹⁹ BAT and its e-cigarettes offshoot Nicovenures²⁰, were listed on the Federal Lobbyist Register archive as his first major clients (2015–16), which coincided with BAT’s push to legalise e-cigarettes as consumer products in Australia.²¹ In February 2021, the Australian Financial Review (AFR) investigated Kauter’s close political links to NSW Liberal Party Senator Hollie Hughes. The newspaper reported that Mr Kauter had posted a photograph on social

Table 1. Most senior government positions previously or subsequently held by lobbyists

Most senior government positions held	Tobacco company employees <i>n</i> (%)	Lobbyists representing tobacco companies <i>n</i> (%)
Member of Parliament (MP) or Senator	0 (0)	4 (13)
Chief or Deputy Chief of Staff	5 (14)	10 (32)
Senior Advisor	9 (26)	7 (23)
Advisor	12 (34)	4 (13)
Media advisor/communications advisor	2 (6)	2 (6)
Government official (public servant)	6 (17)	3 (10)
International diplomat	0 (0)	1 (3)
Electoral Officer	1 (3)	0 (0)
Total	35 (100)	31 (100)

Table 2. Total time elapsed between government position and lobbyist position

Time elapsed between government and industry role	Tobacco company employees ^{a,b} <i>n</i> (%)	Lobbyists representing tobacco companies ^c <i>n</i> (%)
<1 year	19 (56)	12 (48)
1 year to <3 years	2 (6)	4 (16)
3 years to <5 years	3 (9)	2 (8)
Over 5 years	10 (29)	7 (28)
Total	34 (100)	25 (100)

Note: The shortest time elapsed between government and industry role was recorded, i.e. if someone worked in government before and after their lobbying position, only the shortest time between the positions was recorded.

^a One employee served as a local government councillor simultaneously to working for a tobacco company. This was counted as <1 year.

^b The time elapsed between government and industry role was unknown for one tobacco company employee as they did not disclose time periods worked in government or the tobacco industry.

^c The time elapsed between government and industry role was unknown for six third-party lobbyists as they did not disclose the time periods that they worked in government or the lobbying industry in identified sources.

media of himself at a Canberra bar with Ms Hughes on the same evening in October 2020 that she and Queensland National Party (NP) Senator Matt Canavan moved a motion for a Senate Inquiry into Tobacco Harm Reduction.⁷ In December 2020, Kauter and his client, BAT, also met with NSW Nationals leader and Deputy Premier John Barilaro at a time when pro-vaping lobbyists were pushing for NSW to legalise e-cigarette consumer sales.^{22,23}

Box 1. How tobacco companies use third-party allies to indirectly lobby government – a case example

The tobacco industry also hires external lobbyists or enlists third-party allies such as retail trade peak bodies to lobby policymakers on their behalf. This form of tobacco lobbying is poorly recorded on lobbyist registers and not easily tracked. For example, PMI funded the creation of the Australian Retail Vaping Industry Association (ARVIA).^{7,24} Matt Stafford, a former Cabinet Secretary to Liberal PM Tony Abbott (2015–16), who became Asia Pacific CEO of global PR and lobbying agency Burson Cohn & Wolfe (BCW), coordinated a multimillion-dollar campaign for client PMI in 2019–20 that included reportedly “orchestrating” a Senate Tobacco Harm Reduction (THR) inquiry to try to disrupt the Federal Government’s proposed nicotine e-cigarette prescription pharmacy model, as well as acting as coordinator of multiple revolving door lobbyists and agencies lobbying for a consumer product model for all e-cigarette sales.²⁴ Notably, most of these lobbyists worked for third-parties rather than BCW, which also failed to declare PMI as a client in Australia.^{25, 26}

The Australian Retail Association (ARA) reportedly had a contract to provide advocacy and lobbying services for BCW. Brett Chant, an ex-Nationals ministerial advisor, was hired by the ARA directly after working for former Indigenous Affairs Minister Senator Nigel Scullion (2017–19). According to the AFR, Chant was the manager who set up and ran the ARVIA group that lobbied politicians to legalise nicotine e-cigarettes as consumer products, before he returned to Parliament in 2020 as an advisor to Cabinet Minister and Nationals Deputy Leader David Littleproud.⁷ His name was not listed on any lobbyist registers.

Another lobbyist who declared the ARA as a client in 2020 was ex-ministerial advisor Jeremy Greenwood, who had previously worked for the pro-vaping NP Senator Matt Canavan (2016–19). His other disclosed clients included ARVIA member Vapoureyes (July 2020–Feb 2021), which gave evidence at the Senate inquiry hearings, and the National Retail Association (2020–June 22), which led the vaping campaign after the ARA ended its involvement in September 2020.⁷ Since our study, in February 2023, Mr Greenwood disclosed British American Tobacco as a new client on the Federal Lobbyists Register.²³

Table 3. Total time spent in government pre or post working as a lobbyist

Total time	Tobacco company employees ^a n (%)	Lobbyists representing tobacco companies ^b n (%)
<1 year	2 (6)	3 (11)
1 year to <3 years	6 (18)	4 (14)
3 years to <5 years	8 (24)	5 (18)
Over 5 years	18 (53)	16 (57)
Total	34(100)	28(100)

^a The total time spent in government was unknown for one tobacco company employee as they did not disclose the time periods that they worked in government.

^b The total time spent in government was unknown for three third-party lobbyists as they did not disclose the time periods that they worked in government.

