

National Council of Women Tasmania Inc.

Affiliated with the National Council of Women of Australia and the International Council of Women through the National Councils of Women Coalition of Tasmania

Motto: "Do unto others as you would they should do to you"

President: Dorothy Kelly, [REDACTED]

Secretary: Sally McGushin, [REDACTED]

Treasurer: Dorothy Kelly, [REDACTED]

Reforming oversight of lobbying in Tasmania submission

The National Council of Women was established in Tasmania in 1899. It provides a forum for women's groups to learn of each other's activities, and serves as an umbrella organisation with broadly humanitarian and education objectives, as well as seeking to raise awareness of women to their rights and responsibilities as citizens and to encourage participation of women in all aspects of life. Members work across all sectors to identify and bring about change to ensure that there is equity and security for all in Tasmania, Australia (through NCWA) and the world (IWA). Thus NCWT members often contact elected representatives at all levels of government, especially State Parliament, seeking clarification, raising awareness and urging action. We regard lobbying as an integral part of the democratic process. As an organisation, we believe that NCWT is open and transparent. Our meetings are open and our activities are recorded at meetings; the minutes are available, and we provide a summary of out year's activities at each AGM.

However it is clear that some lobbyists are advantaged in their ability to wield influence; this is not necessarily wrong but it must be seen to be clear and transparent if it is to be fair in a democratic process. Thus we support some regulation, although appreciate that too much regulation would become unwieldy and we believe that it would undermine the process.

NCWT commends the transfer of administrative responsibility of the Register of Lobbyists and accompanying Lobbying Code of Conduct from DPAC to the Integrity Commission. In addition, we trust that the Integrity Commission will be funded appropriately in order to properly establish monitoring and enforce compliance.

We welcome the current review and appreciate the opportunity to have our say. In reviewing the Register and the Code of Conduct, our bottom line is that the review needs to ensure that the public can make itself aware of which lobbyists are lobbying which public officials, and on which issues. The Tasmanian Code of Conduct and Register should identify the interests represented and it should also show the object of the lobbying activity and the government representatives being lobbied. In addition Tasmania should have specific legislation enabling the Integrity Commission to investigate and punish non-compliance. Compliance measures could include deregistration, fines and even imprisonment depending on the breach.

We have not addressed all the questions raised directly as we do not feel we have sufficient expertise, for example, to say which lobbyists should be subject to cooling off periods and how long those cooling off periods should be. Nevertheless we certainly support the concept of a cooling off period. The issues that we have tackled are of a more general nature and it is essential to address them if the general public is to be reassured of fair and transparent lobbying.

Should all Members of Parliament be included?

Should all state servants and bureaucrats be included or only those most senior?

NCWT believes that all members of parliament should be included in the Lobbying Code of Conduct as public officers who are being lobbied. It is not enough to only include a *Member of Parliament of the political party (or parties) that constitute the Executive Government of the day*. Nowadays the Federal Government and the States can no longer expect to have a clear majority government in a simple two party system. Therefore lobbyists are increasingly likely to approach MPs who are in apparent opposition or on the cross bench. Both the MPs and the electorate need the protection of regulation ensuring transparency. So all Members of Parliament and their staff should be included. We also support Ministerial Advisers and Heads of Agency being covered by the Code too. There may also be a case, as suggested by Yee-Fui Ng, to include other public servants who provide significant public advice or make significant decisions. This may be something that has to be decided on a case-by-case basis. Restricting it to Ministerial Advisers and Heads of Agency runs the risk of being too narrow.

What standards of behaviour or conduct should be included in a code of conduct?

The Tasmanian Code of Conduct sets rather general standards. In so far as it aims to ensure a transparent system of lobbying, then the Tasmanian Code of Conduct needs more standards such as with the Queensland Code, which specifically identifying many of the standards.

Should lobbyists be prohibited from giving gifts to people who are lobbied?

Lobbyists should be prohibited from giving gifts to people who are lobbied. NCWT believes that we not only need a fair and transparent process but that it needs to be seen to be done. For a lobbyist to give a gift to someone to someone who may be lobbied, implies an expectation of influence or benefit. The clearest way to avoid suspicion of motive is to ban gift giving.

Should a lobbying code of conduct include standards of conduct for both lobbyists and people who are lobbied?

Most lobbying codes of conduct focus on regulating standards of conduct for lobbyists rather than the lobbied. Our MPs and public servants are already bound by other codes of conduct. Nevertheless there could be a case for particularising the standard of behaviour of the lobbied along side that of the lobbyists. The lobbied are involved with making decisions on the part of the electorate and in so far as members of the public want to make themselves more aware of the influence of lobbyists, then it would be useful to spell out the reciprocal responsibilities of the lobbied. It would provide an appropriate list of checks and balances that would help the lobbyists, the lobbied, members of the

public as well as those responsible for monitoring the code, to determine fair and transparent conduct.

What (lobbying) activities, if any, should be exempt from the definition?

In so far as the Code of Conduct promotes fair and transparent conduct, then it seems reasonable to exempt activities already on the public record such as statements made in a public forum and communications in response to a call for submissions.

Should registerable lobbying activity be triggered by one communication only?

NCWT supports lobbying activity being triggered by one communication only. If lobbying activities are to be transparent, then they need to be registered from the initial communication.

Should the regulatory system be extended to include in-house and other lobbyists?

NCWT agrees that the Code of Conduct needs to expand to include in-house lobbyists as well as not for profit organisations seeking to advance their members' position such as the Minerals Council and the Australian Hotels Association, both of which wield considerable influence within the Tasmanian political scene. Restricting the Code of Conduct to Third Party lobbyists ignores the reality of other lobbyists. Furthermore, the role of other lobbyists is likely to become greater if they are not subject to the same scrutiny as third-party lobbyists.

Should receiving or paying success fees be prohibited?

It is time that Tasmania prohibited receiving or paying success fees. This will not only remove an incentive for misconduct but it will reduce the risk of distorting a perception of bias in public decision-making. This is important if the public is to have faith in its decision makers.

This really is the crux of the matter. If people are to trust in their decision makers, it is important to regulate lobbyists, and it is important for lobbyists to be seen to be regulated.

Sally McGushin
Hon. Secretary, NCWT
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