INTERIM REPORT

17 October 2022

OVERVIEW OF SUBMISSIONS RECEIVED FOR INTEGRITY COMMISSION CONSULTATION PROCESS: REFORMING LOBBYING OVERSIGHT IN TASMANIA

INTEGRITY COMMISSION TASMANIA

The objectives of the Integrity Commission are to:

- improve the standard of conduct, propriety and ethics inpublic authorities in Tasmania;
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

We acknowledge and pay our respects to Tasmanian Aboriginal people as the traditional owners of the Land upon which we work. We recognise and value Aboriginal histories, knowledge and lived experiences, and commit to being culturally inclusive and respectful in our working relationships with all Aboriginal people.

This report and further information about the Commission can be found on the website www.integrity.tas.gov.au

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CONTENTS

1. Introduction

Lobbying means trying to influence government decision-makers or policies to benefit a particular area of interest. Lobbying of elected officials and senior officers is an accepted and important part of democratic representation and government decision-making.

It is also an area of risk where conflicts of interest, bias and undue influence can arise. We can safeguard against these risks by having effective transparency and accountability measures in place for lobbying activities. These measures will also increase public confidence and trust in government and public administration.

The existing State Government Register of Lobbyists and accompanying Lobbying Code of Conduct were implemented in 2009, just before the Integrity Commission Tasmania was established. The Register of Lobbyists and the Lobbying Code of Conduct have been administered by the Department of Premier and Cabinet (DPAC) until mid 2022.

In 2022, the responsibility for administering the Tasmanian Register and the Code of Conduct was transferred to the Integrity Commission (the Commission). This means that an independent statutory authority now administers the Register and the Code of Conduct, as already occurs in Victoria, New South Wales, Queensland and Western Australia.

The provision to establish and maintain a code of conduct and registration system for lobbying is consistent with the Commission's function, and gives the Commission license to ensure the code is an appropriate tool to regulate contact between lobbyists and public officers.

The Commission aims to examine the existing code of conduct and registration system in Tasmania and improve it. This will include taking the best features of lobbying codes of conduct and registration systems from other jurisdictions (interstate and internationally) and recommending their incorporation into a revised Tasmanian lobbying code of conduct and registration system, taking into account the local context, and the opinions of the community and key stakeholders.

2. Background

In 2021, the Integrity Commission launched Project Livingstone, an own-motion investigation scoped as a research project to analyse good practice in lobbying regulation.

In May 2022, the Commission undertook a consultation process to understand stakeholders' perspectives in relation to key issues in developing a new framework for lobbying regulation. Submissions closed 15 July 2022.

This synthesis is designed to provide interested parties with an update on responses to the Commission's consultation process, including:

- sources of submissions,
- an initial overview of responses to key consultation questions, and
- some additional issues and topics raised outside the consultation questions.

3. Method

The consultation process sought to answer whether there is, a) reason for change or improvement to the current system of lobbying regulation in Tasmania, and if so, b) what those changes look like in terms of definitions, policy, and legislation..

We consider whether existing legislative, regulatory, and reporting mechanisms are adequate in providing the level of transparency and accountability that the public and stakeholders expect, and if not, to propose a new framework for safeguarding and mitigating risks associated with lobbying, without imposing an undue administrative burden on government officials or those who seek to influence government decision making.

Submissions have been analysed using broad content analysis. First, submissions were coded by organisation name; category of organisation (e.g., academic; peak body), and sub-category (e.g., public health; community legal); location of respondents; and privacy requests (confidential and not published/quoted, anonymously published/quoted, published/quoted and identified).

Where submissions addressed consultation questions directly, these have been broadly coded as supporting a particular outcome or not, with selected supporting comments included throughout this document. Where submissions provided more general comments outside the structure of the consultation questions, we have identified up to three key themes addressed by the submission, and up to three concrete recommendations provided, which are summarised at the end of the report.

4. Submissions

We received twenty-eight submissions in total. Two asked to remain anonymous and unpublished/unquoted, five asked to be published/quoted anonymously, and the majority (21) agreed to be quoted/published and attributed. Most (17) were primarily based in Tasmania, with NSW (3), ACT (2), and WA (1) also represented. Five submissions were received from national organisations (or Tasmanian chapters of national organisations).

Table 1. Number of submissions by category and subcategory.

Category	Subcategory	Number of submissions
Academic (3 total)	Law/public health	1
	Influence research	1
	Economic theory	1
Community member (6 total)	Community member	2
	Former public servant	3
	Small business owner	1
Media / PR (1 total)	Former political advisor	1
Government (2 total)	Whole-of-government	1
	Independent	1
Legal (2 total)	Barrister	1
	Legal firm	1
Lobbyist (5 total)	Strategic communications	1
	Small business	2
	Public relations	1
	Peak body	1
NGO (1 total)	Health advocacy	1
Peak body (3 total)	Community legal	1
	Women's rights	1
	Community services	1
Public sector services (1 total)	Alcohol/tobacco/drug	1
Think tank (3 total)	Public policy	3
Union (1 total)	Health and community services	1
	Total	**28**

5. Synthesis of results

General topic: Which public officers (otherwise known as 'government representatives') should be subject to regulation?

Submission prompts:
Should all Members of Parliament be included?
Should all state servants and bureaucrats be included or only those most senior?

There was significant support across the majority of submissions that all Members of Parliament, including members of the opposition, independents, and the Legislative Council, should be covered by the state's lobbying regulation system, along with staffers and political party directors. Most frequently cited reasons were:

- Opposition, Legislative Council, independents, political party staff and directors of political parties wield power over decision making even if not forming executive government;
- these roles are currently lobbied, and this would not be currently occurring if lobbyists and their clients did not see influential value in doing so, and
- this would bring Tasmania in line with other Australian jurisdictions where 'the lobbied' include opposition leaders, independents, and staff.

TasCOSS – "at minimum… all members of Parliament, senior members of staff, and senior member of parties (for example, the Director of the Australian Labor Party)"

Bob Holderness-Roddam: "Definitely, all MPs must be included, otherwise backbenchers may be targeted in order to have them influence party room debates. Those employed as consultants or advisors should also be included."

Meg Webb MLC: "Lobbyists probably would not bother lobbying non-government MPs if they did not perceive some potential benefit could be derived from that effort… both political party affiliated Legislative Councillors and independents are recipients of third-party lobbying efforts by those listed on the Lobbyist Register, and those who are not acting on behalf of a third party (the latter excluding routine constituent and stakeholder contact)"

Roland Browne: "Whilst we have a register of lobbyists, that register does not include staff, in particular, directors, of the main political parties in Tasmania. The party of Government is in a position where the employed directors of the party have the cabinet members on speed dial and exert extraordinary influence over decisions made by the executive."

Additionally, the majority of submissions addressing these questions also called for some members of the State Service (not limited to Heads of Agencies) to be subject to lobbying regulations. Many

limited requirements to senior executive staff, while others argued for all State Service employees to be considered exposed to lobbying.

