

## **Tasmanian Lobbying Framework**

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The Tasmanian lobbying framework, so far as it relates to State elected representatives and employees, consists of the Lobbying Code of Conduct and Register of lobbyists.

More than 13 years after the Code of Conduct was created, the Tasmanian system remains essentially unchanged.

Tasmania's lobbying oversight regime is not consistent with standards for transparency and accountability taking place elsewhere in the country, as well as internationally.

The management and regulation of the framework recently passed to the Integrity Commission, and we are taking the opportunity to ensure that lobbying is managed in keeping with good practice in other areas across Australia and internationally.

The word 'lobbying' tends to conjure images of shadowy or secret meetings behind closed doors. It would be wrong, however, to think that professional lobbying is automatically suggestive of corruption or misconduct.

The reality is that in all Australian jurisdictions and indeed in the vast majority of developed political systems, lobbying is a recognised and lawful part of the democratic process. In Tasmania, we have 70 registered lobbying businesses, currently involving 176 lobbyists representing 360 clients.

Employing a lobbyist is in many ways like seeing a doctor or a lawyer. You can self-represent in court, but you may not know the relevant law or how to best put your case. We can put our symptoms into Google and see what medical diagnosis the internet offers – but there's a decent chance this will not prove to be the healthiest option or even correct.

Having a specialist to interact with public officials on behalf of a business or other interest can be beneficial to both parties. It is important that decision-makers, and those that influence decisions, are aware of all relevant issues and opportunities when making policy or legislative decisions.

However when lobbyists advocate for change, it may be on a scale that has the potential to affect large numbers of people or even everyone in our State, or to be beneficial for particular interests.

Clearly there is a real public interest in knowing who is meeting with key government and non-government members of Parliament and their advisers, and senior public employees - and what is being discussed. This ensures transparency and accountability in decision-making, and helps to give the public confidence that decisions are made in the public interest.

At present in Tasmania this information is not publicly available. You cannot see who met with whom and what they met about. Also, under the current system:

- 'in-house' lobbyists (those employed by a business interest) are not required to be registered
- People involved in advising on political campaigns are not restricted from then lobbying the very people they helped get elected

We have undertaken extensive research into how lobbying is managed in other jurisdictions, and the potential misconduct risks that exist. These include potential conflicts of interest, improper decision-making and misuse of confidential information.

We have developed a new draft lobbying model operating from the principles of transparency and accountability. The goals of the proposed model are to:

- guide ethical conduct by public officials
- enhance fairness and transparency in government decision-making, and
- improve the quality and accountability of government decision-making.

The proposed model places a greater emphasis on the activity of lobbying, rather than whether a lobbyist needs to be registered. This recognises that unpaid individuals advocating on behalf of a business or sector interest may have just as much influence as a professional lobbyist.

We propose placing the onus on public officials (elected members, their political advisers and senior government employees) to disclose when, how and why they have been lobbied, irrespective of whether a lobbyist is registered or not. This would be done through a publicly available Contact disclosure log, updated in close to real-time.

We also propose expanding the public Lobbyist Register to require that lobbyists declare whether the lobbyist has worked as a public official, whether they have advised on a political campaign, and whether they have made a political donation.

This adds an administrative burden on both public officials and lobbyists. However, as stated by Dr Simon Longstaff (Executive Director, The Ethics Centre): ‘some additional compliance burden in the interests of transparency is a price worth paying’. We believe that the administrative requirements are a reasonable cost for public confidence in decision-making.

The Commission must do what it believes is right in its oversight role, and we always act independently and in the public interest. We do not want to stifle debate, impose barriers to communication or create inefficiencies or unnecessary bureaucratic processes.

The proposed model is currently out for final public consultation and input. The model framework, along with our earlier consultation and research papers are available at: [www.lobbyists.integrity.tas.gov.au/reforming-lobbying-oversight-in-tasmania](http://www.lobbyists.integrity.tas.gov.au/reforming-lobbying-oversight-in-tasmania). Submissions close on 31 July 2023.