

# Political Lobbying Project

Overview

July 2023

# What is this project about?

Why are we doing this work

The approach we are taking

Things to consider

Next steps

Get involved



# Why are we doing this work?

**The Prime Minister announced measures to enhance transparency around political lobbying on 3 April 2023**

**The Ministry of Justice is:**

- Supporting third-party (or consultant) lobbyists to develop a voluntary code of conduct
- Leading a substantive review of the policy options for regulating lobbying activities

**Other measures:**

- The PM also said he would ask the Speaker to remove swipe card access at Parliament for lobbyists, and direct the Cabinet Office to put additional guidance for Ministers in the Cabinet Manual

# A principled approach

*Starting with the OECD principles on political lobbying*

## Fair access



*Ensuring opportunities for diverse voices to participate in the policy-making process. Preventing undue influence or capture of public decision-making by powerful interests*

## Transparency



*Making it clear who is behind lobbying, who is being lobbied, and what about to ensure public trust in the democratic system*

## Integrity



*Avoiding conflicts of interest, promotion of ethical standards and disclosing financial relationships between lobbyists and public officials*

## Accountability



*Holding lobbyists and public officials to account for their actions*

# Things to consider

*Our policy work will need to explore a range of issues*

- What exactly is political lobbying?
- Does New Zealand have an issue with political lobbying?
- What are the Treaty of Waitangi implications?
- How does this work fit into our wider system to strengthen trust in our democracy?
- What are other countries doing?