> *Meg Webb MLC: [Other national systems and (the) Commonwealth system include] "all persons employed, contracted or engaged in the public service"*
>
> *Fabiano Cangelosi: "All members of parliament, State Service employees, and employees or officers of private organisations discharging a public function"*
>
> *Anonymous: "all public servants and bureaucrats should be held accountable no matter what their status."*
>
> *Dr Cameron Murray: "If general visibility of the process of lobbying is sought, then a wider net is going to be better. In general, public servants and bureaucrats have a major influence over the way decisions are presented to MPs."*
>
> *Anonymous: "It is mostly relevant to the Senior Executive Service within the public sector. It is also appropriate to include Ministerial office staff."*

Submissions cited the specific context of Tasmania - where support from a small number of independents and opposition might be sufficient to pass legislation - as a heightened reason to expand the definition of 'government representatives' subject to lobbying regulation.

> *Meg Webb MLC: [beyond executive government regulation is] "particularly pertinent in Parliaments or specific Chambers in which the government of the day may not hold a clear majority, with the passage of legislation requiring the support of some none-government MPs additional to government members"*

Nearly all submissions that addressed the topic advocated that greater responsibility should be placed on disclosures for government representatives. This included submissions from lobbyists, academic, and peak bodies.

> *Font PR: "should the Integrity Commission determine to increase the regulations regarding lobbying, the weight of any increased compliance burden should fall upon the public sector."*
>
> *TasCOSS: "strongly believes the TIC should implement a model placing greater responsibilities of information recording and reporting on the government."*
>
> *Grattan Institute: "regulation should be borne by the lobbied rather than the lobbyist wherever possible"*

The whole-of-government submission posited that current laws, codes, and regulations sufficiently cover the conduct and disclosure requirements for government representatives, and that additional requirements specifically relating to lobbying would impose undue administrative burden. Other submissions opposed to expanding the definition cited the lack of influence of non-executive government.

Whole-of-government: "persons being lobbied under the existing lobbying framework are subject to more detailed codes of conduct that apply to lobbying activities, such as the Code of Conduct for Ministers, including the Receipt and Giving of Gifts Policy; as well as the Code of Conduct for Members of Parliament. State servants are required to comply with the State Service Code of Conduct and the Whole-of-Government Gifts, Benefits and Hospitality Policy. A Ministerial and Parliamentary Support (MPS) staff code of conduct is currently being developed, and MPS staff are already contractually bound to comply with an ethical standard of conduct.

Anonymous: "Some jurisdictions cover non-government members under their Codes. This does not appear to deliver benefits against the purpose of the Codes, rather could be seen as being politically motivated. Oppositions are not making decisions on behalf of the Government."

Other submissions provided a counter-argument from the perspective of transparency itself, and public trust:

Meg Webb: [In relation to the argument that public service employees do not need specific lobbying oversight because they are covered by the State Service Act and its associated Code of Conduct], "waiting for potential breaches to Codes of Conduct is insufficient to foster a culture of proactive transparency and accountability. The intent of lobbyist regulatory systems is to allow the public to see who may be investing money and time to influence governance decision-makers, which is not in itself conveyed merely by an understanding that Tasmania's public sector employees abide by a Code of Conduct."

Finally, some submissions argued for expansion beyond all MPs and State Service employees.

Meg Webb: "Government Business Enterprises and State Owned Companies should also be included in the state's lobbying regulatory system…it has been reported recently that TasNetworks has engaged a registered lobbyist"

Bob Holderness-Roddam: "Anyone who has input into government decisions and expenditure (apart from petty cash) should be included."

General topic: What standards should apply both to lobbyists and public officers?

Submission prompts:
What standards of behaviour or conduct should be included in a code of conduct?
Should lobbyists be prohibited from giving gifts to people who are lobbied?
Should a lobbying code of conduct include standards of conduct for both lobbyists and people who are lobbied?

In terms of good practice, submissions pointed to Queensland and Ireland's Code of Conduct, and the ICAC New South Wales recommendations for guidance of minimum standards in a Lobbying Code of Conduct, including:

- prohibitions of undocumented or secret meetings,
- avoiding discussing substantive matters with lobbyists in social settings,
- seeking the views of all parties whose interests are likely to be affected by adopting a lobbying proposal
- bans on preferential treatment and access for particular individuals or groups,
- discouraging informal lobbying representations where there are formal mechanisms and procedures in place,
- not divulging information that would produce unfair advantage, and
- an obligation to report any reasonably suspected breach of the Lobbyist Code of Conduct.

Submissions varied in how broad or narrow a code of conduct should be. For example, "a broad code of conduct is difficult to enforce but at least gives government officials an avenue to raise a complaint if they observe unethical lobbying" (*Grattan Institute*).

National lobbyist peak body, the Australian Professional Government Relations Association (APGRA), highlighted its own Code of Conduct as "[providing] complementary professional standards for our member practitioners".

Most submissions agreed that standards in a lobbying code of conduct should apply to both lobbyists and the lobbied.

Smoke Free Tasmania: "A minimum of two officials should be present at all times in any meeting or interaction. For email interactions, copy in at least one other official to all communications. Do not agree to side meetings or accept invitations to social events or hospitality, such as offers for lunch, product or gifts. Do not engage in any interaction that creates the perception of partnership or cooperation."

Dr Cameron Murray: "Meetings are necessary. Sometimes a four eyes principle is enacted, requiring that meetings with registered lobbyists be conducted with an external party present. Who that may be is not clear, but the more random and less associated with the meeting parties the better (e.g. not direct staff of the MP in the meeting)."

Anonymous: "It's not unreasonable to suggest that both lobbyists, politicians and public officials should be made to comply with standards of professionalism and transparency, they share responsibility for fostering a culture of transparency and integrity in lobbying."

Anonymous: "The responsibilities of elected and government officials are covered in other legislation / regulation, however some jurisdictions do summarise the key areas of responsibility in the Code – making for a useful reference and providing clarity for all."

Bans on gift-giving between lobbyists and the lobbied was almost unanimously agreed to be a minimum standard for a code of conduct. Some allude to 'insignificant' thresholds of gift-giving as acceptable, though one submission pointed out that banning gifts entirely removes an additional layer of required disclosure and regulation.

Meg Webb MLC: "It is difficult to perceive the purpose of gift-giving between lobbyists and those lobbied if it is not intended to elicit some form of favourable response at the best, and at the worst a sense of obligation"

Lindy Edwards: "No exchanging of gifts"

Anonymous: "No ifs or buts. No gifts."

Dr Cameron Murray: "Gift giving is a key element of signalling trust and should be prohibited, as it is generally in lobbyist regulations in other places."

Michael Lester: "inducements or gifts to officials to achieve outcomes are already illegal and covered under other areas of the law but it may also be beneficial for these activities to be laid out more clearly in the code of conduct."

