

**SWORN COMPLAINT FORM
(Form May Be Subject to Public Disclosure)***

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission.

Mail the complaint to: **Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814**

NOTE: *The Fair Political Practices Commission does not enforce or address violations of the Brown Act, the content of campaign communications, residency requirements, the inappropriate use of public funds or resources (including use of uniforms or equipment), placement of campaign signs or materials on public property, or violation of a local campaign rule or campaign ordinance.*

Person Making Complaint

Last Name: Ornelas

First Name: lauren

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: () _____

Fax: () _____ - _____

E-mail: _____@gmail.com

***IMPORTANT NOTICE**

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the person(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC to discuss the complaint at (916) 322-5660 or toll free at (866) 275-3772.

Person(s) Who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: The Australian Government

First Name: Kangaroo Industry Association of Australia

Committee Name: _____
(only if applicable)

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) ____ - _____

Fax: (____) ____ - _____

E-mail: _____

Describe, With as Much Particularity as Possible, the Facts Constituting the Alleged Violation(s) and How You Have Personal Knowledge that it Occurred.*

See attachment A

***IMPORTANT! Attach copies of any available documentation that is evidence of the violation, (for example, copies of checks, campaign materials, minutes of meetings, etc., if applicable to the complaint.) Note that a newspaper article is NOT considered evidence of a violation.**

Provision(s)/Section(s) of the Political Reform Act Allegedly Violated and When the Violation(s) Occurred: (If specific sections are not known, please provide a brief summary)
See attachment A

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Name and Addresses of Potential Witnesses, Other than Yourself, if Known:

Last Name: Senator Rhiannon

First Name: Lee

Street Address: Senate Suite F-1-46, Parliament House

City: Canberra State: ACT Zip: 2600

Telephone: (61) 02 6277 3496

Fax: () -

E-mail: senator.rhiannon@aph.gov.au

Last Name: Kelly

First Name: John

Street Address: PO Box 447

City: Woden, Australia State: ACT Zip: 2606

Telephone: (03) 63-268639

Fax: () -

E-mail: kiaa@bigpond.net.au

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Last Name: Manatt, Phelps & Phillips, LLP

First Name: _____

Street Address: 1215 K Street

City: Sacramento State: CA Zip: 95814

Telephone: (916) 552-2300

Fax: () -

E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lauren Ornelas 28 August 2015
(Signature) (Date)

lauren Ornelas
(Please Print Your Name)

Clear Page

Print Page

Describe, With as Much Particularity as Possible, the Facts Constituting the Alleged Violation(s) and How You Have Personal Knowledge that it Occurred.

According to the attached record from the Parliament of Australia, “the Australian government, through the Department of Agriculture, has allocated A\$143,000 [~USD\$101,966] to the Kangaroo Industry Association of Australia, toward funding the Californian legal firm Manatt, Phelps and Phillips to provide resources, expertise and contacts in support of government action in California” to “permanently lift [the California] ban on the importation and sale of kangaroo products.” (also online at: http://www.aph.gov.au/~media/Committees/rrat_ctte/estimates/add_1415/ag/Answers/TMADQoNs110-118.pdf). The Kangaroo Industry Association of Australia (KIAA) - self-described as “the peak representative body for kangaroo processors” - is registered as a lobbyist employer. (<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1979095&amendid=0> and <http://www.kangaroo-industry.asn.au/about.html>). According to the most recent quarterly lobbying report, KIAA paid Mannatt, Phelps and Phillips USD\$43,644 between April 1, 2015 and June 30, 2015 to lobby on the relevant kangaroo legislation, presumably – given the legislation identified (AB 93 & SB 83) – through the state budget process. (<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1982070&amendid=0>).

The Australian government does not appear to be a member of the KIAA and has not registered or filed any reports as a lobbyist employer or as an entity that spends \$5,000 or more to influence legislative or administrative action, as required by law.

Provision(s)/Section(s) of the Political Reform Act Allegedly Violated and When the Violation(s) Occurred: (If specific sections are not known, please provide a brief summary)

In what appears to be a clear attempt to obscure a foreign government’s lobbying activities to repeal a necessary animal protection statute, the government of Australia may be using the KIAA as a shield. Such a scheme could very well violate the letter and purpose of the California Political Reform Act.

Australian public funds are being used to directly fund a lobbying firm, and as such the Australian government meets the definition of lobbyist employer and should be required to register and submit reports, pursuant to CA.Gov.Code §§ 82039.5, 86100, 86105, 86115, 86116.

Alternatively, because the Australian government has made payments far in excess of \$5,000 to influence legislative action, it is required to submit reports outlining those expenditures pursuant to CA.Gov.Code §§ 82045, 86115, 86116. To date, no such reports have been filed.

Foreign governments must use diplomatic negotiations to influence trade policies, but the government of Australia has instead avoided transparency and funneled money through an Australian trade association in order to directly impact the legislative debate in California. The California Political Reform Act clearly prohibits state and local officials from attempting to use their position to influence a governmental decision in which they have a financial interest (CA.Gov.Code § 87100) – while this section does not explicitly apply to foreign government officials, it is entirely possible that officials affiliated with the Australian Department of Agriculture have a personal financial stake in California market access for kangaroo parts. Thus, it is imperative that the source of the funds used for this lobbying is revealed to the public.

Therefore, I respectfully request that the Fair Political Practices Commission exercise its authority under CA.Gov.Code § 83115 and immediately investigate the Australian government and the Kangaroo Industry Association of Australia in order to determine whether one or both of those entities is operating in violation of the law.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 118

Division/Agency: Trade and Market Access Division

Topic: Californian imports of kangaroo products

Proof Hansard page: Written

Senator RHIANNON asked:

Please provide specific details about Australian resources, personnel and government representations to the Californian legislature to renew the lifting of its ban on the import of kangaroo products.

Answer:

The Department of Agriculture works closely with the Department of Foreign Affairs and Trade on a day to day basis on a range of market access issues, including improving access to existing overseas markets for kangaroo products. The department is also working with the Department of Environment and with Australian Consulate in Los Angeles, which has been making and facilitating representations to the Californian legislature to permanently lift its ban on the importation and sale of kangaroo products.

The Australian Government, through the Department of Agriculture, has allocated A\$143 000 to the Kangaroo Industry Association of Australia, towards funding the Californian legal firm Manatt, Phelps and Phillips to provide resources, expertise and contacts in support of government action in California to lift this ban.

Recent government representations include those made by the previous Parliamentary Secretary for the Environment, Senator the Hon. Simon Birmingham who visited California in December 2014 and the Minister for Communications, the Hon. Malcolm Turnbull MP, who visited California in January 2015.