

Political Lobbying Project: Wider Regulatory Issues Meeting

Summary of Ministry of Justice facilitated meeting with government relations consultants on issues with political lobbying

12 September 2023

Why we held this meeting

1. In April 2023 the Prime Minister announced several steps to introduce greater transparency around lobbying at Parliament. He commissioned the Ministry of Justice to undertake a review of the different policy options for regulating lobbying activities.
2. The Ministry of Justice held a discussion on 12 September 2023 with government relations consultants to discuss issues related to political lobbying in New Zealand. Discussions with other stakeholder groups were also held in August and September.

Introduction and presentation of initial scoping work

3. Karakia, welcome and introductions (see attendee list Appendix 1).
4. Reminder of the Prime Minister's April 2023 announcement to initiate measures to provide greater transparency around lobbying at Parliament, including assisting third-party lobbyists to develop a voluntary code of conduct and undertaking a review of the different policy options for regulating lobbying activities.
5. This meeting aims to explore questions and issues that will need to be addressed as part of the wider regulatory project.
6. Brief introduction of the Ministry of Justice's Electoral and Constitutional team. An outline of the Ministry's approach to the meetings such as full transparency, meeting with groups not individuals, summary of meetings to be published online.
7. The Ministry gave a presentation on initial scoping work and summarised points made during the meetings on a voluntary code (both posted on the Ministry's [webpage](#)).

Comments on a voluntary code of conduct

8. Attendees commented on possible elements of a draft voluntary code. They said a number of the expectations are already addressed in law such as corruption or bribery. One person said that some of the items The Ministry had identified were a bit vague,

while another noted that care would need to be taken on any expectation that focussed on “not respecting public bodies.”

9. The Ministry noted that the list provided was a collation of elements in other codes, and so could provide guidance for anyone who wants to conduct lobbying. It may also be useful to share with Ministers or MPs around expectations.

Definition of lobbying and project scope

Definition narrow or broad?

10. The group generally agreed that the definition of lobbying should remain broad and that in essence lobbying is about convincing a politician about something. They noted that leaving groups like leaving industry associations or environmental organisations out could result in competition issues with people finding ways around any definition. “The more you make a carve out, the more you make an opportunity for others to get ahead/or get around the system.”

Ways to narrow the definition

The group discussed a few considerations around narrowing the definition.

Paid vs unpaid

- 10.1. The group briefly discussed whether a distinction could be made around paid versus unpaid lobbyists, as in other countries this is often a way that the scope is narrowed. One attendee cautioned that Ministers will already be taking into account the resources of the person they are speaking with. Another noted that it is important not to write off unpaid lobbyists as they can be viewed as more credible partly because they're unpaid.

Legal privilege

- 10.2. One attendee said if there is to be any expectations around disclosure caution would need to be taken around how to manage legal privilege. Attendees were clear that lawyers should be included in situations where advice is provided on issues that don't involve direct legal privilege

Individuals versus people representing others

- 10.3. The group also wondered if even individual citizens should be left out of the definition. One attendee said that they could think of individuals who would have significant economic gain realised through lobbying.

Focus on lobbying activities and behaviours

11. Attendees were unanimous in their view that the focus of the work should be on addressing harms or negative behaviours such as those identified on the presentation provided at the meeting, including things like misrepresentation, bribery and corruption.

The issues for New Zealand

12. General comments made during the meeting by attendees about lobbying issues included:

Is there really a problem with political lobbying in New Zealand?

13. Attendees questioned whether there is a problem to address, noting that discussions to date had not identified any evidence and that existing processes (e.g. the courts, Serious Fraud Office and judicial reviews) have not identified any either. "We don't do shady deals and there is no evidence to the contrary." The Ministry said that given the nature of the subject, this evidence might not have been surfaced through public meetings and so one way to get more information is to conduct interviews with specific people, particularly politicians.
14. One attendee noted that the Ministry presentation that was provided at the meeting showed there are many existing measures in place, and many issues that have come up could be addressed through those measures.

Perception versus reality

15. One attendee said that if care is not taken with this process, it may create a negative perception about lobbyists when one does not exist.

The problem is with decision-makers not lobbyists

16. One attendee said that a lot of issues around people getting unfair access to decision makers was only something that the decision makers themselves could address.

Watch cost and unintended consequences

17. Attendees were clear that the existing systems were already adequate and were concerned that unintended consequences of any proposals might have a chilling effect on democratic process. "There is a lot of sunlight already because of the openness of our democracy."
18. One example of unintended consequences that would be problematic was loss of privileges of MPs in the house.

Fair access

Ineffective engagement with citizens impedes fair access

19. Attendees said that at times it is difficult to get access to the public service because of time and availability, and an unwillingness to want to engage with advocates for particular clients or industries.

Transparency

Transparency could be improved

20. The group noted there are mechanisms already in place which support transparency, e.g. ministers' diaries and the Official Information Act (OIA), but that these could be improved. In the discussion around the OIA, attendees noted that the regime was designed for a paper-based system and that timeframes for implementing it were too long.
21. Attendees also noted that particular caution would need to be exercised around extending transparency mechanisms like the OIA to MPs as elected representatives, as they may represent individuals with sensitive or personal issues, e.g. how they were treated physically or mentally.
22. One attendee said that in their view transparent relationships should primarily exist between the lobbyist and the person they're advocating to, and that Ministers should be responsible for ensuring they know who they are speaking to.

Direct relationships and the "mates ringing mates" culture

23. In terms of the way many people conduct relationships, attendees said that direct relationships were part of the New Zealand culture.

Indirect lobbying techniques

24. When The Ministry asked the group whether they thought indirect lobbying techniques such as mis-representation of who is behind grass-roots lobbying to influence decision makers was a problem, some attendees thought that adding this to the scope of the work would be policy creep and went too far into trying to regulate democracy.

Next steps

25. The Ministry will be working to develop a draft standard or code of conduct. The Ministry invited attendees to share relevant examples of codes with the Lobbying Project Team via email.
26. A summary of the engagement meetings will be made available on the Ministry website. This will be forwarded to attendees first to check for accuracy. The information from these meetings will inform the policy options analysis.

Appendix 1: Attendee list

Name	Organisation
Lisa Sheppard	Ministry of Justice
Elisha Connell	Ministry of Justice
Clayton Cosgrove	Clayton Cosgrove and Partners
Daniela Maoate-Cox	Awhi
Jesse Thompson	Awhi
Kenny Clark	Lillis Clark
Tim Bremner	Simpson Grierson
Georgina Lomax-Sawyers	Russell McVeagh
Steven Sutton	Russell McVeagh