

Political Lobbying Project: Follow up meeting on a voluntary code

Summary of Ministry of Justice facilitated meeting with government relations consultants

30 August 2023

Why we held this meeting

1. In April 2023 the Prime Minister announced several steps to introduce greater transparency around lobbying at Parliament. As part of this he asked the Ministry of Justice to facilitate discussions with industry on a voluntary code.
2. Initial meetings were held on 11,13 and 18 July with government relations consultants. A summary of those meetings is here. This meeting is a follow up meeting to determine next steps.

Introduction and presentation of initial scoping work

3. Karakia, welcome and introductions (see attendee list Appendix 1). Reminder of the key points from the initial meetings.

Questions from the survey - overview

4. Attendees had previously responded to the survey emailed before the meeting with five questions on a code of conduct. A number of people had filled this in in advance and some responded in the meeting. A technical glitch with the survey prevented viewing all responses within the meeting, so MoJ discussed each question with a show of hands on the survey questions.

Do you think that there should be a code of conduct developed

5. Attendees were split roughly 50:50 on whether there should be a code developed.

What kind of code should be developed?

6. Most attendees considered that if there is to be a code, it should be guidance-based and focussed on best practice (rather than further perpetuating misleading perceptions of poor lobbying behaviour). A few thought there was possibly a half-way option between taking a voluntary and mandatory approach because they thought that there could be some form of registration enabled even with a guidance-based code. One suggested that that there needs to be a “carrot and stick, otherwise we risk not giving effect to the original intent”.

Who should the code apply to?

7. Most attendees thought the code should be targeted broadly because it should be focussed more on lobbying activities and behaviours rather than particular groups. One thought that it should be narrow and targeted to government relations consultants and in-house lobbyists initially, because it would be more straight forward to develop and could later be extended to wider groups.

Who is best to develop and administer the code?

8. Attendees were split between all the options suggested (new industry group, existing association or government agency), noting that there is no perfect match between existing entities and what would be needed to administer a new code. One suggested that the Office of the Clerk could control it because the office manages access cards. They all agreed that there is no perfect match with existing entities particularly if the code is to be broadly focussed.

Other points

9. Attendees reiterated points that had been made in other meetings that the project should avoid putting barriers in place that could affect engagement in the democratic process. One suggested that marginalised groups need support on how to engage. These points are being considered in the wider policy project.

Next steps discussion

10. Attendees thought that more exploration is needed before settling on a final approach to an industry-led voluntary code. They also noted that the upcoming election may change the course of this work and policy development. They suggested returning around mid-October, having had time to think it over.
11. MoJ suggested as an interim option it could develop a draft “straw-person” ethics-based code that sets out expectations for all who undertake lobbying-type activities. This could be posted on a government website as a first step.
12. This option does not prevent development of a more comprehensive code should this be considered necessary. It also means that longer-term work on the voluntary code could be integrated into wider policy development.
13. MoJ put up a slide showing possible behaviours that could be addressed in the interim code. These were collated from an initial review of overseas codes of conduct and include:
 - 13.1. Improper influence, coercion, bribery, acting corruptly
 - 13.2. Misinforming public officials and decision makers
 - 13.3. Obtaining information in an unfair, untruthful or fraudulent way.
 - 13.4. Taking advantage of access to information including using it for commercial, personal or publicity purposes.
 - 13.5. Not disclosing identity and interests (including of clients)

- 13.6. Avoiding conflicts of interests – particularly when moving between lobbying and government roles
 - 13.7. Not respecting public bodies and democratic processes
 - 13.8. Using gifts, donations and hospitality to gain advantage.
 - 13.9. Not being truthful about the nature of access to or relationship with government representatives
14. Attendees agreed that they thought that this would be a good interim approach. They said that they would not have an issue with the suggested list of behaviours above. One noted that the guidelines should be cognisant of existing laws (eg donation and corruption legislation).

Actions

15. MoJ said it would work on draft expectations and asked attendees to send in any examples that might be useful.
16. MoJ will circulate the draft for comment – noting that if the code is for all lobbyists, other groups had expressed an interest in being involved.
17. MoJ will also circulate the outcome of this meeting to the wider group of stakeholders together with the survey, to gather wider perspectives on a voluntary code as an input to the wider regulatory project.
18. This summary will also to be circulated to attendees for review before it is posted online.

Appendix 1: Attendee list

Name	Organisation
Lisa Sheppard	Ministry of Justice
Elisha Connell	Ministry of Justice
Sifa Taumoepeau	Thompson Lewis
Charles Finny	Saunders Unsworth
Robert Munsworth	
Steven Sutton	Russell McVeagh
Susanne Martin	PRINZ
David Buckingham	Queenstown Advocate
Spiro Anastasiou	SenateSHJ
Talani Meikle	GRC Partners + Porter Novelli
Jesse Thompson	Awhi (attended first half meeting)
Daniela Maote-Cox	Awhi (attended first half meeting)
Holly Bennett	Awhi (attended first half meeting)
Clayton Cosgrove	Clayton Cosgrove and Partners
Megan Leeming	GRC Partners + Porter Novelli
Kenny Clark	Lillis Clark