The Integrity Commission's proposed lobbying reforms as outlined in their June 2023 Framework Report are a step in the right direction towards improving the oversight of lobbying activity in Tasmania. I acknowledge and appreciate the Commission's efforts to consult with various stakeholders and conduct extensive research on best practices from other jurisdictions. I also support some of the key features of the proposed reforms, such as:

- Expanding the definition of lobbying to encompass in-house lobbyists.
- Increasing the scope of those who may be subjected to lobbying - including Cabinet Secretaries and political advisors.
- Establishing an online Lobbying Register that is publicly accessible.
- Requiring lobbyists to disclose more information.
- Banning of success fees.

However, I'm disappointed with the lack of important reforms that would ensure public confidence in the integrity of the government and public officials. There are aspects of the proposed reforms that are insufficient and inadequate to address the challenges that lobbying poses in Tasmania. Further work needs to be done in the following areas:

1 Disclosure Log and Ministerial Diaries

1.1 Lobbyist Disclosure Logs

The lack of a requirement for a lobbyist to complete a disclosure log is a significant failure of the proposed reforms. Lobbyists should share the burden of reporting. This would ensure that both parties are responsible for providing accurate and timely information about their lobbying interactions, and that any discrepancies or conflicts of interest can be easily identified and resolved. A dual disclosure log system would align with other jurisdictions such as Ireland, Scotland and Queensland.

1.2 Disclosure Log Information

The Commission does not request enough detail in the proposed disclosure log. Additional information, such as the subject matter and intended outcome of the interaction should be included at a minimum. Ireland and Scotland require this level of detail. This information would enable the public to understand the nature and extent of lobbying activity in Tasmania, and to assess its impact on public policy or decision-making.

1.3 Ministerial Diary Publication

I strongly urge the Commission to consider including the publication of Ministerial Diaries as part of their process. This additional layer of transparency would allow Tasmanians to gain a greater insight into the activities of the government of the day. Ministerial Diaries are published in other jurisdictions such as Queensland. These diaries would complement the disclosure log by providing information on who ministers meet with, when they meet them, and what they discuss. They should be published at least monthly and should include meaningful content of the interaction.

2 Separation Between Lobbyists' Political and Lobbying Activities

2.1 Cooling-off period

Former public officials attain a significant "influence advantage" due to their networks and knowledge. This is widely acknowledged, and many jurisdictions, including Canada, require much longer cooling-off periods than the 12 months proposed by the Commission. This is a key area where the proposed reforms fail as the Commission uses Tasmania's relative size to provide former public officials with cover for an unfair influence advantage. The colling-off period should be increased to between two

and five years.

2.2 Dual hatting

The proposed 12-month period for dual hatting is insufficient, as it does not account for the long-term relationships and obligations that may exist between a lobbyist and a public official. A longer period, possibly as long as the entire term in office, would be more effective in reducing the potential for corruption and misconduct. This is supported by evidence from other jurisdictions, such as Queensland, where the Coaldrake report recommended a ban on lobbying for the full term of office.

2.3 Disclosure of donations

Unlike other Australian jurisdictions, the proposed model does not require lobbyists to disclose the amount or the recipient of their donations, only whether they have made any donation above a certain threshold in the last 12 months. This threshold is not set by the Commission, but by other legislation. This means that the public has no way of knowing who is funding public officials and political parties, and how much they are receiving. The threshold for disclosure should be lowered significantly (to around $1,000 in line with other Australian jurisdictions), and the details of the donations, such as the amount, the date, the recipient, and, potentially, the purpose, should be made public on a regular basis.

2.4 Paid access

The absence of provisions addressing the issue of paid access raises serious questions about the potential for lobbyists to exploit loopholes and gain undue influence over public officials. This practice enables lobbyists to assert their interests without proper scrutiny or accountability. To ensure that lobbying activities are conducted in a transparent and accountable manner, the Tasmanian Integrity Commission should address the issue of paid access within its proposed framework. This can be achieved by introducing regulations that strictly define and govern paid access. Failing this, can the Commission clarify whether it can confirm, with certainty, that lobbying activities that occur in these informal situations will be captured by the proposed reforms?

3 Legislation, Funding and Remit

3.1 Legislating a Lobbying Code of Conduct

The proposed voluntary system of lobbying regulation lacks the necessary strength to effectively manage the risks and issues associated with lobbying activities. In order to cultivate a fair and accountable environment, the Commission should embrace a legislative approach to lobbying regulation, as proposed by the OECD's Principles of Transparency. introducing legislation would enable the Commission to impose more stringent consequences for non-compliance, including imposing multi-year bans and fines. To enhance transparency further, the Commission should publish instances of non-compliance within a short time of a breach occurring.

3.2 Funding for the Integrity Commission

It is important to limit the possibility of a current government providing inadequate funding to the Integrity Commission. Ensuring sufficient funding for the Commission and its resourcing (especially for appropriate staffing) for the proposed reforms should be legally guaranteed. By protecting the Commission's funding through legislation, it can be shielded from political influence or budget reductions.

3.3 Inclusion of Local Government Lobbying

The Commission's efforts in expanding the scope of lobbying regulation have been commendable.

However, an opportunity was overlooked by the government to incorporate local government in these vital reforms. Local government holds a significant position in promoting democracy, and therefore, it is crucial that it adheres to similar levels of transparency and accountability as the state government. Including local councils in the reforms would guarantee that they act solely in the best interests of their constituents, rather than favouring private interests. Consequently, it is strongly advised that the Commission actively pursues the incorporation of local government into the lobbying reforms without delay.

4 Other

4.1 Gifts to public officials

I have concerns regarding the Integrity Commission's proposed rules around gift-giving. It lacks a clear and explicit prohibition on lobbyists providing gifts to public officials. While the proposed reforms indicate that public officials must verify if a gift giver is a registered lobbyist, they fail to explicitly prevent them from accepting gifts from non-registered lobbyists. It is crucial to introduce a definitive and unambiguous ban on gifts, or clearly explain how the current recommendation is intended to capture gifting by lobbyists not captured by the register.

4.2 Non-Government Lobbying Activities

An amendment to the proposed lobbying activities was made to include "or non-government" in the Framework Report. The intention behind this addition was to cover agreements related to the development or amendment of policies or programs, whether they are government or non-government in nature. Would it be possible to include more specific language that would cover parties or candidates that are looking to get elected?

4.3 Suspected Non-Compliance

The proposed Lobbying Code of Conduct that prescribe the minimum standards for public officials doesn’t specifically require a public official to report suspected non-compliance by another public official. The wording suggests that public officials are only required to report suspected non-compliance by lobbyists. Can the Commission clarify whether suspected non-compliance by public officers must also be reported?

Thank you for taking the time to consider my responses.

Kind Regards,

Donnacha McGrath