

16th June 2023

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

Via email: contact@integrity.tas.gov.au

Dear Michael

Thank you for your letter dated 14th June 2023 and the copy of the proposed model for reforming lobbying in Tasmania.

Firstly, can I congratulate you and your team on the work done to date on this model, and especially for the Tasmanian Government's willingness to engage, and quality of engagement, with stakeholders.

In relation to the proposed framework, I would like to provide the following feedback:

Exemptions from the definition of 'lobbying activities'

Recommendation

From experience in most jurisdictions across Australia, it is very helpful to all involved to clarify that the act of making or organising appointments is excluded from the definition of 'lobbying activities'.

Rationale

1. The making of an appointment in itself is not a lobbying activity.
2. Often administration staff (ie: not a registered lobbyist) undertake the activity of making appointments.
3. Often a registered lobbyist firm may make an appointment but do not participate in the lobbying meeting.
4. There is no public value in the additional administration which would be required for parties to record the making of an appointment under the lobbying records.

Minimum standards for public officials in relation to interacting with lobbyists.

Wording in Proposed Model

Preferential treatment and/or access to particular individuals or groups must not be given.

Recommendation

Amend the sentence to “preferential treatment and/or preferential access to particular individuals or groups must not be given.”

Rationale

To provide clarity: Literal reading of the proposed sentence could be taken to mean that (any) access to particular individuals or groups must not be given, which is clearly not the intent.

Wording in Proposed Model

Informal lobbying representations must be accounted for in reporting requirements.

Recommendation

To provide clarity, it would be helpful to define what is meant by “Informal lobbying”. For example does it mean lobbying which occurs in an informal setting or broader to include lobbying that is undertaken in a ‘relaxed, friendly, or unofficial style, manner, or nature’?

Entity information required for the Register is to include the following information:

Wording in Proposed Model

Whether the lobbyist has been paid to advise a candidate on a Tasmanian election campaign in the previous 12 months.

Recommended

Amend the sentence to “Whether the lobbyist (or associated person or entity) has been paid to advise a candidate or a political party on a Tasmanian election campaign in the previous 12 months.”

Rationale

As was seen in the Queensland examples leading to banning of lobbyists for ‘dual hatting’ those banned lobbyist were contracted to a political party and not individual candidates. Limiting this restriction to only those engaged by public officials will create a major loophole and provide the opportunity to undertake the same ‘dual hatting’ activity which benefits one or more public official, even though payment is made through a political party or other third party. This loophole will undermine efforts to increase transparency and integrity.

Also in the Queensland example, the banned lobbyists were the proprietors of their lobbying firm. Whilst they were banned individually from operating as registered lobbyists for the term of Government, there was no restriction on other registered lobbyists in the firm continuing to lobby, and thereby potentially benefiting from any insider information obtained.

Once again, thank you for your consultation on this important reform. I hope this feedback is of assistance. If you would like to discuss the above, or any other matter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'P. Hickey', with a long horizontal flourish extending to the right.

MANAGING DIRECTOR

Cc: Julia Hickey, Director Education and Engagement
julia.hickey@integrity.tas.gov.au

A large, light gray circular graphic in the bottom right corner, composed of several overlapping, semi-transparent rings.

STRATEGY
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SUCCESS