



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

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Submission to the Government Administration Committee on the Lobbying Disclosure Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action.

This submission has been prepared by the NCWNZ Public Issues Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

In discussing this proposed legislation, NCWNZ members have strongly supported New Zealanders' democratic right to put their views before politicians, and that this freedom of speech should not be limited. The open access that New Zealanders have to its parliamentarians needs to continue. New Zealand should not become a country where using paid lobbyists or making payments are the accepted ways to develop policy. While expecting transparency in this process, the members believe that transparency cannot be guaranteed by either a register or a code of conduct. Lobbyists, whether paid or unpaid, can undertake their activity in any location, not only in parliamentary or constituency offices but, for example, in a coffee bar, at the pub or a local event.

Clause 3 Purpose

Clause 3 limits the scope of the bill to executive government yet Clause 7(2) (a) defines the scope of lobbying activity to cover "any public office holder" (defined in Clause 4 as any member of parliament or someone working in a member's office). The Bill needs to be consistent in defining the scope of coverage.

The majority of NCWNZ members who responded supported a broader scope than executive government, to include all members of parliament and potentially even public servants.

A further objective of this Bill should be to achieve equality of access of groups to members of parliament.

Clause 4 Interpretation – organisation

In debating whether an organisation should include all parties listed in Clause 4, the majority supported the inclusion of all categories of lobbyist organisations. No organisation which is properly constituted and democratic in reflecting its members' views should fear being on the register.

Clause 6 Registration of lobbyists

This Clause defines lobbyist in terms of someone who is employed (6(2)). The viewpoint of the majority of NCWNZ respondents is that if such a regime is implemented it should not be limited to only paid lobbyists. Being paid was not seen as a sufficient determinant to define a lobbyist. In the not-for-profit sector, organisations have many volunteers and few paid staff. This would mean the volunteers were exempt but not the paid staff.

Those who supported a distinction indicated that paid lobbyists should be registered as they were fulfilling a financial contract to do the job of lobbying with a view to influencing decision-making. Being registered would identify the vested interests that they represent. At the same time, individuals who are not paid should still be able to undertake the same activity in their own right as they are representing only themselves.

Those who did not support a distinction supported the continuation of open access to members of Parliament. Some expressed concerns about the use of gifts or other incentives being offered (eg the use of corporate boxes where lobbying can occur). However payment was not considered the only determinant for a lobbyist. Frequency of contact, for example, was also a factor in defining who is a lobbyist.

Members were concerned about the use of lobbyists by some industry groups such as the liquor, gaming and tobacco industries which contribute to government revenue.

Clause 7 Returns of lobbying activity

In discussing this clause, a number of respondents believed that it was the government that should be transparent about whom it deals with, and it is the government who should be accountable to the public. The Auditor-General is the watchdog of the government, not of private and voluntary sector activities.

Clause 8 Certification

The proposed legislation does not identify any process for those who have been denied registration as a lobbyist. The assumption from this clause is that everyone who wishes to lobby becomes registered, and if they breach the conditions (cl. 16) they will be suspended or removed. Someone who is declined registration should be able to appeal that decision.

There needs to also be a mechanism for those who are denied access to politicians. There needs to be a form of accounting that identifies who sought appointments or contact with

members of parliament and whether they were successful or unsuccessful in these endeavours. Such an accounting would introduce transparency that merely maintaining a register does not.

Clause 13 Code of conduct

There was general support for a code of conduct that would give boundaries to the lobbying behaviours.

It is pleasing to see the need for consultation on such a Code mandated in the legislation (13(2)). NCWNZ would welcome the opportunity to be consulted on the development of such a code.

Clause 16 Suspension or removal of individual from Register of Lobbyists for breach of Code

This clause does not explicitly state that the person being removed from the Register is informed that this action has been taken.

It was also suggested that anyone suspended or removed from the Register should have their name published with the reason for the action.

The use of the term government department (16(3)(b)) needs defining to ensure it is consistently interpreted. With the many categories of government agency, any legislation using this phrase needs to specify whether the term is used to mean the public service departments as defined in the 1st Schedule of the State Sector Act 1988, or the full range of state sector entities.

Conclusion

NCWNZ supports the need for more transparency around which individuals or organisations are having an influence on the development of government policy or individual members of parliament. This Bill is seen to erode the rights of New Zealanders to place their concerns before members of parliament.

It is the members of parliament who should be transparent about whom they meet with.

While there needs to be transparency in knowing whose opinions and interests have contributed to the development of policy and legislation, creating a register of paid lobbyists is more likely to institute a new profession than fulfilling the need for better transparency. Transparency cannot be guaranteed by either a register or a code of conduct.

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