

TOPIC	RECOMMENDATION PRIOR TO FINAL ROUND OF CONSULTATION	RECOMMENDATION FOLLOWING FINAL ROUND OF CONSULTATION
<b>‘Lobbying activities’ definition</b>	<b>1</b> - ‘Communications with public officials, in which a person or entity seeks to advocate for or represent an interest, prior to a decision regarding: <ul style="list-style-type: none"> <li>making or amendment of legislation,</li> <li>development or amendment of a government policy or program,</li> <li>awarding of a government contract or grant, and</li> <li>allocation of funding.’ </li></ul>	Communication with public official/s by a person or entity <b>in an effort to influence decision-making regarding:</b> <ul style="list-style-type: none"> <li>the making or amendment of legislation,</li> <li>the development or amendment of a government policy or program,</li> <li>the awarding of a government contract or grant, and</li> <li>the allocation of funding.</li> </ul>
<b>Exemptions from ‘lobbying activities’</b>	<b>2</b> - The Commission recommends the following exemptions from the definition of lobbying activities: <ul style="list-style-type: none"> <li>communication occurring in the normal functioning of government operations, limited to communications between colleagues, staff, or other public officials</li> <li>communication by or on behalf of an individual or group of individuals about personal or family matters</li> <li>communications that are already transparent by nature such as in public forums</li> <li>communications that are a normal part of the democratic process, such as contact with constituents, or constituents seeking advice or assistance from their local member</li> <li>activities that are already public such as submissions made in response to public consultation processes or presentations made to public hearings or committees</li> <li>communications in response to a request for tender</li> <li>matters raised as part of Government briefings of either House of Parliament including a committee, and</li> <li>unsolicited correspondence that does not relate to a current or particular policy issue, for example peak bodies sharing their budget submissions.</li> </ul>	<b>ADD:</b> <ul style="list-style-type: none"> <li>communication with the sole purpose of making an appointment to meet with public official/s</li> <li>communications that are a normal part of the democratic process, such as contact <b>from members of the public</b>, constituents seeking advice or assistance from their local member, <b>or communications from individuals participating in grassroots campaigns</b></li> <li>activities that are already public such as submissions made in response to public consultation processes, presentations made to public hearings or committees, <b>or signing petitions</b></li> </ul>
<b>Definition of ‘lobbyist’</b>	<b>3</b> - The Commission recommends that a ‘lobbyist’ be defined as: <ul style="list-style-type: none"> <li>a person or entity undertaking lobbying activities</li> </ul>	No change
<b>Definition of ‘registered lobbyist’</b>	<b>4</b> - The Commission recommends that a ‘registered lobbyist’, i.e. for the purposes of triggering the threshold for inclusion on the Register of Lobbyists, is either of the following: <ul style="list-style-type: none"> <li>any person or entity (including its employees) who is paid to conduct lobbying activities on behalf of a third-party client (i.e., ‘third party lobbyist’)</li> <li>any person whose role is substantially to conduct lobbying activities on behalf of a corporation or entity<sup>1</sup>, either as an employee or contractor (i.e., ‘in-house lobbyist’).</li> </ul>	<ul style="list-style-type: none"> <li>any person or entity (including its employees) who <b>receives a fee or other benefit</b> to conduct lobbying activities on behalf of a third-party client (i.e., ‘third party lobbyist’)</li> <li>any person whose role <b>includes conducting</b> lobbying activities on behalf of a corporation or entity, either as an employee or contractor (i.e., ‘in-house lobbyist’).</li> </ul>
<b>Lobbyist obligations</b>	<b>5</b> - The Commission recommends adding the following obligations for lobbyists to the Lobbying Code of Conduct: <ul style="list-style-type: none"> <li>act in good faith and avoid conduct likely to bring discredit upon themselves, a public official, their employer, or client</li> <li>take steps to ensure that the public official they have lobbied does not rely on inaccurate information</li> <li>indicate to their client their obligations under legislation and the Lobbying Code of Conduct</li> <li>not divulge confidential information unless they have obtained the informed consent of their client, or disclosure is required by law</li> <li>not represent conflicting or competing interests without the informed consent of those whose interests are involved</li> <li>inform public official of any conflict of interest</li> <li>not place public official in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on them.</li> </ul>	<ul style="list-style-type: none"> <li>indicate to their client <b>the lobbyist’s legislative or other obligations</b></li> </ul>