General topic: Which lobbying activities should be subject to regulation?

Submission prompts:
What activities, if any, should be exempt from the definition?
Should registerable lobbying activity be triggered by one communication only?
What sort of contacts, communications or other actions should be included as lobbying activities?

Submissions note that providing specific categories for inclusion and exemption allow easier game-playing for those seeking loopholes, though others argue that broader inclusion categories make compliance more difficult. The consultation responses were split on whether current exemptions are reasonable/sufficient, or should be abolished entirely.

Fabiano Cangelosi: "the only current exemption to the definition of "lobbying activity" that ought to be maintained relates to statements made in a public forum"

Meg Webb MLC: "the principle of 'if it is considered worthwhile action to take by lobbyists, then it is worthwhile disclosing in the public interest' should provide a working baseline"

Anonymous: "I don't see why any of the current exemptions should be allowed if transparency and accountability are built into the Code."

David Quinn, Bartholomew Quinn and Associates: "The existing exemptions are appropriate"

Dr Cameron Murray: "lobbying is not a specific activity, but a process of changing the direction of a political decision where influence from any direction might be relied upon… The items in the list of existing exemptions are clearly all part of lobbying—i.e., they are an effective signal."

Some submissions proposed a specific definition of lobbying activities, in relation to communications in an effort to influence a particular area of decision-making:

Anonymous:

"1. Making or amendment of legislation; and

2. Development or amendment of a government policy or program; and

3. Awarding of a government contract or grant; and

4. Allocation of funding; and

5. Making of a decision about planning or giving of a development approval under the relevant planning acts.

One submission suggests an additional activity that should be included under the definition of lobbying activities:

Michael Lester: "Functions organised by political parties or other groups as fund raisers for election campaign purposes which are attended by representatives of corporations and often have a minister (or a key shadow minister) as the guest speaker are not covered under the current lobby system – although any funds raised for a party are subject to election donation laws. Perhaps there is a need to also require these types of indirect lobbying activities to be included under the code."

With regard to the threshold for communications that should be subject to regulation, submissions that addressed this question generally advocated for a broad net to be cast.

Anonymous: "all contacts and communications in any form should be open to scrutiny by the Integrity Commission in order to safeguard against the risk of illegal or unethical activities by lobbyists or those being lobbied."

Bob-Holderness-Roddam: "Any communication requesting specific action, or expenditure, should be included as a trigger. The only exception I see is a simple request for an appointment"

Anonymous: "the test is about the public's expectations. If that one communication related to a major decision, then it would be appropriate. On balance, however a single communication could be exempted"

One anonymous contributor, who proposed their own criteria for communications exemptions was an exception to the broad net approach addressed above:

Anonymous: "[Communications exemptions should be]:

Contact with a committee of Government.

Contact with a member of Government, or a councillor, in his or her capacity as a local representative on a constituency matter.

Contact in response to a call for submissions.

Petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision

Contact in response to a request for tender.

Statements made in a public forum.

Responses to requests by government representatives for information.

Incidental meetings beyond the control of a government representative and lobbyist.

Administrative functions such as basic correspondence and organising appointments.

Contact on non-business issues, including, for example, issues not relating to a third party client of the lobbyist or the lobbyists' sector.

Contact only for the purpose of making a statutory application."

General topic: Who or what should be considered a lobbyist, and thus subject to regulation (and who should be specifically exempted)?

Submission prompts:
How should the term 'lobbyist' be defined?
Should the regulatory system include only third-party lobbyists or be extended to include in-house (employed within the company doing the lobbying) and other lobbyists?
Is receiving payment or setting an expenditure limit an appropriate test for a lobbyist to be included?
If in-house lobbyists are to be included, should percentage of time spent lobbying be an appropriate test for inclusion?
If in-house lobbyists are to be included, should the number of employees in an entity be used as a qualification test?
What information should lobbyists be required to provide when they register?

There was broad support for expanding the definition of lobbyist to include in-house lobbyists and government relations specialists who are not currently captured by the definition of 'lobbyist' in the Code.

TasCOSS: "supports the introduction of disclosure requirements for both commercial and in-house lobbyists."

Michael Lester: "Companies and peak industry groups as well as a wide variety of other organisation that do not come under the aegis of the current lobbying code, in my view, carry out the vast bulk of lobbying in Tasmania…. I believe the theory is that the lobbying and campaign activities these people take and on whose behalf is self-evident and therefore it is unnecessary for them to be on a register. However, the principles of engagement under the current code of conduct should apply equally…"

Centre for Public Integrity: "There is no justification for excluding in-house lobbyists from lobbying regulation."

APGRA – "APGRA believes that the definition of 'lobbyist' should be expanded to include other third-party professionals discharging a lobbying function… including assisting with representations to government, such as members of legal, accounting, business services, town planning, other firms and former public servants"

Meg Webb: "[the definition] needs to be expanded to include in-house and other lobbyists additional to third-party lobbyists

Dr Cameron Murray: "The exclusion of [industry/professional membership groups and internal government relations staff] obviously creates incentives for more lobbying to be conducted via these not-defined-as-lobbying channels."

Grattan Institute: "Ideally the register would include all those paid to lobby regularly ('repeat players'), whether they are lobbying for a client, a peak body, union, or other employer. The challenges are in defining 'repeat players' and enforcing registration."

"Any former politician, ministerial adviser, or senior government official who engages in lobbying (whether for a client or an employer) should be required to register."

David Quinn: "It should be extended to include certain categories of in-house employees who are effectively operating as lobbyists on behalf of their employer"

Anonymous: "Lobbying undertaken by the major legal, accounting/advisory firms, project management firms, etc., hide behind the 'incidental lobbying' exemptions of various Codes, however they are highly active and benefit significantly from their lobbying efforts both for their firms and clients. Lobbying by inhouse employees, and by industry / professional associations and unions is also significant."

Submissions also included specific suggestions for organisations which should be included as lobbyists.

Bob Holderness-Roddam: "I think that religious organisations (some are extremely wealthy and carry considerable clout), professional organisations, guilds, trade unions and members of professional organisations should be included in the definition."

Grattan Institute: "[research shows] highly regulated businesses – those that have the most to gain, or lose, from government decisions – have the most meetings with senior politicians, make the most use of commercial lobbyists, and are also disproportionately large donors"

In contrast, a smaller number of submissions warn against expanding the current definition too broadly, largely due to the possibility of silencing smaller and positive influences on government.

Dr Cameron Murray: "being too broad will capture community groups and not-for-profits who seek to communicate with MPs and bureaucrats who are involved in their industry. This would add a compliance cost to a sector that is very bad at dealing with such costs and constraints."

Font PR: "individuals and small businesses are likely to be deterred from lobbying their local MP or bureaucrat for fear of inadvertently breaking the law. Perversely, it also serves to create a split between the "have-nots" (who cannot afford to retain a lobbying firm and be sure of abiding by the rules), and the haves who will retain firms such as ours."

