



PREMIER OF TASMANIA

24 February 2023

Mr Michael Easton
Chief Executive Officer
Integrity Commission Tasmania
Email: contact@integrity.tas.gov.au

Dear Mr Easton

Thank you for your letter of 22 December in relation to reforming Tasmania's lobbying oversight system and seeking the Government's views on the draft framework.

The Tasmanian Government is committed to improving openness and accountability of government decision-making and has been focused on increased access and publishing government information, increased transparency and building a culture that reduces red tape.

Key reforms already delivered include –

- Publishing Right to Information (RTI) responses online within 48 hours of release to applicants.
- Increasing the number of routine disclosures of information, including release of key information related to Ministerial and Parliamentary support expenditure including employee and salary details, Tasmanian Government Card expenses, Minister's travel and entertainment expenses.
- Implementing a public submissions publication policy relation to major policy and legislation reviews.
- Initiating a major review into electoral reforms including political donations and third-party disclosures. Legislation is now before the Parliament following public consultation.
- Significant reform of the Pecuniary Interest disclosures for all Members of Parliament.
- A new whole of government *Gifts, Benefits and Hospitality Policy* for the State Service and Members of Parliament, Ministers and their staff.
- Continuous updating of the Ministerial Code of Conduct in 2014, 2018 and 2021 to improve accountability in the performance of the duties of all Ministers, particularly related to conflict of interest, and ensure government operates in a manner that protects and upholds the public interest and withstands the closest public scrutiny.

- Delegated all Ministerial RTIs to independent Departmental RTI officers.
- A significant uplift of RTI capability and practice in the Tasmanian State Service, with \$500,000 provided over two years to support the provision of centralised training, building skilled RTI practitioners and reducing key person dependencies while enhancing consistent practice across government.
- Supported additional oversight, misconduct prevention and education through the Integrity Commission with \$900,000 in added funding, including management of the transferred responsibility for the Tasmanian Lobbying Code of Conduct and Lobbying Register.
- An additional \$1.33 million for the Office of the Auditor-General to improve financial and performance audits.
- Established a new Disability Commissioner to lead and drive oversight and monitoring related to the rights and safeguarding of people with disability.
- Significant reform and strengthened oversight of the Public Trustee, backed by an additional \$4.3 million.
- Amended the RTI Bill to allow for review of RTI decisions by the Ombudsman, backed by additional funding to support the Office of the Ombudsman to deal with the backlog.

In addition, our government has approved the routine release of Ministerial diaries/meeting schedules. This will occur on a quarterly basis commencing at the end of March 2023, aligning with other jurisdictions.

I believe it is important to highlight the above so that the Integrity Commission is cognisant of the breadth of change across government to improve the openness and accountability of government decision-making.

In relation to the Integrity Commission's proposed reform of the lobbying oversight system, I can advise that the Tasmanian government is concerned about many of the proposals set out in the draft framework.

We believe the current system – the Lobbyist Register and Code of Conduct - is adequately robust, and I am advised there has been no breach of the Register of Lobbyists in the 15 years it has operated, nor evidence of corrupt practices or unethical conduct. If there were, the Integrity Commission already has the power to investigate such practices. Tasmanian law, including the Criminal Code, also deals with serious crime and misconduct. Further, registered lobbyists are already required to identify who they are lobbying for and this is transparently publicised.

The government is concerned that the proposed reforms will place a significant and added administrative burden on members of the State Service, GBEs and State-owned companies, as well as Ministerial and Parliamentary staff, who in most cases are not final decision makers, and are all subject to code of conduct provisions, including the State Service Act.

The commencement of the publication of details relating to Ministerial meetings and attendances will provide an additional layer of transparency. Further, while there is no

requirement to currently disclose lobbyist activities in the State Service or MPS, the information is already accessible under the RTI Act.

The proposed reforms would also add a layer of red tape for the business community.

The Government is also concerned about extending the 12 month cooling off period to Ministerial Advisers, particularly given the proposal to expand the definition of a lobbyist. This could severely limit the future employment prospects of Ministerial Advisers in such a small jurisdiction making it incredibly difficult to attract staff. Not only could this be considered discriminatory, it would also act as a deterrent to anyone considering a role in a Ministerial office.

We believe all Tasmanians should be treated equally under electoral laws, which are to be reformed in Parliament this year. Matters such as donation disclosure requirements should be dealt with at this time rather than lobbyists being singled out through a separate process.

Our government is opposed to stifling political discourse or putting up any barrier to community based groups, stakeholders and organisations being able to participate in democracy and access their locally elected members. Lobbying, whether by a registered lobbyist or a stakeholder or organisation, is a useful and healthy way for those groups to contribute their expertise and knowledge to the development of public policy.

The cost of the Integrity Commission's proposed reforms is also likely to be significant. It is our view that education of relevant parties by the Commission is preferential to the compliance/regulatory approach proposed.

I do appreciate that the Commission in its review, is genuinely attempting to ensure good practices in relation to the management and regulation of lobbyists and lobbying activities. Whilst we believe there are enough checks and balances in the existing system to ensure that decisions are accountable and transparent, we would however be prepared to support the following:

- Extending the Gifts, Benefits and Hospitality Policy to non-government Ministerial and Parliamentary staff.
- Extending the publication of Ministers meetings and attendance to all Members of Parliament.

Thank you for the opportunity to provide feedback.

Yours sincerely,



Jeremy Rockliff MP
Premier