

Rebecca White MP

Tasmanian Labor Leader



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Dear Michael

Thank you for the opportunity to consider the draft framework put forward by the Integrity Commission to reform Tasmania's lobbying oversight system. I respond on behalf of the Tasmanian Parliamentary Labor Party.

I wish to commend the Commission on the significant body of work that has led to the production of the draft framework. Through the research and consultation reports and the Commission's consultation with relevant stakeholders, it is clear that there is a need for further work to be done on the regulation and reporting of dealings with lobbyists in Tasmanian politics.

Tasmanian Labor recognises the current system of oversight of lobbyists has been in place for some time and like all regulatory systems, is inevitably due for review and strengthening.

A clear and transparent system of regulation of dealings with lobbyists will contribute to rebuilding the trust in politics that has been sadly eroded in recent decades and Labor supports the need for a strong robust system to ensure there isn't any undue influence in our systems of democracy.

Tasmanian Labor supports much of the content in the draft framework, however I have provided comments against recommendations below, which are intended to assist in the next stage of ensuring Tasmania ends up with a system that is both transparent and accountable, while also being practical and straight forward to administer.

Recommendation 1: definition of lobbying activities

The proposed definition is very broad, and when read in conjunction with the proposed definition of lobbyist, would capture many regular day-to-day activities and interactions that MPs and their staff have with members of the public. It is not uncommon for MPs and their staff to be contacted by members of the public who have had interactions with public institutions, to share their experience and advocate for change. Just a handful of recent examples of such interactions are provided below.

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Court experience of a victim survivor of family violence

A Labor MP recently met with a victim survivor of family violence. The victim survivor had recently been through legal proceedings in the Magistrates Court, relating to her relationship. The court experience was a negative one and the victim survivor had a series of views and recommendations to share regarding how the Magistrates Court deals with the hearing of evidence in family violence situations.

This could constitute advocating for an interest regarding development of policy and/or amending legislation. In these and several other similar circumstances it would not be appropriate or safe to publish the name of such a constituent coming to meet with their local MP.

Voluntary Assisted Dying

Many MPs from all Parties met with members of the public to discuss the development of the Voluntary Assisted Dying legislation being considered by the Tasmanian parliament. Many of these meetings were very moving with members of the public privately sharing deeply personal stories with MPs to describe their experience losing a loved one.

Conversion practices

Similarly to the VAD debate, many members of the public are currently seeking opportunities with their local MPs to discuss conversion practices. People are again sharing deeply personal stories on all sides of the debate.

These meetings have been intended to inform all MPs who wish to hear perspectives of each of these debates, before they vote on or amend legislation. It would arguably not be appropriate or expected by those members of the public that their names would be published as having been engaged in lobbying activities.

Peak bodies and organisations

MPs and their staff are often contacted by organisations and by peak bodies representing cohorts of the service system and community. These organisations will often lobby for change in their sector, for example different funding models or different models of operation. These interactions can be via meetings with their local MP, but can also be unsolicited written communications for example sharing a copy of an organisation's budget submission, or sharing information on policy changes the organisations would like to see happen.

These interactions could be captured by the definition of 'lobbying activity' in that those members of the organisations or peak bodies are seeking to advocate for a change in policy or legislation.

Members of the public interacting with government services

Members of the public often contact the MP via phone, email, letter and in person when they have had interactions with government services. These people are often advocating for a change in policy, for example a change in Homes Tasmania's policy on debt collection or a change in how the state taxation system operates or a change in how state migration visa applications are handled.

These interactions could also be captured by the definition of 'lobbying activity' because they are advocating for policy or legislative change.

Further guidance is required on how day-to-day interactions in MP offices such as those outlined above are intended to be captured by the framework.

Recommendation 2: Exemptions

I note the proposed exemption of 'incidental meetings or constituents seeking advice from their local member', however some of the above examples go further than incidental meetings or seeking advice. Sometimes constituents will come to MPs with detailed experiences in the government service system, advocating for specific amendments to legislation or policy change as outlined above.

It should be noted that a constituent presenting such views to an MP does not mean that MP is going to act upon the person's advice or request.

The final framework will need to be much clearer in the parameters of what is intended to be captured by the reporting framework.

Recommendation 3: definition of lobbyist

As noted in my comments against Recommendation 1, this broad definition could potentially be interpreted as applying to all people, not just those registered on the lobbying register. Further guidance and clarity will be required on which kind of interactions with members of the public are intended to be captured by the framework.

Recommendations 4 and 5: definition of registered lobbyist and code of conduct obligations

Tasmanian Labor agrees with the proposed definition of 'registered lobbyist' and the proposed obligations for inclusion in the code of conduct.

Recommendation 6: expansion of public representative scope

Tasmanian Labor broadly agrees with the expanded definition but recommends further clarity on who is captured as a 'Ministerial advisor'. Recognising staff take on different job titles, it should be clarified if this covers all people working in the office of a Minister, or more broadly, all staff working for MPs including in their electorate offices.

It is also noted that a broader term such as 'Member of the Tasmanian Parliament' would cover all of dot points 1, 3 and 4 of the proposed expanded definition.