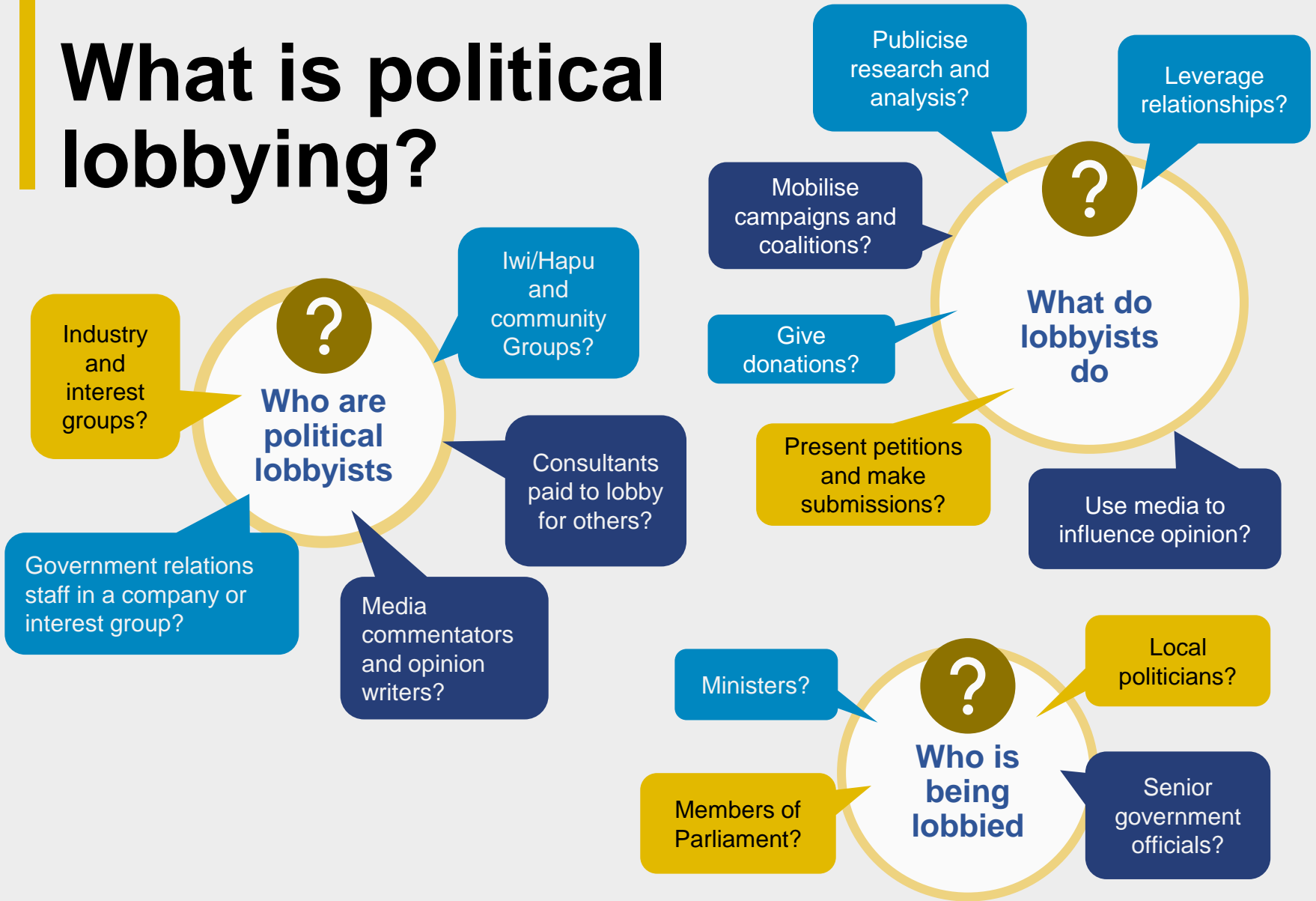


# What is political lobbying?

- Any person who aims to influence political decision making could be considered a lobbyist.
- No international consensus on definition.
- Need to consider what activities are lobbying, who are the lobbyists, and who is being lobbied



# What is political lobbying?



# Lobbying in NZ

*Is there an issue? If so, what is it and how big is it?*



## Benefits to encourage

Advocating for diverse interests

Contributing knowledge and expertise to decisions

Helping to raise public awareness about issues

Alerting decision makers to problems in the system



## Issues to explore

Voices of those with limited resources or connections can be marginalised

Decision makers can become over-reliant on lobbyist research or perspectives

Influencing opinion with biased information can result in perverse outcomes

Uncertainty about the motivations, origins and influence of lobbyist groups can erode trust in democratic process



## Harms to avoid

Falsely claiming to represent groups

Misuse of privileged information after moving from government to lobbyist role

Being dishonest, misleading or misrepresenting facts to sway opinion

Using financial donations or bribery to obtain advantage



A nighttime photograph of a cityscape reflected in a body of water. The city lights are visible in the distance, and their reflection is clearly seen in the calm water. The sky is dark with some clouds. The overall mood is serene and contemplative.