Fabiano Cangelosi: "there is need for caution when addressing lobbying by non-third party lobbyists, lest the regulatory exercise stifle legitimate political discourse."

Anonymous: "This depends on the culture Tasmania is hoping to develop for the sector. In some jurisdictions being on the lobbying registered is seen as a negative – there is a negative culture towards the sector. In these jurisdictions, then yes – having the ability to exempt clients helps. If there is a positive culture towards the sector, such as currently in Tasmania and at the Commonwealth level, then it makes no difference. Most of these clients are pro- bono charitable organisations."

No submissions considered threshold tests (i.e., number of employees, or amount of spending) an appropriate way of identifying who is a lobbyist. Objections to these measures were largely that individuals and companies with powerful influence could spend a small amount of time or money to be hugely influential for a particular decision; and that applying quantitative thresholds to definitions is "an easy one for the unscrupulous to 'fiddle'" (*Bob Holderness-Roddam*).

Meg Webb: "[the definition] should be determined by whether their activities fall into a prescribed definition of 'lobbying activity' rather than potentially manipulatable and fluctuating factors such as payment, expenditure, time allocated, or employee numbers"

Anonymous: "The issue is not about time or being incidental. A business or professional firm might lobby for a major decision which may not take significant time or effort. However, the question is whether there is transparency around the decision which meets the public expectations of transparency, integrity and honesty."

Michael Lester: "lobbyist as it applies under the current system needs greater clarification…. The lobby register is not and should not be a list of PR companies and their clients… The system may benefit from more clearly codifying what sort of activities should be banned."

In this way, some submissions echo the findings of the Coaldrake review, which alternatively argues that a) the focus of regulation should be on the type of activity, and not the nature of the person's employment, and b) the activities of in-house lobbyists not on the Register can be captured through ministerial diaries and other transparency initiatives

General topic: Disclosures and transparency

Submission prompts:
What information should be disclosed on an online register?
Should public officers disclose diaries or other information disclosing communications with lobbyists?
If lobbyists and people who are lobbied are to make disclosures, how frequently should this happen?
Would disclosures be more likely or reliable if they were made by government representatives rather than lobbyists?

The distinction between disclosures concerning *entity* and *activity*, as recognised in Irish and Scottish disclosure requirements, and recently delineated by the Coaldrake Review, was also raised implicitly or explicitly by a number of submissions.

This section is therefore divided into submitted suggestions for minimum entity disclosures (i.e., lobbyist information on the Register), activity disclosures for lobbyists (i.e., contact logs), and activity disclosures for government representatives (i.e., diaries).

5.1. Entity Disclosures – Lobbyists

Most submissions addressing this topic agreed with the current level of lobbyist entity disclosure, and most argued for expanding the information required.

Anonymous:

"• Names of Directors

• Names of registered lobbyists

• Names of current and previous clients (the latter could be time limited, eg: dropping off the list after 12 months)

• Any details about foreign ownership and/or foreign influence"

Bob Holderness-Roddam: "Name, employment history over the previous ten years, current employer, salary, organisations being lobbied and purpose."

Meg Webb MLC:

"▪ Whether acting as a third-party lobbyist, or another form of lobbyist

▪ Areas of interest, ie Development, or education etc

▪ Number and position of staff engaged in lobbying activities

▪ Whether any lobbying staff have previously been Members of Parliament, ministerial staff or senior staff for non-government MPs, Heads of Agencies, and detail post separation dates, and date of joining lobbyist entity

▪ Whether political donations have been made to any political parties and/or public officers and provide links to most recent political donations disclosures

▪ Spending reports"

5.2. Activity disclosures – Lobbyists

Submissions suggest that contact between lobbyists and the lobbied is not problematic in itself, but the secrecy and lack of disclosure requirements is what creates issues, as the public cannot judge the process by which important decisions are being made. Such submissions propose contact logs as the most appropriate way of providing transparency and accountability to increase public trust.

Roland Browne: "What is effective in ensuring best behavior by those people who qualify as registered lobbyists is for maximum transparency. The fact of meetings and telephone calls should be disclosed, as should the topic of the lobbying."

Grattan Insitute: "All registered lobbyists should be required to record their lobbying contacts – who was lobbied, the date, the party represented (for third-party lobbyists), and the subject matter – and provide this information to the Integrity Commission to make publicly available"

Fabiano Cangelosi: "A freely accessible, detailed register that is updated in close to real-time, of all lobbying activity carried out by registered lobbyists… the identity of the lobbyist, the subject matter of lobbying activities and outcomes sought, the ultimate beneficiary of the lobbying, the institution or public official targeted, the type and frequency of the lobbying, documentation shared with the lobbied person, lobbying expenditure, sources of funding, political contributions, prior roles held by the lobbyist with the lobbied person (including family members), and public funding received"

Meg Webb MLC: The current register is a list of lobbyists and clients; the is "nothing to indicate when any registered lobbyist has sought access, on behalf of which client, when, or on what matter"

Meg Webb MLC:
"Lobbyists should be required to provide as a minimum the following information on an online register:

- *Which public officers were lobbied*
- *When public officers were lobbied*
- *Method of contact, and frequency of contact with identified public officers*
- *The purpose and substance of the contact, including subject matter and whether, and if so which policy/regulations/programs/ legislation was the focus of discussion*
- *Desired and intended outcomes from the contact"*

Centre for Public Integrity: [lobbyists should disclose] "names of public officials with whom they have met, clients they were representing, and subjects discussed."

Suggested by a minority were financial reporting statements by lobbyists.

Dr Cameron Murray: "fees paid by clients to lobbyists… a register where the amounts of high value lobbying contracts are available will attract far more public interest than one that is a list of company names."

Frequency of reporting ranged from real time, to quarterly, to depending on the time in the electoral cycle.

Anonymous: "For elected officials, quarterly, and weekly in the lead up to any elections"

Anonymous: "[17] On a quarterly basis would be appropriate. There is always the possibility, if left too long, memories, documents, electronic messages and other communications could be forgotten, mislaid, misappropriated, deleted etc."

Meg Webb MLC: "Ireland's model of substantive Lobbyist activity based returns to be filed every quarter would help"

5.3. Activity information – government representatives

Public officers disclosing diaries was widely supported, other than in the whole-of-government response. Reasons given for the benefits of disclosing diaries were the ability of the public and the Commission to 'cross-check'. This matching exercise, though resource intensive, serves an auditing purpose that the Crime and Corruption Commission of Queensland undertakes to encourage the idea of mutual obligations between lobbyists and the lobbied.

Meg Webb: "Requiring the lobbied to disclose relevant diary records as well as requiring lobbyist disclosures provides a more rigorous and comprehensive accountability and transparency environment. It provides a cross- referencing mechanism for both regulators and the public."

