

Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au



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

Dear Mr Easton

REFORMING TASMANIA'S LOBBYING OVERSIGHT SYSTEM

Thank you for your letter of 22 December 2022, seeking written feedback on the Draft Framework Report on Recommendations for reforming lobbying oversight in Tasmania. I appreciate the extension of time granted by your office to allow for consultation with other State Service agencies in preparing this response.

I am responding in my capacity as Head of the State Service following consultation with State Service Heads of Agencies.

As I stated in my correspondence to you on 27 May 2022, I welcome the review of good practice in relation to the management and regulation of lobbying and lobbyists. In that letter, I also underscored the need to ensure that reforms to increase the transparency and accountability of the existing lobbying system avoid imposing a disproportionate administrative burden on those participating.

The goals of the lobbying oversight framework are to guide ethical decision-making conduct by public officials, enhance fairness and transparency in government decision-making and to improve the quality of government decision-making. However, as noted in the Draft Framework Report, these goals should not stifle legitimate political discourse or the ability of individuals and community members to advocate for their interests. The purpose of the recommendations is to increase public trust and deliver a system that is not too difficult, costly, or otherwise overly burdensome for voluntary compliance.

In considering the above points which you note in the Draft Framework Report, it is possible that some of the recommendations, when viewed collectively, particularly the proposed definition of lobbying activity and the reduction of exemptions, may unnecessarily and inappropriately impact upon the operation of representative and responsible government by inhibiting people from expressing their views to their elected representatives. This may reduce government's capacity to reflect the interests of stakeholders as is intended.

I also note that the recommendations may work collectively to create a system which is overly administratively burdensome. This may discourage compliance and defeat the purpose of improving the lobbying oversight system.

In addition, the potential introduction of new compliance measures needs to be considered in the broader legislative and policy context within which State Service employees work. State Service employees are currently subject to the Principles and Code of Conduct set out in the *State Service Act 2000*. Existing policies such as the Gifts Benefits and Hospitality Policy, the Declaration of Interest Policy, and Managing Conflicts of Interest Policy all establish high standards of compliance and reporting aimed at achieving fairness and transparency in government decision-making. I do not consider that there is a need for these standards and requirements to be duplicated in the lobbying oversight framework.

Our detailed response to each recommendation is included in Annex A.

Thank you for providing the opportunity to comment on the Draft Framework. I look forward to seeing the progress made by the Integrity Commission.

Kind regards

A handwritten signature in black ink, reading 'Jenny Gale' in a cursive script.

Jenny Gale
Head of the State Service

24 February 2023