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10 June 2022

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## **Submission: Reforming Oversight of Lobbying in Tasmania**

### **My background and experience**

#### **Local Government elected member:**

I have a total of 12 years as an elected member of local government. Three years in the UK, and nine in Tasmania as a member of the former New Norfolk Council from 1977 to 1986.

As an 'activist' councillor, I was regularly contacted by residents regarding a range of issues. This could be regarded as being a type of lobbying, but clearly everyone has the right to contact their elected member of any tier of government.

However, at some stage in the 1980s, Council went to tender for a new grader. (I suppose one could say the old one no longer made the grade!) Sorry. Anyhow, we received two tenders, and council officers presented their reasons for selecting the preferred tender. Once Council had made their decision, supporting officers' recommendations, the Council Clerk advised members that the representative from the losing tenderers had offered to take council members to dinner before the decision had been made. It would have been interesting to see if any members would have taken up the offer! This was clearly an unethical type of lobbying. **Perhaps we need to address lobbying as a part of the tender process.**

#### **Independent candidate for the Legislative Council Division of Derwent in 1979:**

I was very much the newcomer and underdog in this election, but figured I had a slight chance if the count went to preferences. During the campaign I attended several community meetings, including the P & F meeting of my children's school. At that meeting the Labor candidate (now deceased) wrote to the committee and enclosed a cheque for a sum of money from the Education Minister. This candidate had served a part term in the House of Assembly on a count-back, but had missed out at the subsequent election. In other words, he had no formal role in government at that stage. I would like to think that such behaviour these days would be referred to the Integrity Commission.

#### **Government committees:**

I have served on a number of government committees over the years. For example:

- Derwent Regional Library Advisory Committee (State government regional committee)
- New Norfolk Community Youth Support Scheme (CYSS)
- Local Government Industry Training Committee (Local, state and federal)
- Glenorchy Community Health Forum (State regional, 1992-1995)
- Local Government Act Review Committee (1996) (State)
- Tasmanian Home Education Advisory Committee – THEAC (1999-2003)
- Glenorchy Community Road Safety Partnership (Local/State regional.) 2004 to 2007

- Consumer Affairs Advisory Committee (State) 2007 to 2010.

In this regards, I was both a lobbyist and lobbied. To be effective in local government, one has to have a network. This can be achieved by joining relevant organisations. In my case, I became one of three male members of the *Australian Local Government Women's Association* (ALGWA). At one stage the, then, recently formed Local Government Industry Training Committee (LGITC) needed a representative from the, then, Municipal Association of Tasmania (MAT). Accordingly, I contacted fellow ALGWA members and asked them to seek their councils' support for my nomination. I was duly elected to the position.

I also initiated the Local Government Education Association of Tasmania (LoGEAT) in the early 1980s. This was my response to observing that participation in local government was abysmal. Many councillors had served many years without ever having to face an election, and some councils regularly had no nominations for vacancies where sitting members had retired. Furthermore, the general population seldom bothered to vote at elections, or stand as candidates. We never had more than eight members, from memory, but as a group we organised a series of *Local Government Weeks*, with the Minister for Local Government as our Patron. We developed and ran a series of workshops on *How to Win a Council Election* and *Dealing with Your Council*. As an Adult Education Officer, I was largely responsible for these workshops. I also visited nearly all the radio and TV stations in the state during the lead up to elections to (a) encourage people to run for their local council, and (b) to encourage people to turn out to vote.

Some time after I had left Council, I was invited to participate in the deliberations of the *Local Government Act Review Committee* (1996). Shortly before our one and only meeting, I was contacted by a (now deceased) member of the Clarence Council, who wanted me to support a particular point of view. I responded that whilst I appreciated his position, I was not going to commit to supporting him, as I had not heard the views of other members.

## **General comments**

Clearly there is a disparity in power between the well-resourced corporate sector and the (generally) less resourced individuals and voluntary community groups. This frequently results in perceptions of malfeasance regarding contributions to political parties by big business. The Federal Hotels is a glaring example, regarding the granting of poker machine licences. There must be a cap on such donations or, preferably, a complete ban on donations to political parties and individual MPs. (The current proposed legislation is too weak; the proposed cap must be reduced from \$5,000 down to \$1,000.)

## **Responses to submission prompts.**

### **1. Should all Members of Parliament be included?**

Definitely, all MPs must be included, otherwise backbenchers may be targeted in order to have them influence party room debates. Those employed as consultants or advisors should also be included.