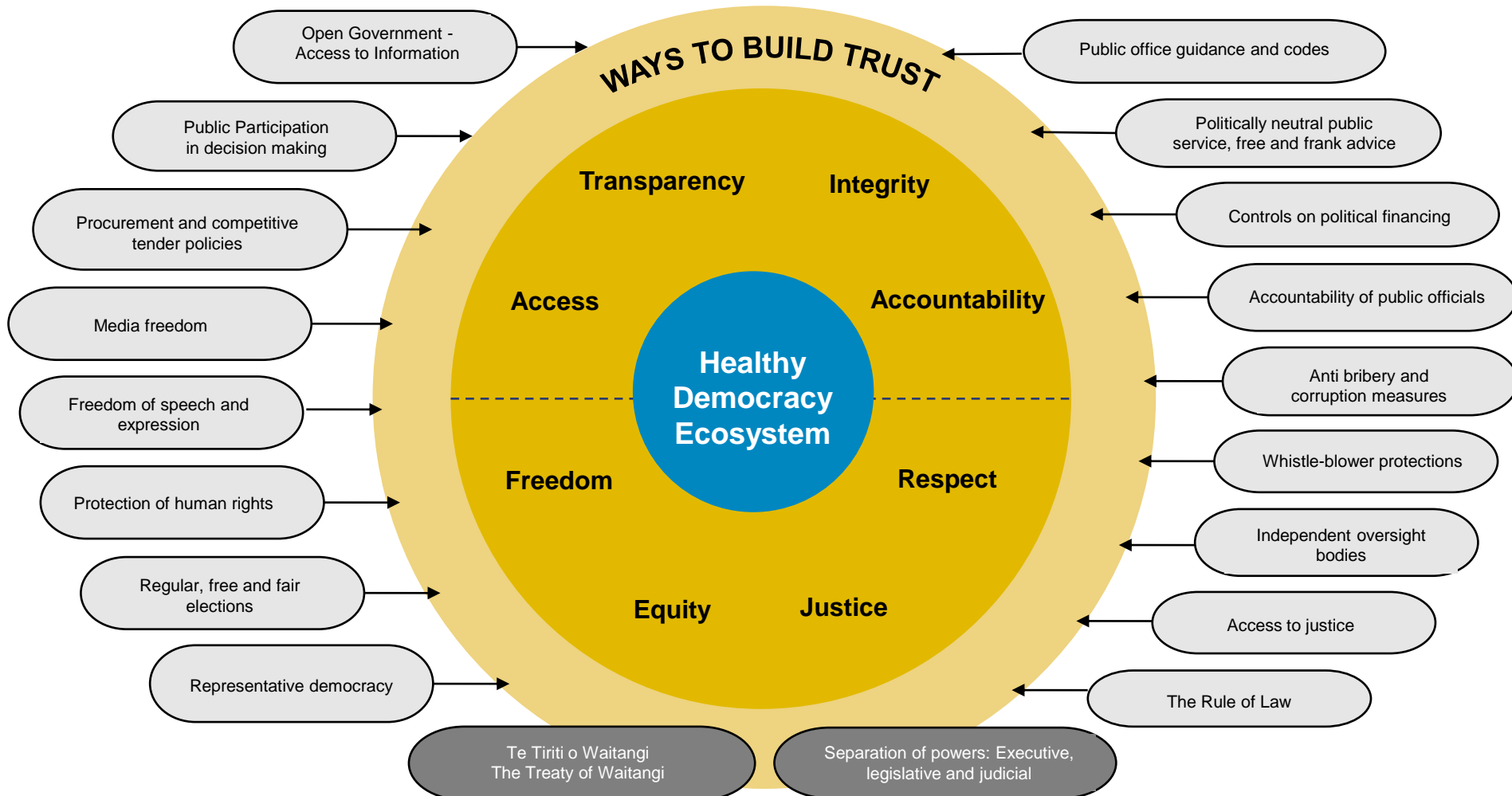
# What are the Treaty implications?

## Dimensions to explore:

- **Māori groups engaging in lobbying activities:** The difference between Māori as lobbyists and as Treaty partner
- **Crown obligations to Māori:** Māori rights to consultation, representation and equitable outcomes

