

Submission on the Integrity Commission of Tasmania's Lobbying Report

Dr Clare Smith

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I would like to commend the Tasmanian Commission on taking steps to improve the lobbying process in Tasmania. In my work with young people experiencing eco-distress, I am seeing at close hand in Tasmania what has been identified around the world – young people feel let down and betrayed by government inaction on climate change, pollution and biodiversity loss. There is definitely a perception that governments are placing the interests, and rewards, of powerful lobbyists above their future safety. This would seem a reasonable conclusion – for example, the missed opportunity to rule out new fossil fuel expansion in Tasmania as part of the amendment of the Climate Change Act here and the stream of new fossil fuel projects around Australia in the face of the highest level of scientific advice. It is critical for our democratic future that all lobbying is transparent and all political decision making can be seen to be genuinely in the best interests of the whole community, and in particular younger generations and their future.

While some recommendations have been implemented, I believe that more can be done to establish a best-practice system in the state. In particular, I would like to address the following areas for improvement:

1. Inclusion of Local Government:

It is crucial to include local government in the lobbying reforms. While it may not be possible to do so immediately, it should be introduced as soon as practicable. Local government plays a significant role in decision-making processes that affect the community, and their inclusion in lobbying regulations would enhance transparency and accountability.

2. Addressing the Issue of Paid Access:

The Commission has neglected to consider the importance of paid access in the proposed reforms. Lobbyists can pay substantial amounts of money to gain

proximity to influential public officials, potentially influencing their decisions. It is imperative to explicitly capture this type of lobbying in the new rules, as it poses a direct threat to the integrity of the lobbying process.

3. Ensuring Adequate Resources:

The Commission has acknowledged that its ability to function effectively is contingent upon proper resourcing. It is essential that the Commission receives the necessary resources to maintain transparency in lobbying. There should be safeguards in place to prevent any future anti-transparency government from under-funding the Commission, which would lead to a reduction in lobbying transparency in Tasmania.

4. Enhancement of the Disclosure Log:

The proposed disclosure log lacks specificity, as public officials are only required to broadly record the lobbying interaction. This approach falls short of providing a comprehensive understanding of what is being discussed and lobbied for. Public officials should be mandated to record the intended outcome or the specific legislation being targeted. Similarly, lobbyists should also be required to maintain a disclosure log, as is the case in Queensland. This would ensure transparency and prevent the use of public funds to solely support private interests.

5. Reconsideration of the Cooling-off Period:

The Coaldrake Report recommended a ban on lobbying for individuals who played a substantial role in a government's election campaign for the entirety of the next term of office. However, Tasmania proposes a cooling-off period of only 12 months. This period is significantly shorter than the four-year term of a Tasmanian Government or the term of a legislative council member. It is crucial to reconsider this timeframe and align it with the recommendations of the Coaldrake Report.

6. Strengthening the Gift Ban:

While the Commission has made it clear that public officials must reject gifts from registered lobbyists, unregistered lobbyists should also be prohibited from giving gifts. The proposed reforms should explicitly state that all gift-giving, regardless of the lobbyist's registration status, is strictly forbidden. This would

prevent any potential loopholes and ensure a comprehensive approach to tackling improper influence through gifts.

7. Legislative Approach to Lobbying Regulation:

The Commission is not proposing legislating its lobbying regulations. However, the OECD's Principles of Transparency endorse a legislative approach to lobbying regulation, which is preferred over the current voluntary system. Many other jurisdictions, including Australian states, Canada, Ireland, and Scotland, have legislation in place to ensure compliance. Tasmania should consider adopting a legislative approach to establish a level playing field for lobbying regulation.

8. Enhanced Disclosure of Donations:

While it is commendable that the Commission requires registered lobbyists to acknowledge donations to public officials, more information should be included. Lobbyists should be required to disclose to whom the donations were made, the dates of the donations, and preferably, the amount donated. The current federal threshold of disclosing donations above \$14,500 is excessively high and obscures the true sources of political donations. A lower threshold, closer to \$1,000, should be considered to enhance transparency in the donation process.

9. Regular Updating of Lobbyist Register:

The proposed reforms lack clarity on how regularly registered lobbyists must update the information on the lobbyist register. It should be mandatory for lobbyists to update the register at regular, relatively short intervals and after any relevant change in circumstances. This would ensure that the register remains up-to-date and reflects the most current information about the lobbyists.

In conclusion, while the Integrity Commission of Tasmania has made efforts to improve the lobbying process, there are several areas that require further attention. By addressing these issues, Tasmania can establish a robust and best-practice system that ensures transparency, accountability, and integrity in the lobbying process.

Based on the aforementioned points, the following recommendations are proposed:

1. Include local government in the lobbying reforms.
2. Explicitly address paid access and its impact on the integrity of the lobbying process.
3. Guarantee adequate resources for the Commission to maintain transparency in lobbying.
4. Enhance the disclosure log to require recording specific discussions and intended outcomes.
5. Mandate lobbyists to maintain a disclosure log.
6. Reconsider the cooling-off period to align it with the recommendations of the Coaldrake Report.
7. Prohibit all gift-giving, regardless of the lobbyists' registration status.
8. Consider adopting a legislative approach to lobbying regulation for a level playing field.
9. Require lobbyists to disclose specific details of donations, including recipients and amounts.
10. Mandate regular updates to the lobbyist register to ensure accuracy and relevancy.