### **2. Should all state servants and bureaucrats be included, or only the most senior?**

Anyone who has input into government decisions and expenditure (apart from petty cash) should be included.

### **3. What standards of behaviour or conduct should be included in a code of conduct?**

This should be as broad as possible. People will always look for loopholes; these need to be identified. The legislation should be designed in order to enable loopholes that emerge to be dealt with by regulation. This will reduce delays in action due to having to wait for legislation passing Parliament.

**4. Should lobbyists be prohibited from giving gifts to people who are lobbied?**

As the person responsible for Adult Education promotion for several years, I was sometimes given pens. I think the largest item was an umbrella from The *Mercury* advertising section, which we regularly worked with to produce the thrice yearly program supplement. I don't see much of an issue with inexpensive items like these, but expensive meals, wine or holidays need careful consideration. I suggest we have a cap on the value of such items. In order to enable this to keep up with the times (cost of living) I suggest we could link it to one of the levels in the financial penalties scale.

**5. Should a lobbying code of conduct include standards of conduct for both lobbyists and people who are lobbied?**

Yes – no argument!

**6. What activities should be exempt from the definition?**

I feel most of the exceptions under 3.3, *What is included in lobbying activities?*. However, I would include (e) *communications in response to a request for tender* as an activity to be included in lobbying activities. (Please refer to my introductory comments regarding the grader replacement at New Norfolk!)

**7. Should registerable lobbying activity be triggered by one communication only?**

Any communication requesting specific action, or expenditure, should be included as a trigger. The only exception I see is a simple request for an appointment. Start the clock running with the first meeting – in person or online, etc. (Skype, Zoom, etc.)

**8. What sort of contacts, communications or other actions should be included as lobbying activities?**

Anything not included in 3.3, *What is included in lobbying activities?*. (But include (e) *communications in response to a request for tender* as an activity to be included in lobbying activities.

**9. How should the term 'lobbyist' be defined?**

I think that religious organisations (some are extremely wealthy and carry considerable clout), professional organisations, guilds, trade unions and members of professional organisations should be included in the definition.

**10. Should the regulatory system include only third-party lobbyists or be extended to include in-house and other lobbyists?**

Include all lobbyists.

**11. Is receiving payment or setting an expenditure limit an appropriate test for a lobbyist to be included?**

Anyone receiving payment should be included, and any other benefit.

**12. If in-house lobbyists are to be included, should percentage of time spent lobbying be an appropriate test for inclusion?**

No. This would be an easy one for the unscrupulous to 'fiddle'.

**13. If in-house lobbyists are to be included, should the number of employees in an entity be used as a qualification test?**

No.

**14. What information should lobbyists be required to provide when they register?**

Name, employment history over the previous ten years, current employer, salary, organisations being lobbied and purpose.

**15. What information should be disclosed on an online register?**

Name, employment history over the previous ten years, current employer, salary, organisations being lobbied and purpose.

**16. Should public officers disclose diaries or other information disclosing communications with lobbyists?**

Certainly; this would serve as a cross-check with information provided by lobbyists.

**17. If lobbyists and people who are lobbied are to make disclosures, how frequently should this happen?**

Monthly.

**18. Would disclosures be more likely or reliable if they were made by government representatives rather than lobbyists?**

One would expect so, but as I said in point 16, if both had to provide the information it would serve as a cross-check. Modern computer software should be able to automate cross checks.

**19. Does Tasmania need specific legislation to empower the Integrity Commission to provide compliance measures?**

Definitely – absolutely no doubt!

**20. What, if any, sanctions should be included as part of a lobbying regulatory system?**

Ban lobbyists, remove government officers. In worse case situations, imprisonment. (I regard fines as being largely ineffective in the corporate sector.)

**21. Are bans on public officers moving into lobbying roles appropriate?**

Yes, say a period of five or ten years.

**22. How long should the ‘cooling off’ period be before public officers can become lobbyists?**

Five to ten years, depending upon positions held and proposed lobbying activities.

**23. Which public officers should be subject to cooling off periods?**

Anyone in a management position.

**24. Should receiving or paying success fees be prohibited?**

Yes, no doubt about it!

Yours sincerely

A handwritten signature in purple ink, consisting of a large, stylized 'R' followed by a horizontal line.

Bob Holderness-Roddam.