<sup>1</sup> Excluding not-for-profit organisations and unions

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Definition of 'public official'	<p><b>6</b> - The Commission recommends that 'public official' for the purpose of lobbying regulation be defined as:</p> <ul style="list-style-type: none"> <li>o a Minister, Secretary to Cabinet, or a Parliamentary Secretary</li> <li>o a member of Parliament in the House of Assembly</li> <li>o a member of Parliament in the Legislative Council</li> <li>o a person employed as a Ministerial or political adviser (however appointed), i.e., where the majority of the person's role is to provide political advice</li> <li>o a head of agency appointed under the State Service Act 2000.</li> </ul>	No change
Minimum standards for public officials in interacting with lobbyists	<p><b>7</b> -</p> <ul style="list-style-type: none"> <li>▽ any contact that involves lobbying activities must be documented</li> <li>▽ preferential treatment and/or access to particular individuals or groups must not be given</li> <li>▽ informal lobbying representations must be accounted for in reporting requirements</li> <li>▽ information that would produce unfair advantage must not be divulged, and</li> <li>▽ any reasonably suspected breach by lobbyists of the Lobbying Code of Conduct must be reported to the Integrity Commission as soon as practicable.</li> </ul>	<ul style="list-style-type: none"> <li>▽ preferential treatment and/or <b>preferential</b> access to particular individuals or groups must not be given</li> <li>▽ <b>any lobbying activity – regardless of the level of formality or the location of the contact</b> - must be accounted for in reporting requirements</li> <li>▽ any reasonably suspected breach by lobbyists <b>or public officials</b> of the Lobbying Code of Conduct must be reported to the Integrity Commission as soon as practicable.</li> </ul>
Expansion of lobbyist entity information	<p><b>8</b> - The Commission recommends that entity information required for the register include information currently required:</p> <ul style="list-style-type: none"> <li>o business registration details</li> <li>o names and positions of persons employed, contracted, or engaged</li> <li>o names of clients and client organisations</li> <li>o contact details</li> <li>o whether acting as a third-party lobbyist, or in-house lobbyist</li> <li>o whether the lobbyist has worked as a public official (defined in section 2.1) in the previous 12 months, and to specify the role</li> <li>o whether the lobbyist has been paid to advise a candidate on a Tasmanian election campaign in the previous 12 months, and</li> <li>o whether the lobbyist has made a donation to a public official or Tasmanian-registered political party in the last 12 months above the relevant threshold set out in relevant legislation.</li> </ul>	<ul style="list-style-type: none"> <li>▽ whether the lobbyist (<b>or the organisation or entity in which the lobbyist is employed</b>) has <b>received a fee or benefit</b> to advise a candidate <b>and/or a political party on any</b> Tasmanian election campaign in the previous 12 months</li> </ul>
Contact Disclosure log	<p><b>9</b> - Public officials are required to disclose contact that meets the definition of 'lobbying activities' on a contact disclosure log within 5 days of the contact. The disclosure is to include the following information:</p> <ul style="list-style-type: none"> <li>▽ public official name and title</li> <li>▽ if meeting or phone call, other public officials present</li> <li>▽ name and organisation/firm of lobbyist (if a 'registered lobbyist')</li> <li>▽ date and time of lobbying activity contact</li> <li>▽ the nature of the lobbying activity, i.e., in respect of a decision in relation to: <ul style="list-style-type: none"> <li>o making or amending legislation</li> <li>o development or amendment of a government or non-government policy or program</li> <li>o awarding of a government grant or contract</li> <li>o allocation of funding</li> <li>o Other <ul style="list-style-type: none"> <li>▪ If 'other', specify</li> </ul> </li> </ul> </li> <li>▽ form of contact – meeting, phone call, text message, written submission/proposal</li> <li>▽ whether the person or entity engaged in lobbying activities is on the lobbyist register</li> </ul>	<p>Public officials are required to disclose contact that meets the definition of 'lobbying activities' on a contact disclosure log within 5 <b>working</b> days of the contact. The disclosure is to include the following information:</p> <ul style="list-style-type: none"> <li>▽ public official name and title</li> <li>▽ if meeting or phone call, other public officials present</li> <li>▽ name and organisation/firm of lobbyist (if a 'registered lobbyist')</li> <li>▽ <b>date of</b> lobbying activity contact</li> <li>▽ the nature of the lobbying activity, i.e., <b>in an effort to influence decision-making</b> regarding: <ul style="list-style-type: none"> <li>o <b>the</b> making or amending legislation</li> <li>o <b>the</b> development or amendment of a government or non-government policy or program</li> <li>o <b>the</b> awarding of a government grant or contract</li> <li>o <b>the</b> allocation of funding</li> <li>o Other <ul style="list-style-type: none"> <li>▪ If 'other', specify</li> </ul> </li> </ul> </li> <li>▽ form of contact – meeting, phone call, text message, written submission/proposal</li> <li>▽ whether the person or entity engaged in lobbying activities is on the lobbyist register</li> </ul>

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Gift giving	<p><b>10</b> - Gift giving between lobbyists and public officials is banned.</p> <p>Prior to accepting any gift or benefit - with the exception of small token gifts including diplomatic gifts - public officials must first check the lobbyist register, and if the provider of the gift is a registered lobbyist, they must not accept the gift. Public officials should not give gifts to any person undertaking lobbying activities.</p>	<p>▽ Prior to accepting any gift or benefit - with the exception of small token gifts including diplomatic gifts - public officials must first check the lobbyist register, and if the person offering the gift is a registered lobbyist, <b>the public official</b> must not accept the gift. Public officials <b>must</b> not give gifts to any person undertaking lobbying activities.</p>
Success fees	<p><b>11</b> - The acceptance of success fees paid from clients to lobbyists is banned.</p>	No change
Cooling-off period	<p><b>12</b> - The cooling-off provision remains at 12 months but applies to all public officials and relates specifically to the portfolio area in which they previously worked.</p>	No change
Dual hatting	<p><del><b>13</b> — Public officials are restricted from being party to lobbying activities by lobbyists who previously advised them on electoral campaigns (i.e., provided political advice in an election period, in order to get them elected) for a period of 12 months after being elected.<sup>2</sup></del></p> <p><del>This does not apply to general advice outside an election period, volunteering on an election campaign or general communications advice.</del></p>	<p><i>The Board has decided to postpone implementation of the dual hatting provision on the basis that it may be required to be enshrined in legislation.</i></p>
Political donations	<p><b>14</b> - When lobbyists register with the Commission, and annually when confirming that their details are up to date, they are to indicate whether they have donated to a public official or Tasmanian-registered political party in the previous 12 months above the threshold as per the relevant legislation.</p>	No change