

Department of Premier and Cabinet

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Mr Michael Easton
Chief Executive Officer
Integrity Commission Tasmania
GPO Box 822
HOBART TAS 7001

Dear Mr Easton,

REFORMING OVERSIGHT OF LOBBYING IN TASMANIA

Thank you for your letter of 27 May 2022 regarding the public consultation process you launched seeking input on the current lobbying framework and inviting a submission on behalf of State Service agencies. I appreciate the extension granted by your Office to allow for the preparation of this response which was required to support consultation with other state service agencies on this response.

As the Head of the State Service, I welcome the review of good practice in relation to the management and regulation of lobbying and lobbyists. It is important that the potential misconduct risks associated with lobbying, and how these risks are managed into the future, is carefully considered. In my submission, any revised lobbying framework should increase transparency, integrity and accountability but not impose a disproportionate administrative burden on those participating. There are costs as well as potential benefits associated with expanding the definitions of what is lobbying; the people who are lobbied; what is included in lobbying activities; and increasing disclosures and enforcing compliance.

It is acknowledged that lobbying can be a useful way to participate in decision-making and to contribute expertise and knowledge to the development of public policy. The Integrity Commission's Consultation Paper *'Have Your Say: Reforming Oversight of Lobbying in Tasmania'* refers on page 2 to lobbying of elected officials and senior officers as *'an accepted and important part of democratic representation and government decision-making'*, while acknowledging that there are key risk areas where *'conflicts of interests, bias and undue influence can arise'*.

It is crucial that the Tasmanian people trust the government and have confidence government is working in their best interests. Therefore, any potential risks associated with lobbying practices need to be mitigated by a transparent process which does not bring inherent, disproportionate, or unmaintainable administrative burden for those involved in the process.

The Tasmanian Government Lobbying Code of Conduct currently sets out a requirement that Government representatives shall not knowingly and intentionally be a party to lobbying activities by:

- a) *a lobbyist who is not on the Register of Lobbyists;*
- b) *an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities whose name does not appear in the lobbyist's details noted on the Register of Lobbyists in connection with the lobbyist; or*
- c) *a lobbyist or an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities who, in the opinion of the Government representative, has failed to observe any of the requirements of the principles of engagement with government representatives.*

The Lobbying Code of Conduct clearly states the expectation that lobbyists and Government representatives comply with the Lobbying Code of Conduct to ensure high standards of professional conduct and to facilitate an open and transparent government.

Further, persons being lobbied under the existing lobbying framework are subject to more detailed codes of conduct that apply to lobbying activities, such as the Code of Conduct for Ministers, including the Receipt and Giving of Gifts Policy; as well as the Code of Conduct for Members of Parliament. State servants are required to comply with the State Service Code of Conduct and the Whole-of-Government Gifts, Benefits and Hospitality Policy. A Ministerial and Parliamentary Support (MPS) staff code of conduct is currently being developed, and MPS staff are already contractually bound to comply with an ethical standard of conduct.

While there is currently no requirement to disclose the subject matter of lobbyist activities on the Register of Lobbyists, this information is accessible under the *Right to Information Act 2009* (the Act). Under the Act, public officers may have their diaries or other information disclosed, and the Department of Premier and Cabinet (DPAC) has responded to a number of right to information requests by providing information relating to the lobbyist register. Again, the benefits of any new system would need to be weighed against administrative burden.

I note that, during the period of time that DPAC administered the lobbying framework, there were no complaints of non-compliance under the Lobbying Code of Conduct received, and DPAC undertook an annual routine audit to ensure lobbyists were removed from the register if they failed to provide up-to-date details and statutory declarations, as per the Lobbying Code of Conduct. Furthermore, lobbyists were actively engaged in contacting DPAC on a regular basis throughout the year to provide notification to a change in their circumstances.

Should you require more information or have any queries regarding this letter, my appointed contact is Mr Rod Nockles, Deputy Secretary and he can be contacted by telephone on (03) 6232 7230 or by email at rod.nockles@dpac.tas.gov.au.

I welcome further opportunities for consultation in relation to the lobbying framework and I look forward to hearing from you in relation to the outcome of the review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Gale', written in a cursive style.

Jenny Gale
Secretary

19 August 2022