One submission, however, suggested that "[Diaries] may be privileged information" [Anonymous]

Centre for Public Integrity: "publication of the diaries of ministers, shadow ministers and their chiefs of staff"

Meg Webb: "public disclosure of ministerial and senior ministerial staffers' diaries should be a matter of routine as a core component of the state's lobbying regulatory system"

TasCOSS – "proposals for reform should focus on measures that increase transparency in relation to government communications… Provisions should allow for the publication of details about meetings between government and lobbyists, in a format which is accessible and easy to understand. Information should be kept and published not only relating to face-to-face meetings, but also to phone calls, emails and/or messages. In relation to what details should be included"

Smoke Free Tasmania: "...ministerial diaries will have to include meetings between ministerial staff and lobbyists, and these will have to be properly documented and reported."

Grattan Institute: "Ministerial offices should publish details of all official meetings, both in the office and offsite, all scheduled phone calls, and all events attended by a minister in an official capacity. 'Official meetings' should include those at which a minister was present as well as those held with ministerial advisers only. Records of meetings should identify those present and key issues discussed… all meetings for one month could be published by the end of the following month"

Many submissions also supported additional disclosure requirements for ministerial staff, including written materials, payments and contracts, and time spent considering/seeking the opinions of different stakeholder groups.

> *David Quinn: "Written correspondence, file notes etc should be subject to the same Freedom of Information considerations as other corresponded from business, ie it may or may not be Commercial in Confidence depending on the content."*
>
> *Dr Cameron Murray: "transparency around payments and contracts by the public sectors is more important than transparency around the identities of a narrow type of lobbyist in terms of generating changes to actual decisions."*
>
> *Dr Lindy Edwards: "when the Minister makes a decision or presents legislation, they have to disclose the balance of time spent with the different stakeholder groups in making the decision"*
>
> *Smoke Free Tasmania: "Any consultations should wherever possible be public (unless prohibited at law), accountable and transparent. Unless prohibited by existing legislation, high-level information (such as the date of the meeting, the organisations represented and a broad description of the issue discussed) may be disclosed on the relevant agency website"*

Some submissions proposed that modern technology provides a way for lobbyists and the lobbied to quickly enter information in real-time, and allow for quick cross-checking.

> *Bob Holderness-Roddam: "Modern computer software should be able to automate cross checks."*
>
> *Meg Webb: "National and international jurisdictions have developed templates to assist in the consistent, standardised and time efficient collation of details required for such diary entries, which could be adapted for local use"*
>
> *Dr Lindy Edwards: "when a stakeholder meets with an MP or their staff, they should need to register for unique lobbying number using an app, on which they can also record the issue being discussed and the time spent."*

However, not all submissions were supportive of increased disclosures for lobbyists or the lobbied. Reasons included the sufficiency of existing measures, increased costs for compliance and lack of evidence that increased disclosures actually increase integrity in decision making.

Whole of government: "currently no requirement to disclose the subject matter of lobbyist activities on the Register of Lobbyists, this information is accessible under-the Right to Information Act 2009 (the Act)"

Font PR : "Additional compliance cost will either need to be absorbed by lobbying organisations, negatively affecting sustainability and employment opportunities for our fellow Tasmanians; or will be passed on to individuals and clients seeking to lobby Government."

Anonymous: "there is no evidence that the additional requirements in Queensland provide any better practice or integrity compared to other jurisdictions which have lesser requirements, including in Tasmania."

Dr Cameron Murray: "publishing more information about lobbyists and their meetings with politicians might backfire when lobbyists begin to use this information to demonstrate their political influence to future potential clients...[and] the minister can argue that they are doing a great job by meeting with all the important stakeholders and their representative… Transparency about disclosing client payments made to lobbyists may show current politicians just how attractive lobbying can be when they retire from politics… overall, the more regulation, registers, and formal acceptance of lobbying there is, the more the practice of lobbying become legitimised, and any ethical concerns that might exist can be more easily overcome"

General topic: The penalties or compliance measures (if any) that should be part of a regulation system.

Submission prompts:
Does Tasmania need specific legislation to empower the Integrity Commission to provide compliance measures?
What, if any, sanctions should be included as part of a lobbying regulatory system?

Most submissions addressing this submission prompt call on the rules to be enforceable through specific legislation, otherwise, "what's the point?" [*Anonymous*].

TasCOSS: "[we] support the introduction of legislative provisions to govern how lobbying is conducted and reported. Legislation in other Australian jurisdictions offer possible models: for example, lobbying provisions (including the Lobbyists Code of Conduct) are included as a part of the Integrity Act 2009 (Qld), and New South Wales has a standalone act, the Lobbying of Government Officials Act 2011 (NSW). Changes should be made to the jurisdiction and oversight of the TIC, to ensure the TIC can appropriately investigate, monitor and report on Government activities and decision-making. This includes the potential investigation of any person who could adversely affect the honest or impartial exercise of public administration."

Centre for Public Integrity: Lobbying in Tasmania is currently regulated by administration not legislation - "This 'light touch' approach (as the Australian National Audit Office has described it) contrasts with the approach taken in New South Wales, Queensland, South Australia and Western Australia, all of which enshrine their lobbying regulation in legislation"

Fabiano Cangelosi: "a single Act of the Tasmanian Parliament is required"

Bob Holderness-Roddam: "People will always look for loopholes; these need to be identified. The legislation should be designed in order to enable loopholes that emerge to be dealt with by regulation. This will reduce delays in action due to having to wait for legislation passing Parliament."

Meg Webb: "I support the development of specific legislation to empower the Integrity Commission in its oversight role of the Lobbyist Register, and to ensure compliance with the lobbying regulatory system. Further, any legislation should include a mandated review of the Act to occur no less than every five years"

Anonymous: "If the only sanction available is being struck off the Register then stronger sanctions need to be enabled into law so the Commission can police the registrants more effectively. Potential fraud and corruption needs to be identified and dealt with appropriately."

One submission notes "*significant cash bounties for whistle-blowers who help uncover wrongdoing will go some way to reversing the prevailing incentive for them to keep quiet to avoid retaliation. This can apply to failures to disclose lobbying, but also other conflicts observed across the public service."* (Dr Cameron Murray)

One lobbying firm objected strongly to the introduction of legislation to empower compliance, on the grounds that there are already existing laws covering corrupt and criminal conduct, and that if legislation were to be introduced, the proposal should be subjected to a Regulation Impact Statement process.

Font PR: "Every law impinges on the rights of individuals and businesses. The Parliament should only enact new laws where it is absolutely clear that they are required…. Tasmania's Criminal Code already has specific and strong laws dealing with corruption, including in Chapter VII – Crimes Against the Executive and Legislative Power and Chapter IX – Corruption and Abuse of Office."

Font PR - "the commission of a Regulation Impact Statement on any proposed changes to lobbying rules in Tasmania should be a bare minimum in order to properly assess the cost of any proposed changes."

With regard to sanctions being included as part of a lobbying regulation system, submissions ranged from existing administrative measures (i.e., deregistration), to criminal charges and imprisonment. Most submissions which addressed sanctions lay somewhere in the middle, proposing financial ramifications for breaches.

