

Submission on the Tasmanian Integrity Commission's Lobbying Framework Report

I am writing to provide my feedback and suggestions on the proposed reforms outlined in the Tasmanian Integrity Commission's Lobbying Framework Report. One of the biggest problems with Australian and Tasmania democratic processes, is the undue power of lobbyists and the issue of state capture by powerful vested corporate interests. It is vital that this issue is tackled forcefully to ensure government is truly representative of the people.

While I am generally supportive of many of the proposed changes, I believe that there are areas where the Commission can make further progress to ensure the best possible system for lobbying oversight in Tasmania.

1. **Legislative Approach:** A voluntary system for lobbying regulation is not sufficient to address the risks and challenges associated with lobbying activities. It is crucial that the Commission adopts a legislative approach to lobbying regulation, as recommended by the OECD's Principles of Transparency. This would create a level playing field for all lobbyists and public officials, ensuring their accountability for their actions. Legislation would also enable the Commission to introduce more robust sanctions for non-compliance, such as multi-year bans and fines. Many other jurisdictions, including New South Wales, Canada, Scotland, and Ireland, have legislation in place to provide a level playing field for compliance.
2. **Funding and Resourcing:** The Integrity Commission plays a vital role in ensuring ethical and transparent lobbying activities. However, without adequate funding and resourcing, the Commission cannot fulfil its mandate and uphold public confidence. Therefore, it is essential that the Commission's budget is secured by law and not subject to political interference. Adequate funding will enable the Commission to carry out its oversight responsibilities effectively.
3. **Clarification on Gift-Giving:** I would appreciate further clarification from the Commission on whether the proposed recommendations include all gift-giving. It is unclear to me how a check of the registered lobbyist list will cover all gifts from lobbyists. Clear guidelines and regulations should be put in place to ensure transparency and accountability in gift-giving practices.
4. **Threshold for Donation Declaration:** Section 2.2 of the Framework Report states that lobbyists must only declare a donation made in the previous 12 months if it exceeds a threshold, which has not been determined by the Commission. I recommend that the threshold for donation declaration be set in the region of \$1000. Lobbyists should also be required to report who received their donation, further enhancing transparency in the lobbying process.
5. **Dual Hatting:** The proposed 12-month period for restricting "dual hatting" is too short to sufficiently diminish the issue of undue influence. I recommend that the time period be extended to cover the entire term of the public official. This approach is supported by the Coaldrake Report in Queensland, which recommended that lobbyists who played a significant role in a successful election campaign should be barred from lobbying for the entirety of the term of office.
6. **Inclusion of Local Government Lobbying:** It is unfortunate that the Commission's terms of reference do not include local government lobbying. The inclusion of the local government tier in the Commission's remit would limit the ability of lobbyists to secretly target local public officials and make planning processes and other issues more transparent. It is crucial that the local government tier be included in the Commission's oversight in the near future.

7. Broadening of Scope for Lobbying Activities: While the proposed lobbying activities are sufficiently broad, it is important to ensure that agreements made with non-government parties and public officials are included. It is possible that non-government officials could be influenced in a way that is consistent with promises made. Therefore, lobbying of those who seek power should be explicitly captured by a statement that includes "a party or candidate seeking government.

8. Publication of Ministerial Diaries: The Commission should reconsider its decision not to require the publication of Ministerial Diaries. Ministerial Diaries provide valuable information on the lobbying activities of ministers and their staff, increasing transparency and accountability in government decision-making. Other jurisdictions, such as New South Wales and Queensland, have successfully implemented the publication of Ministerial Diaries, and I believe Tasmania can benefit from this practice as well. Additionally, the disclosure log should include the specific topic and intended outcomes of the lobbying interaction, going beyond just the general nature of the activity.

I appreciate the efforts of the Integrity Commission in proposing reforms to enhance lobbying oversight in Tasmania. However, I believe that further progress can be made in certain areas to ensure the implementation of a world-class system. By adopting a legislative approach, securing adequate funding, clarifying gift-giving regulations, extending restrictions on dual hatting, including local government lobbying, broadening the scope for lobbying activities, and considering the publication of Ministerial Diaries, Tasmania can establish a robust and transparent lobbying framework. Thank you for considering my suggestions, and I trust that the Commission will carefully review and implement these recommendations.

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