

# Political Lobbying Project: Wider Regulatory Issues Meeting

Summary: Ministry of Justice facilitated meeting with general interest groups on issues with political lobbying

18 August 2023

## Why we held this meeting

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1. In April 2023 the Prime Minister announced several steps to introduce greater transparency around lobbying at Parliament. He commissioned the Ministry of Justice to undertake a review of the different policy options for regulating lobbying activities.
2. The Ministry of Justice held a discussion on 18 August 2023 with general interest groups to discuss issues related to political lobbying in New Zealand. Discussions with other stakeholder groups were also held in August and September.

## Introduction and presentation of initial scoping work

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3. Karakia, welcome and introductions (see attendee list **Appendix 1**).
4. Reminder of the Prime Minister's April 2023 announcement to initiate measures to provide greater transparency around lobbying at Parliament, including assisting third-party lobbyists to develop a voluntary code of conduct and undertaking a review of the different policy options for regulating lobbying activities.
5. This meeting aims to explore questions and issues that will need to be addressed as part of the wider regulatory project.
6. Brief introduction of the Ministry of Justice's Electoral and Constitutional team. Outline of the Ministry's approach to the meetings e.g. full transparency, meeting with groups not individuals, summary of meetings to be published online.
7. The Ministry gave a presentation on initial scoping work and summarised points made during the meetings on a voluntary code (both posted on the Ministry's [webpage](#)).

## **Definition of lobbying and project scope**

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8. The group discussed the question who political lobbyists are in NZ.

### *Definition narrow or broad?*

9. Attendees thought that generally it is difficult to narrowly define the term lobbyist. Organisations could still reframe what they do, eg saying that they're a consultancy rather than a lobbyist firm.

### *Lobbying is not the only activity of many organisations*

10. One attendee noted that their organisation is quite large, and the vast majority of people within the organisation don't do 'lobbying' activities, but there will be some activities that could be considered lobbying.

### *Ways to narrow the definition*

11. A number of possible ways to limit the definition to make it workable were discussed:

#### *Advocacy versus lobbying*

- 11.1. The group discussed the difference between advocacy focused on wider public good versus lobbying for commercial gain. Some thought that it is difficult to make a distinction between advocacy vs lobbying for commercial gain. Querying how you would distinguish between who has commercial interests and who has not. Others thought that commercial entities often say they are advocating when they are not.
- 11.2. One said that if advocates are labelled as lobbyists and they must commit to reporting/compliance activity it might introduce additional costs for advocacy organisations, particularly charities.

#### *Solicited vs unsolicited*

- 11.3. Attendees thought that there should be a difference between lobbying through standard public processes e.g. making submissions to select committees and that they wouldn't want submissions to be caught within the definition of lobbying.

### *Iwi/Māori considerations*

12. One attendee considered that political lobbying is a Pākehā concept or way of looking at this issue. They noted that for Māori it's about relationships. In terms of te Tiriti, there is an obligation for the Crown to consult. The open discussions and relationships that go on behind the scenes are needed.

### *Focus on lobbying activities and behaviours*

13. On balance attendees thought that a more fruitful approach might be to look at 'lobbyists' separately to 'lobbying' with the focus more on activities than who is lobbying.

### **The issues for New Zealand**

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14. General comments made during the meeting by attendees included

#### *The problem is with decision-makers not lobbyists*

15. Attendees were unanimous in their view that many of the issues associated with political lobbying needed to be addressed by the decision makers themselves. They noted that lack of standards and codes for Ministers on how to manage lobbyist access and transparency is a major issue.
16. They said that only Ministers can decide who they see and listen to and that there is a culture where there's preferred people to speak to. "I don't expect to text a minister and be able to see them later that afternoon, but I don't think anyone should." One noted that if a Minister did hear a point of view from one party, others would need to be given a right of reply. This idea was tempered by another attendee who said that it is important to be practical around how much time Ministers can give.
17. One attendee cautioned that it is not completely possible for decision makers to provide balance. "I hear the word 'balance' I'm sceptical...I would like to see 'priority' rather than 'balance' being considered."