David Quinn: "Warning system followed by suspension"

Anonymous: "Sanctions that suspend or terminate the registration of a lobbyist and/or the lobbying company"

Centre for Public Integrity: "include, at a minimum, financial sanctions"

Dr Cameron Murray: "Proportionate fines and penalties should apply."

Fabiano Cangelosi: "make compliance mandatory, with breaches able to be addressed by way of civil and criminal penalties"

Bob -Holderness-Roddam: "Ban lobbyists, remove government officers. In worse case situations, imprisonment. (I regard fines as being largely ineffective in the corporate sector.)"

Other innovative mechanisms were also introduced in these submissions.

Centre for Public Integrity: "these might include the confiscation of parliamentary access passes, and rendering a represented person or entity ineligible to receive government grants or be party to government contracts for a period, in the case of sufficiently egregious breaches"

Grattan Institute: "Potential breaches should be investigated by the Integrity Commission or another independent body. If a breach is determined, then the relevant political party should encourage resignation from the new role or deferral of employment. If the individual continues in the role, then their access to public officials should be denied (for example, by restricting their physical access to parliament and requiring political parties to assist in denying access)."

General topic: 'Revolving door' bans / 'Cooling off periods'

Submission prompts:
Are bans on public officers moving into lobbying roles appropriate?
How long should the 'cooling off' period be before public officers can become lobbyists?
Which public officers should be subject to cooling off periods?

The Coaldrake Report (2022) found that "A good number of these lobbyists have formerly held positions of influence in government". That this phenomenon exists in Tasmania was not disputed by any submissions; nor was it argued that the current requirement of a 12-month ban was excessive.

Where responses varied, this was along the parameters of our latter two submissions prompts: how long the cooling off period should be, and who should be subject to it.

Suggested lengths of the cooling off periods ranged from the current 12 months, to beyond the highest international standard, of 10 years.

APGRA: Elected representatives, 18 months, non-elected representatives, 12 months (also in APGRAs Code Of Conduct)

Grattan Insititute: "The length of the cooling-off period should strike a balance between minimising these risks and minimising restrictions on people's careers. We recommend a cooling-off period of at least 18 months."

Centre for Public Integrity: "A 12-month post-employment separation period is not sufficient to allow the dilution of the influence and connections that regulated persons are able to yield, and the Tasmanian period should be at least doubled in order to be meaningful"

Meg Webb: "this submission contends that Tasmania should consider increasing its restrictions on post-term employment as a lobbyist to two years"

Anonymous: "It's not so much them becoming lobbyists it's what they stand to gain once out of office by becoming lobbyists armed with the sensitive information they may have acquired while in office. 2 years minimum"

TasCOSS: "recommends the implementation of laws to prohibit politicians from taking up roles as either in-house or commercial lobbyists for five years following their role/s in government, using existing provisions in the Canadian legislation as an example"

Roland Browne: "There should be bans on elected officials and the like from roles in lobbying groups. The ban should be for a minimum of five years."

John Menadue: "No minister or senior official should work with a vested interest group that they have been associated with for at least five years after retirement or resignation."

Dr Cameron Murray: "the longer the better. Four to five years is probably reasonable…reputations of lobbyists are important. They vouch for their clients. The longer that a former public officer must wait before undertaking this role, the less trust they will have with the personnel they seek to influence"

Bob Holderness-Roddam: "Yes, say a period of five or ten years."

Fabiano Cangelosi: "a member of parliament, State Service employees, and employees or officers of a private organisation that exercises a public function, ought to be banned from registration as a lobbyist for 8 years following the cessation of their role."

Who should be subject to the ban also varies, as above, with some providing specific responses.

Anonymous: "Senior officials (executive band in the public service), all politicians and advisory staff in political offices."

Bob Holderness-Roddam: "Anyone in a management position."

Enforcement of the ban "could occur simply by requiring a statutory declaration to be made

each year about the sources of income and any formal or informal meetings with the industry bodies or businesses. Random checks can be made and cash bounties offered" (*Dr Cameron Murray*), though some point out that "a major obstacle to reform is that for members of parliament, their staff and senior officials, lobbying provides a very lucrative income when they leave parliament or the public service." (*John Menadue*)

Rationale for not extending the ban was that it would be excessive, and does not suit the employment climate of a small state like Tasmania.

Anonymous: "A period of 12 months is reasonable. Some jurisdictions have a longer period for Ministers that advisors. The 24 months used in some jurisdictions is excessive"

FontPR: "This represents a clear state-sanctioned restraint on an individual to earn a living and in a small place like Tasmania, could effectively render people such as former Members of Parliament, political staffers and senior bureaucrats unemployable"

General topic: Success fees

Submission prompts:
Should receiving or paying success fees be prohibited?

Bans on success fees were supported by nearly all submissions that addressed the question, largely citing 'common sense' and the existence of similar provisions across Australia.

Meg Webb: "Whether such success payments to lobbyists have been made or not within the Tasmanian context, the fact that they can be made and received actively undermines both the integrity of the current administration and regulation system, and public confidence."

Anonymous: "Tasmania should concur with all other Australian states in banning success fees."

Roland Browne: "Success fees should not be permitted. They just encourage poor behavior in an area that is extremely difficult to supervise and regulate."

TasCOSS: "supports the introduction of similar provisions banning success fees in Tasmania: Persons on the Register of Lobbyists who receive success fees on or after 1 January 2014 shall be removed from the Register, subject to the discretion of the Public Sector Standards Commissioner. Similar provisions exist in other Australian jurisdictions, such as s15 of the Lobbying of Government Officials Act 2011 (NSW)."

One submission from a lobbyist said banning success fees is unnecessary because they are not commonly granted in Tasmania. Another from an anonymous submission suggests that bans on success fees in other jurisdictions do not work, and other industries are not subject to similar requirements.

Font PR: "[banning success fees] appears to be a solution in search of a problem. To our knowledge success fees are very rarely used in Tasmania."

Anonymous:

"• Success fees should not be banned for registered lobbyists.

• Other State jurisdictions prohibit success fees being paid to lobbyist. There is no evidence to suggest this is necessary, or that there was inappropriate behaviour prior to introduction in other jurisdictions.

• No other advisory firms are constrained in this manner, for example financiers, project managers, tender writers, legal firms, etc – some of which charge purely on a contingency basis"

Issues raised outside of consultation questions

While some submissions to the consultation process addressed the specific questions and submission prompts, others proposed themes, initiatives, measures, and recommendations not originally considered in the Research Paper or Consultation Paper. We present these proposals in brief below.

5.4. The risks of excessive regulation

Not all submissions were enthusiastic about changing the current system of lobbying regulation, and we explicitly acknowledge these submissions in this section. Arguments against expanding lobbying oversight include administrative burden; duplicated codes, regulations, and legislation; potential

exclusion of community members from decision-making; and the lack of current evidence of corrupt or improper conduct related to lobbying in Tasmania.

