

# Political Lobbying Project: Wider Regulatory Issues Meeting

Summary: Ministry of Justice facilitated meeting with general interest groups on issues with political lobbying

31 August 2023

## **Why we held this meeting**

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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 31 August 2023 with general interest groups 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**

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1. Karakia, welcome and introductions (see attendee list Appendix 1).
2. 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.
3. This meeting aims to explore questions and issues that will need to be addressed as part of the wider regulatory project.
4. Brief introduction of the Ministry of Justice's Electoral and Constitutional team. Outline of the Ministry's approach to the meetings e.g. full transparency, meeting with groups not individuals, summary of meetings to be published online.
5. 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**

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6. Attendees wanted to know more about the meeting with third-party lobbyists that had occurred on 30 August about the voluntary code of conduct. MoJ noted that the meeting had concluded that development of an interim ethics-based code does not prevent long-term discussion around a comprehensive code, or a different more complex code that may require enforcement or registration. In the meantime, an interim code would be drafted by MoJ and sent to all who have expressed an interest in this work.

7. Others noted that key questions about a code include who owns it and how to determine whether someone is compliant or not.
8. One attendee said their organisation already had a code, so the political lobbying code should focus on third-party lobbyists as wider groups don't need legislation or codes.

## **Definition of lobbying and project scope**

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### *Ways to narrow the definition*

9. A number of possible ways to limit the definition to make it workable were discussed:

#### *Advocacy versus lobbying versus activism*

10. Attendees discussed whether there is a difference between lobbying, advocacy and activism. They argued that advocacy is for wider good or long-term objectives, while activism is more about protests. In contrast, lobbying was for vested or private interests or short-term economic gain.
11. While some wanted to draw a line between these concepts, others said this is a spectrum with different objectives, but with the same ultimate intent to create change.
12. One person thought if somebody is an advocate, they may still be required to behave in a certain way, but there doesn't need to be the same controls as for people who may have 'vested' interests.

#### *Media as lobbyists*

13. Attendees discussed the role of media in lobbying and noted that internationally media can be partisan. One person commented that while general media in New Zealand are usually neutral and should not be included, political media commentators could be included if there isn't transparency around who has commissioned opinion pieces.

#### *Focus on lobbying activities and behaviours*

14. One attendee said that at its core, political lobbying was primarily about undue influence for a wrong outcome; and this was not the domain of any one group.

### *Who are the lobbied*

15. Another attendee wondered whether this work covers both local and national government.

## **The Issues for New Zealand**

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16. General comments made during the meeting by attendees included:

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

17. Many attendees said New Zealand is one of the least corrupt countries globally and that we have a high trust environment. People have easy and quick access to decision makers. This was considered a strength about New Zealand that should be protected.

### *We don't have enough information on political lobbying harms in New Zealand*

18. However, others noted that issues may be invisible because the nature of political lobbying means they are not easily discoverable. They thought that we don't know what the problem is, the degree of it and how much of an issue it could become.

*We have a perception problem*

19. The group discussed whether the issue was really one of perception. One person noted that people might think that corporations receive more, but they didn't consider this was necessarily the case as everyone can access politicians easily in New Zealand.

*Watch cost and unintended consequences*

20. Attendees were generally cautious about how far this project should go. Some attendees considered there were small changes that could be implemented to improve things, and that would address the current realities. It was important to take a "common sense" approach.
21. Attendees discussed the fact that narrowing the definition of lobbyists or targeting one group could have perverse implications. There was concern about keeping access open and not restricting it by only allowing "recognised lobbyists" to have access to decision-makers.

*Consider Māori/Treaty context*

22. One attendee said that the project needed to ensure that equity, diversity and Treaty of Waitangi partnership is properly taken into account in this work.

**Fair access**

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*Larger, better resourced organisations get better access*

23. Attendees thought that larger, more well-resourced organisations are getting better access to decision makers. They said that funding around 'super lobbyists' can affect the influence that some players have, whereas others do not have those resources and are more marginalised. An attendee described their experience, where they did not feel their voice was heard and that the "economic argument won."

*Concerns about the growth of 'super lobby groups'*

24. Part of the discussion around larger organisations included concern that New Zealand should be careful to prevent the rise of a 'super' lobby group such as the NRA in the US, a big power that has outside influence. Some attendees said there are already parts of New Zealand industry that could be in this category, such as in the primary industry or pharmaceutical sectors. In their view, there has been a change in the past 10 years in New Zealand around the influence that these players wield.

*Unequal access to decision makers*

25. A key issue identified by attendees was their experiences of unequal access to decision-makers. They thought there is an influence-access issue around who is listened to. Attendees felt it is up to decision makers to ensure there is wide access where a diverse range of voices is actively sought out and heard.
26. Attendees noted that there is a difference between access and influence; noting that people maybe don't have a great deal of influence, but do have access

## **Transparency**

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### *Transparency could be improved*

27. Attendees thought that many things are already transparent, like ministers' diaries, or the Official Information Act (OIA). However, there can be uncertainty about who a lobbyist is representing. Attendees considered that better transparency here could allow insight into groups that are meeting with decision-makers on a regular basis.

### *Lack of clarity on who has influenced consultation*

28. Transparency in decision making was also raised as a concern. One attendee noted their experience using the OIA for information on the decision-making process, where the information received was heavily redacted.

### *Indirect lobbying techniques*

29. Attendees talked about the potential for both good and harm to come from the use of new technologies. One attendee described an application that the public can use to generate campaigns on matters that are important to them as an example of positive use of technology.

30. Attendees also noted that there are opportunities for people to misrepresent who they are through these new technologies and the potential for this to impact New Zealand in the future. One attendee commented that "as it's insidious and invisible it's possible that we may realise it too late."

31. Some in the group discussed their concern about 'astro-turfing' or pretending to be grass-roots communities. Some noted instances where Select Committees have received numerous submissions originating from single 'super' lobbyists and that Select Committee, or possibly the submitters themselves may not be aware of the origin of the duplicate submissions.

## **Integrity**

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### *Revolving Door*

32. One attendee noted the transition of politicians into third party lobbying roles and the lack of a stand down period in New Zealand compared with other countries.

## **Suggestions for the way forward**

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33. While solutions were not the main meeting outcome, participants made suggestions;

35.1. Look at the Welsh system where all political decision makers have to take into account the long-term implications for the future generations.

35.2. Consider mechanisms like citizens' assemblies for decision making.

35.3. Create a group of people who are lobbying together and work as a team. More voices make it more powerful.

## Next steps

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34. MoJ advised that the meeting notes would be summarised and shared with the group to check for accuracy, before being posted on the Ministry's website.

## Appendix 1: Attendee list

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<b>Name</b>	<b>Organisation</b>
Lisa Sheppard	Ministry of Justice
Elisha Connell	Ministry of Justice
Nadja Colic	Ministry of Justice
Jacky Foster	Social Justice Aotearoa
Nicola Waldren	Restaurants Association
Anne Kelly	Stroke Foundation of NZ
Nikky Winchester	ActionStation
Keith Norris	Marketing Association
Jelly O'Shea	Intersex Aotearoa (apology)
Nicola Waldren	Restaurants Association
Jacky Foster	Social Justice Aotearoa
Scott Guthrie	Justice for Kiwis
Kate Longman	Horticulture NZ
Dias Suwido	Alzheimers NZ
Lindsay Mouat	Association of New Zealand Advertisers (ANZA)
Rachelle Hardie Neil	Financial Services Council
Helen Beattie	Veterinarians for Animal Welfare (VAWA)
Mike Munley	Medical Technology Association of NZ