Recommendation 7: Lobbying code of conduct

Further clarity is required on how this would apply. With the examples of constituent interactions given above, further guidance and clarity would be required on, but not limited to, the following:

- **Undocumented interactions**
Must all constituent interactions that could go to suggestions for policy or legislative change be minuted and documented? If so, in what form and who has the responsibility for ensuring and monitoring whether such interactions are documented and in the correct form?
- **Seeking the views of all parties**
In the examples of meetings given above against Recommendation 1, an MP may only be approached from members of the public on one side of a debate. In that circumstance, should an MP refuse to meet with that person until they have also been approached by someone with an opposing view to the first, or should the MP actively look for someone with an opposing view to meet with them to satisfy the requirement proposed for the framework?
- **Giving preferential treatment**
Similar to the previous comment, how would this be determined and regulated under the framework?

Recommendation 9: disclosure by public representative

Tasmanian Labor agrees there should be reporting requirements and broadly agrees with the suggested information that should be gathered and reported for interactions with registered lobbyists.

As far as communications with members of the public go, further guidance is required on what the framework intends to capture.

For example, the draft recommendation suggests the public representative must report if the lobbying activity took place by meeting, phone call, text message or written submission or proposal.

MPs receive sometimes hundreds of emails each day which could fall within the definition of lobbying activities. For example, there are regular 'form email' campaigns where members of the public email their elected representative to encourage them to vote one way or another on an upcoming piece of legislation, or to amend legislation, or to advocate for policy change.

Similarly, MPs often receive unsolicited proposals for policy reform from individual members of the public as well as from businesses and peak body organisations arguing for a particular policy to be adopted.

Further, MPs offices receive hundreds of phone calls from people advocating for legislative and policy change, some of which could fall within the definition of lobbying activity.

It is also important to note the growing presence of social media in an MPs workload and the multiple different platforms and methods of communication that exist online. There is a requirement for clarity regarding how to capture direct messages and comments on different platforms given these can sometimes be very numerous and difficult to track.

The final framework would need significant further guidance to MPs and their staff, as well as other public representatives on what is required to be recorded.

Recording each phone call/email/online message/policy submission/constituent meeting under the lobbying framework could become administratively burdensome and the fact that many MPs offices operate with just one FTE staff member (plus the MP) must be taken into account.

Recommendation 10: gift giving

Tasmanian Labor agrees it is not appropriate for lobbyists and public representatives to exchange gifts, especially if the exchange is intended to garner favour or influence. It is noted that there are current guidelines that operate within the state service on what kind of gift is reportable (dollar limit) and it would be appropriate to have something similar. This would avoid for example, reporting the purchasing of a coffee or a symbolic token gift given to a public representative by, for example, a visiting ambassador or an overseas government representative, where the giving of small local gifts is customary and expected.

Recommendation 11: success fees

Tasmanian Labor agrees success fees should not be paid by clients to lobbyists.

Recommendation 12: cooling off period

Tasmanian Labor agrees with the twelve-month cooling off period applying to public representatives. However, should the definition of public representative be intended to extend to all staff working in an MPs office, further guidance would be required or consultation conducted, to ascertain what the effect on those staff might be. This is particularly relevant for staff who might be in a public facing role, taking phone calls and meetings, but who does not have a formal role in advising their MP on policy or legislation.

Recommendation 13: dual hatting

Further clarity is required on how this would apply to people who volunteer on political campaigns for tasks such as doorknocking, phone calling and talking to members of the public during election time.

Recommendation 14: political donations

It is appropriate that political donations made by registered lobbyists be recorded and reported. It is Labor's view that this should be administered as part of the upcoming changes to the *Electoral Act* and should be recorded as part of that regime. It would not be practical or desirable to set up a second reporting regime for political donations to be administered by the Integrity Commission as part of the regulation of lobbying activities. Indeed having two reporting systems could lead to confusion and a lack of transparency. Lobbyists should have to comply with the political donation reporting system to be

established and maintained by the Electoral Commission (pending that legislation being finalised and implemented).

Concluding remarks

Tasmanian Labor recognises the significant work that has led to the development of the draft framework and agrees broadly with the desire to broaden and strengthen the reporting framework.

Transparency and accountability in the activities of elected and other public representatives is a central tenant of democracy and Labor is committed to restoring trust in politics.

Members of Parliament and their staff routinely meet with dozens of constituents, community representatives, volunteers and advocates every week. We hear from people about their experiences and their opinions on a range of issues. This conduct is not unethical or the indication of any kind of routine wrong-doing, but rather is the reality of any MP's day-to-day work. The final framework should provide clear guidance on the very broad definition of 'lobbying activities' and how it is intended to apply to the day-to-day work of MPs and their staff serving their constituencies.

Tasmanian Labor looks forward to continuing to provide input into the work of the Commission as you progress the draft framework and trust the Commission will consider the suggestions and questions put forward in this response.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Rebecca White', with a stylized flourish at the end.

Rebecca White MP
TASMANIAN LABOR LEADER
MEMBER FOR LYONS

15 February 2023