# Where does political lobbying fit?

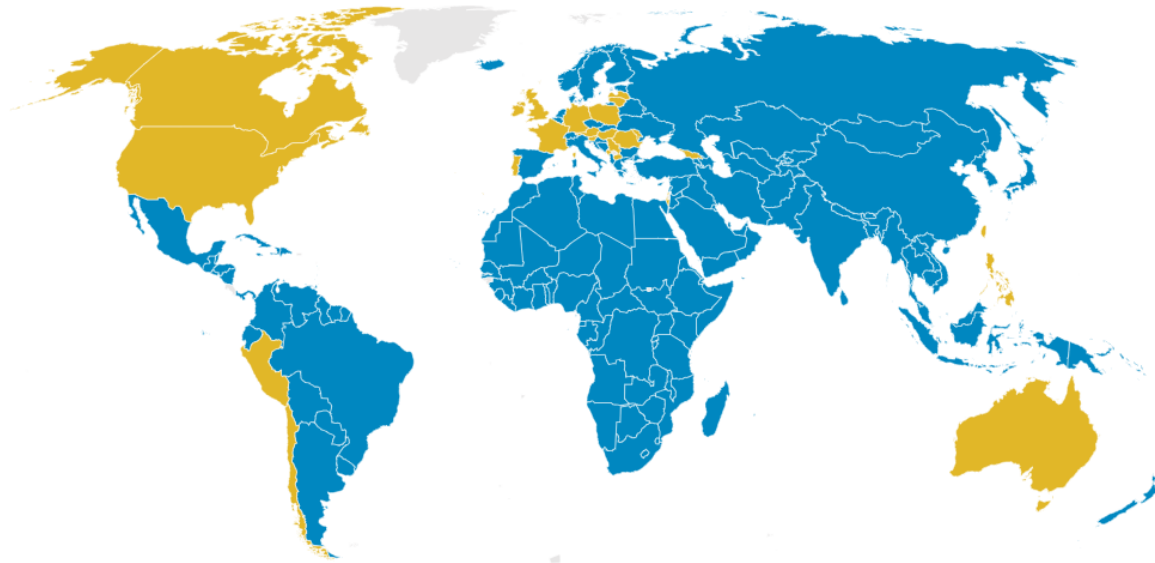
*There are many ways we enhance public trust in our democracy. Do these already address issues with political lobbying or do we need more?*



# Lessons from other countries

*Very few countries regulate lobbyists. Those that do focus on registries and codes. Is this effective?*

## Countries with regulation covering political lobbyists



■ No apparent regulation ■ Some regulation

**UK:** Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014

**Ireland:** Regulation of Lobbying Act 2015

**France:** Law on Transparency, Anti-Corruption, and Modernization of Economic Life 2016

**Germany:** Act on the Registry of Lobbyists 2022

**Austria:** Lobbying and Advocacy Transparency Act 2013

**Luxembourg:** Law on lobbying activities 2000

**Portugal:** Law on Transparency in the Exercise of Public Functions 2015

**Poland:** Lobbying Activities in Public Administration Act 2018

**Hungary:** Lobby Act 2006

**Latvia:** Transparency of representation of interests 2022

**Lithuania:** Law on Lobbying Activities 2000

**Moldova:** Law on Lobbying Activity 2008

**Canada:** Lobbying Act 2008

**USA:** Lobbying Disclosure Act 1995

**Taiwan:** Lobbying Act 2008

**Philippines:** Lobbying Disclosure Act 2011 (replaced 1957 Act)

**Australia:** Lobbyist Code of Conduct plus State legislation

**Peru:** Lobbying Law 2016

**Chile:** Lobby Act 2014

**Slovenia:** Integrity and Prevention of Corruption Act 2010

**North Macedonia:** Law on Lobbying 2010

**Serbia:** Law on Lobbying 2014

**Montenegro:** Law on Lobbying 2016

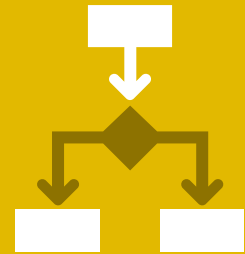
**Georgia:** Law on Lobbying 2013

**Romania:** Law on Prevention and Combating of Corruption 2006

**Israel:** Lobbying Disclosure Law 2008

# Next steps

**Two workstreams – Voluntary code and wider regulatory project. Step one is gathering perspectives**



**July 2023 onwards**

## **Voluntary Code**

Facilitate initial meetings with third-party lobbyists on a voluntary code, focussing first on consultant lobbyists.

***Aim:*** Discuss the invitation from the Prime Minister to develop a code, the process for moving forward, and how lobbyists would like to work together to develop it.



**August – September 2023**

## **Wider regulatory project**

Bring together a wide range of stakeholder groups to discuss the regulatory project.

***Aim:*** Gather perspectives from key stakeholder groups on the range of issues that need to be considered, to feed into options analysis

# Be Involved

Register your interest on

<https://www.justice.govt.nz/justice-sector-policy/key-initiatives/political-lobbying>

or email the Lobbying Project team at **electoral@justice.govt.nz**