Whole-of-government response:

"There are costs as well as potential benefits associated with expanding the definitions of what is lobbying; the people who are lobbied; what is included in lobbying activities; and increasing disclosures and enforcing compliance."

"any potential risks associated with lobbying practices need to be mitigated by a transparent process which does not bring inherent, disproportionate, or unmaintainable administrative burden for those involved in the process,"

"… the benefits of any new system would need to be weighed against administrative burden"

"during the period of time that DPAC administered the lobbying framework, there were no complaints of non-compliance under the Lobbying Code of Conduct received"

Font PR:

"very real risk of excessive regulation of lobbying is that individuals and groups are excluded from decision-making processes"

"To the best of our knowledge there is no evidence of any illegal or corrupt practices taking place within the Tasmanian lobbying system"

"We urge the Integrity Commission to refrain from further regulating the lobbying sector in Tasmania purely for the theoretical "vibe" of it, and instead take a real-world, evidence-based approach to regulating lobbying in Tasmania"

However, one submission did pre-emptively counter these arguments:

Meg Webb MLC: "[In Tasmania we have] a self-reinforcing culture built upon the notion that until there is a proven problem of corruption or unethical behaviour, investment in preventative mechanisms is unwarranted… it is extremely difficult to test non-legal breach allegations in the absence of a well-resourced and rigorous accountability framework"

5.5. Conduct further research and investigation into current lobbying practices in Tasmania

Some submissions pose that more research and investigation is necessary in order to target strategies for reform, or that the process for proposing reform should occur in a more open and public forum than the current consultation process.

TasCOSS: "We believe a comprehensive investigation into the current state of lobbying in Tasmania is needed, as well as a thorough review of existing national and international schemes which could be adopted in our jurisdiction. We understand the current review is an opportunity for feedback to be provided to the TIC (including experience of lobbying and its impact), however we are concerned the current consultation will not provide the TIC with sufficient information to properly examine the state of lobbying in Tasmania, without which the key strategies for reform are unlikely to be identified."

Anonymous: "I'm not sure what the consultation process in this Integrity Commission study is. There are outstanding examples of community engagement that I've seen in recent times where every single contributor can see their comments, other's comments, an analysis of the issues raised, and then a draft report and recommendations AND a further chance to make comment on the draft before a final report with recommendations."

Roland Browne: "the consultation will to some extent happen in the dark. Lobbying by its very nature goes on behind closed doors. Reform in this area needs to be well informed so that TIC can deliver the best practice recommendations. This can only usefully occur after a public examination of the roles and functions of lobbyists and after evidence has been gathered in a public setting of the shortcomings and benefits of the way the current system operates. I urge TIC to engage in a public investigation to gather evidence about how lobbyists operate and the effects of their activities on politicians and public servants."

5.6. Expand reform agenda to include political donations and influence more broadly

Implied in the Commission's research paper, but not explicitly addressed in the consultation questions, many submissions raise overlapping issues of political donation reform, and influence in government decision-making leading to improper outcomes. In doing so, submissions are leaning towards a conceptual framework similar to the Crime and Corruption Commission of Queensland, where related activities – lobbying, political donations, access in decision-making – coalesce around the theme of influence and access ('*Influencing practices in QLD, CCC, 2022*')

The Commission acknowledges the input from these submissions, which situate lobbying within a broader system of influence practices that increase the risk of misconduct and corruption. However, the scope of the current analysis is lobbyists and the Lobbying Code of Conduct. The Commission has contributed elsewhere (e.g., Project Acropolis) to recommendations for reform in electoral donation practices and transparency. Improved Right to Information laws were also suggested by a number of submissions but are not within the Commission's jurisdiction.

Centre for Public Integrity: "The Register of Lobbyists and disclosure of lobbying activity being integrated with disclosure of political contributions and spending, with annual analysis of trends by the Integrity Commission

"Statements of reasons for significant executive decisions"

Dr Cameron Murray: "donors are donating to provide credibility to the signals and stories they are telling so that they are taken more seriously. It is a way to burn money to show credibility. They are not buying individual decisions… Those politicians and bureaucrats will often believe that helping those in their social circles is what is good for society as a whole, as they keep getting signals and feedback telling them this is the right thing to do, and they are armed with compelling stories about why this is so."

Roland Browne: "dove-tail into good practice in the area of control of electoral donations, where in New South Wales, for example, property developers, gaming, tobacco and alcohol interests are prohibited from making donations to political parties."

TasCOSS: "We encourage the TIC to adopt a broad approach to the issue of lobbying and consider how regulations or laws could support potential other changes, such as electoral donation laws, a review of the Right to Information process and legislation, and general considerations about how the public can access government information."

5.7. Randomise influence via citizen panels or technocratic decision-making

Novel solutions which would entirely replace the system of lobbyists being able to influence government decision-makers are acknowledged and will be considered in proposing the new framework. Feasibility in terms of timeliness and cost would need to be considered as factors for adopting these measures as recommendations.

Dr Cameron Murray: "giving decision-making powers to random individuals (or boards/panels) who are outsiders can undermine the effectiveness of lobbying in general…. certain decisions, perhaps above a value, must be determined by groups of independent field experts, with these experts drawn from an international pool (perhaps as members of the relevant accredited profession)."

New Democracy: "We recommend that Tasmania establish Australia's first permanent Citizens' Panel for Lobbying to make use of deliberative democracy processes that can ensure public trust."

"Deliberative processes such as the Irish Constitutional Convention have built public trust in decision-making by substantively and visibly involving everyday people (chosen at random in a democratic lottery) in processes that tackle difficult trade-offs in a transparent and rigorous manner – and one that MPs find complementary as they 'share the decision' and allow them to be more trusted in their representative role."

"Participants would hear from a range of industry participants and others with a stake in the decision through a process so they can weigh the tradeoff at hand.

A set of industry hearings would likely require 4-6 all day meetings for the citizens.

Citizens would be writing a briefing note to MPs knowing that this was a central, critical source for that audience.

The format creates a public interaction between a lobbying interest and the community. Major industry groups in energy, alcohol and property development have offered endorsements to the effect that they actively welcome this opportunity.

Citizens self-write their report within a very sparing framework prompting them with (a) Recommendation, (b) Reasoning and (c) Evidence. "

5.8. Ban 'Dual hatting'

Closely related to revolving door/cooling off period is a 'dual hatting ban' which would explicitly ban 'side-switching' around the time of elections, as will be enacted in QLD shortly.

Meg Webb: "[The imminent QLD ban on dual hatting] will seek to prevent previous scenarios which saw lobbyists who had worked for political parties contesting state election campaigns then switching back to their lobbying role and lobbying the resulting government on behalf of clients."