Discussion

We believe that our study shows that tobacco companies are strategically using the revolving door between government and the tobacco industry as a key political lobbying mechanism to influence public health policy in Australia. Tobacco companies PMI, BAT and Imperial Tobacco all employed individuals in roles focused on directly engaging in government lobbying activities, with close to half of these employees having previously held Australian government jobs. Likewise, more than half of the lobbyists working at firms contracted by tobacco companies had held positions in government. In-house tobacco company lobbyists, as well as lobbyists working for firms with tobacco company clients, held very senior governmental positions, such as an MP or Senator, COS or DCOS or senior advisor in a ministerial office, and many had moved into or out of government within 1 year of working for a tobacco company (56%) or as a lobbyist (48%).

There is no suggestion in this paper that any individual or organisation acted contrary to the law or contravened any employment guidelines or principles or otherwise acted improperly including in the performance of lobbying duties. However, the revolving door is important for tobacco companies as it provides potential opportunities to influence policymaking out of public sight. By employing and contracting individuals highly connected within senior ranks of Australian governments, tobacco companies aim to influence politicians to act on behalf of their interests. Examples from overseas suggest that the prospect of a lucrative future career in the private sector can be enough to influence decisions that favour industry while still in office.²⁷ When government decision-making is skewed away from the public interest, the

quality and integrity of Australia's democratic system is undermined.²⁸ In the case of tobacco companies using the revolving door to influence government decision making, the outcome is potentially delayed, weakened or suppressed implementation of tobacco control and anti-vaping reforms.

In keeping with Article 5.3 of the WHO FCTC, the Australian Government has committed to protecting public health from the vested interests of the tobacco industry by publishing guidance for public officials on interacting with the tobacco industry.²⁹ However, lobbying through the revolving door is not explicitly recognised or outlined in this guidance.³⁰ Current cooling-off periods – the minimum time required between switching from public to the private sector – in Australia aimed at preventing such lobbying are falling short due to a lack of enforcement and serious sanctions, and inadequacies in scope. For example, while the cooling-off period at the Federal Government-level is 18 months for Ministers or a Parliamentary Secretary, and 12 months for advisors and senior public servants³¹, our study shows that about half of all tobacco lobbyists had moved into or out of roles in public office within one year. Cooling-off periods also do not apply to private-sector roles, and there are no restrictions on movement from a tobacco company into a government position.

Internationally, Canadian lobbying regulations demonstrate a best-practice approach to limiting corporate influence through the revolving door. Ministers and MPs are bound by a 5-year cooling-off period after leaving office, and former officials are banned for life from taking advantage of a previously held position in office. To monitor and enforce lobbying regulations, Canada has also established an oversight authority with full investigative powers and the ability to sanction fines and imprisonment under the Conflicts of Interest and Ethics Commissioner.²⁷ Such policies are essential to protect Australia's democratic system from the powerful influence of corporations like tobacco companies. Given the multiple alliances that tobacco companies use to lobby governments through the revolving door, we suggest that as a minimum first step, all direct tobacco company employees and lobbyists acting either directly or indirectly via third-party allies should be publicly disclosed on government registers, with detailed updates of activities and meetings. Such a requirement aligns with the WHO FCTC Article 5.3 transparency guidelines.³⁰

Limitations

While our study triangulates data to help build an accurate picture of tobacco industry lobbying in Australia through the revolving door, only publicly available data could be used. It is likely that some tobacco lobbyists were not identified because they do not have a public LinkedIn profile. Data from LinkedIn regarding the length of time in positions was not verified with individuals, so may be out-of-date or inaccurate. While senior leaders

at tobacco companies, such as directors, managers and chief executive officers, are likely to be aware of company lobbying activities, these individuals were excluded from the analysis as we were unable to conclusively determine whether they had been directly involved in lobbying activities. A decision was made to focus solely on employees that engage in lobbying activities as a core part of their role.

Also, the lack of available data for some individual lobbyists identified from the registers or in the media meant that their job positions, length of time in government or industry and the time between roles could not be determined. Our study was also constrained by the weaknesses of the federal, state and territory government lobbying registers. For example, the Federal Register has notable inconsistencies in disclosures whereby some lobbyists give details about their past government records, including the actual role and minister or MP they worked with, while others only disclose their government employment cessation date. On other registers, some ex-government employees also declare 'false' or 'null' to the past government jobs question, despite previous service in a different state or at the federal level. A list of identified weaknesses of federal, state and territory lobbyist registers can be found in Supplementary file 1 (Available from: figshare.com/articles/online_resource/Online_supplementary_file_1_docx/22591366).

Conclusion

The revolving door between government and industry is a key tobacco industry interference strategy to try to influence public health policymaking in Australia. Tobacco companies PMI, BAT and Imperial Tobacco all use in-house employees, lobbyists working on their behalf, and third-party allies with influential networks due to the seniority of their positions and rapid unrestricted movement between government and industry. It is critical that transparency and integrity legislation is updated and enforced, in line with international best practices, to eliminate the influence of tobacco companies in Australian policymaking.

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Peer review and provenance

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Competing interests

None of the authors has a financial interest in the publication of this work.

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Author contributions

CW, MJ, KL and BF contributed to the study design. CW and MJ collected and synthesised the data. CW and MJ drafted the manuscript. All authors reviewed, contributed to and approved the final manuscript.

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