### **Fair access**

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#### *Larger, better resourced organisations get better access*

18. While attendees agreed that on paper everyone can access decision makers in New Zealand, there is at least a perception that commercial groups get more and faster access to decision makers. This is partly because industry groups have people employed to do this and to be available. They thought that decision makers may be relying heavily on these industry groups for advice.
19. When this occurs, attendees said that it is very hard for other groups such as charities who rely on volunteers to provide input. "It feels a little unfair." One attendee noted that industry groups can also hire people from government who have the experience, background and skillset to be able to speak to the government bureaucracy, whereas other organisations don't have this talent.
20. The agriculture industry was suggested as an example by attendees. One attendee spoke about a RNZ series about lobbying in the agriculture industry.

### *Ineffective engagement with citizens impedes fair access*

21. A key issue raised by attendees was access to decision makers, particularly effective consultation. They noted that a lot of engagement is done through government agency consultations, rather than going directly to ministers.
22. One attendee said that knowing what consultations were happening was problematic. They said that they were spending a huge amount of time currently just finding the consultations and sharing them throughout our network. "There is a website we go to for government consultations, but it doesn't have all the consultations listed."
23. Others agreed, noting that silos within government makes it difficult to keep up with consultations including local council consultations. "We have to actively look". They said that this issue has been raised a number of times through the Open Government Partnership and the Future for Local Government Review.

### *Unequal access to decision makers*

24. General fairness around access to Ministers was a recurring theme. "It's about having that time with ministers shared around. For us, we get a slot two months in advance and then receive the party line and are not able to have a free and frank discussion".

## **Transparency**

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### *Transparency could be improved*

25. Transparency was noted as an important consideration. They pointed out a RNZ series that led to the PM's announcement about this work highlighted some key issues, eg that texts [between Ministers and lobbyists] are not available online. Attendees thought that in general it is ok to have those linkages and be influenced, but transparency is needed and people get most worried about secret deals.

### *Direct relationships and the "mates ringing mates" culture*

26. Attendees thought that NZ is small and a lot of lobbying is done through relationships. Lobbyists have the personal phone numbers of politicians and can arrange informal meetings. "We wish we had that access but ideally no-one should be using personal relationships to gain access or it creates distrust."

### *Indirect lobbying techniques*

27. Attendees thought there is an issue in how the public is influenced, both through media and funded campaigns to create a sufficient voice to then start lobbying politicians
28. Some were very concerned about some uses of media and social media to try to influence the public on issues that are 'fake' as they may not exist in NZ. This could be due to foreign agents attempting to destabilise democracy. It was noted that it is very hard for government to deal with insidious behaviour..

29. Attendees also gave examples of campaigns which appeared to be “grass-roots campaigns”, but which they considered it was not made clear they were funded by industry.
30. An attendee asked whether social media and its influence, and what other agencies are doing on this area, had been considered - for example, DIA and DPMC (critical infrastructure) and possibly MBIE. The Ministry noted that there are a lot of crossovers in this work – for example it has met with DIA on their work on Safer Online Services and Media Platforms.

### **Suggestions for the way forward**

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31. While solutions were not the main meeting outcome, participants made suggestions:
  - 31.1. More public interest broadcasting and more funding for media to do investigative journalism, or independent investigations.
  - 31.2. More focus on interest groups working together collaboratively in a united way.
  - 31.3. More emphasis on open calendars and registers of lobbying activities
  - 31.4. Ensure all government consultations are listed and can be easily filtered.

### **Next steps**

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32. MoJ advised that the meeting notes would be summarised and shared with the group to check for accuracy, before being posted on the MoJ website.

### **Appendix 1: Attendee list**

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<b>Name</b>	<b>Organisation</b>
Lisa Sheppard	Ministry of Justice
Elisha Connell	Ministry of Justice
Clayton Burney	Individual
Kay Jones	Individual
Holly Brooker	Makes Sense
Marie McAninch	SPCA NZ
Michael Dowling	NZ Council of Licenced Firearms Owners Inc (apology)
Hamish Jarvie	NZ Council of Christian and Social Services
Kevin McCormack	NZ Council for Civil Liberties