Anonymous: "there should be a requirement that lobbyist is not engaged by political parties (paid) or a third party on behalf of a political party for campaigning (as in the recent cases in Queensland). This has raised a serious ethical question. In such case the lobbyist and the lobbyist firm should be subject to a time restriction similar to a 'revolving door ban'."

5.9. Establish a government advocacy office

One way to dilute the influence of lobbyists is to increase the voice of community members; a government advocacy office would be one way for disadvantaged groups, including interests which cannot afford lobbyists, to have their views considered by decision makers.

> *Grattan Institute: "Disadvantaged and diffuse interests are often under-represented in policy debates. The Tasmanian Government should consider creating an advocacy contact office to help such groups navigate the process of making contact with parliamentarians and public servants"*

5.10. Focus on specific industries

Some submissions use examples to cite 'regulatory capture' of a number of specific industries. Regulatory capture refers to a process whereby regulatory agencies come to be dominated, or 'captured', by the industries they are tasked with regulating. Regulatory capture can mean that traditional transparency mechanisms, such as meeting diaries and revolving door bans, are ineffective as the process of influence does not rely on overt pressure by lobbyists.

Submissions specifically addressed case studies referring to regulatory capture in the following industries:

- Lobbying and the tobacco industry
- Lobbying and the alcohol industry
- Lobbying and the gambling industry
- Lobbyists and the fossil fuel industry
- Lobbying and the pharmaceutical industry

The gambling industry and Tasmanian Hospitality Association (THA)'s role in shaping poker machine policy in the leadup to the 2019 election was cited independently by five different submissions.

> *Michael Lester: "the campaign to head off poker machine law reform leading into the 2019 State election was carried out by the gaming companies themselves and the Australian Hospitality Association who naturally lobbied to protect their own interests"*
>
> *Bob Holderness-Roddam: "The Federal Hotels is a glaring example, regarding the granting of poker machine licences."*
>
> *Meg Webb MLC: "Under the current Tasmanian lobbying regulation system the THA is not on the Lobbyist Register, and does not need to be as, in the MOU scenario, presumably the Association was acting on its own behalf and not on behalf of a third-party client"*

5.11. The role of education, training, and awareness raising

Submissions call for the importance of preventative work and awareness raising through lobbyist, government, and community education and training. It is vitally important that lobbyists and public officials be aware of the circumstances that could render conduct associated with lobbying activity as misconduct within the meaning of the *Integrity Commission Act 2009*, *State Service Act 2000*, and the Ministerial Code of Conduct. Awareness of obligations and the transparent and accountable reporting of lobbying activities can protect the activities of lobbyists and the lobbied from the perception of improper conduct. In this sense the holistic purpose of the Commission to perform both advisory/educative and regulatory roles may offer an initial opening for the Commission to improve the transparency of lobbying activities in Tasmania. That is, to what extent are the lobbied aware of their responsibilities in relation to lobbying activities.

Centre for Public Integrity: "education and training should be provided to lobbyists and public officials"

Meg Webb: An improved lobbying regulation scheme could "provide an important educative role, boost public trust and confidence, additional to any regulatory and compliance responsibilities."

David Quinn: "refer training module on the NSW Lobbyist site."

Additionally, respondents pointed out a lack of awareness that Tasmania has a Register of Lobbyists in the first place; that it is publicly available; that it has been in place for 10 years; and that the Commission now administers the Register. It was only the launch of this consultation process that made some stakeholders and community members aware of this. We note the suggestions for more community awareness-raising of regulatory systems that increase public trust in government.

Anonymous: "I was completely unaware the Integrity Commission was becoming responsible for oversight of the Lobbyist Register and the Code of Conduct until my local free newspaper, the Kingborough Chronicle, printed an article on public submissions being called for. Perhaps more coverage of such important matters could be more widely disseminated to the general public in future."

Anonymous: "This important issue needs much wider and accessible exposure"

Issues raised outside of scope of current reform

While there were many informed submissions that argued for important areas of reform, some of these suggestions fell outside the scope of the current project, that is, were not in the Terms of Reference approved by the Board of the Commission. This is not to discount these suggestions or imply they will never be considered; only that they are not within the bounds of the current project.

5.12. Include local government as 'government representatives' subject to lobbying regulations

Many submissions proposed that local government elected representatives should also be considered 'government representatives' for the purposes of lobbying oversight, particularly in the context of development and planning decisions.

The Own Motion Investigation launched by the Commission has limited reform in the current project to State Government. Including local government elected representatives in lobbying oversight would require expanding the Terms of Reference to consider the implications of Commission oversight of elected representatives as the lobbied.

> *Meg Webb: "given the well reported devolving of considerable responsibilities from the state to the local government tier, and the crucial role councils play in the development, construction, planning and service delivery sectors"*
>
> *[Anonymous]: "local government officers are sought out by lobbyists who cultivate friendships with officers which puts officers who are weak in potentially difficult positions. If the officer does have the fortitude to write a report not recommending what the lobbyist wants, boom the behind the back emails/calls/social media posts go to elected reps…. This kind of potential threat that lobbyists can hold over officers and politicians often sways how an officer writes their report and on how politicians make decisions. Ie both have an eye out for what might upset the lobbyist."*

5.13. Establish a national system for lobbyists who work across state lines

While a valuable suggestion, this is outside the jurisdiction of the Commission.

> *Elaine Abery, Unravelling Red Tape: "The process is designed for large entities and/or entities that are involved with money. My micro business is just one person… I need to do 16 separate declarations, using 8 separate IT systems and 16 separate stat decs. It sometimes happens that I muddle these up and end up with a nasty email telling me I have been barred from the register. One national system, including one stat dec, for microbusinesses (1 employee max) turning over up to $150,000 who simply advocate to correct unintended consequences/inequities in current government decisions (no asking for money or "favours" from government, eg property-related transactions)."*

The limitations of lobbying regulation

Finally, this report acknowledges that the regulatory reform, legislative changes, sanctions, transparency measures, and many of the other measures thoughtfully considered by submissions to this consultation process, are not necessarily sufficient to disband how power and connections produce improper and disproportionate influence over political processes and government decision making.

We acknowledge the submissions that point this out, though propose that increased transparency can uncover power that was previously hidden.

Michael Lester: "Tasmania is small and most people either know a minister or can quickly find out how to meet them. Because of this there is limited need for most businesses to engage a "lobbyist" to gain access to a minister. I suggest a high proportion of the use of professional lobbyist services is by interstate-based companies because it is easier for them to hire someone with detailed local knowledge of the Tasmanian political system than to do the research themselves. Most of those who engage a Tasmanian lobbyist just need advice on who to approach and how to do it."

Cameron Murray: "Those who already have social connections or reputations do not need to donate or hire lobbyists to get their stories heard and believed."

Anonymous: "I recall Paul Barry's biography of Kerry Packer, one of the most powerful figures in Australian life, where he wrote that Packer had no need of employing lobbyists because politicians were so [expletive] scared of him that they framed policy and decisions around what they knew would be acceptable to him. That is true power."