

Political Lobbying Project: Wider Regulatory Issues Meeting

Summary of Ministry of Justice facilitated meeting with companies on issues with political lobbying

7 September 2023

Why we held this meeting

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 7 September 2023 with companies 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

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](#)).

General comments about the wider regulatory work

Comments on approaches by other countries

8. Attendees had questions about the part of the presentation discussing other countries' approaches. MoJ noted that the US is not a perfect comparison with New Zealand, as New Zealand has much flatter access to decision makers. Even countries with similar systems of democracy and levels of trust, such as the Scandinavian countries, have stronger groups that represent citizens and in some cases are funded to equal up the

balance. MoJ also noted that initial reviews of some other countries indicate that while codes and registries are in place these are not that well enforced.

Definition of lobbying and project scope

Consider positive aspects of lobbying in a definition

9. Attendees noted that in creating a definition, it should also include positive aspects of lobbying, such as ensuring access to information and creating healthy debate.

Definition narrow or broad?

10. There was general agreement that many types of organisations and individuals can get involved in lobbying activities, from companies to NGOs, and iwi and local government entities. One attendee noted the “lobbyists are whoever shows up, to select committees, submissions, side conversations.” They thought that it was important to consider a broad definition because otherwise some areas would be missed.

Ways to narrow the definition

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

Solicited versus unsolicited interactions with policy makers

- 11.1. The group talked about the fact that they were often contacted directly by ministers or ministers’ offices, and MPs as experts on their subject matter as experts in their field.
- 11.2. These requests “don’t come out of nothing, we reach out in the first instance and then the relationship is developed, but this is a normal part of the democratic process.”

Focus on lobbying activities and behaviours

12. Attendees generally agreed that any regulation should regulate the activity, not the entity. They also said their understanding of lobbying and ways of influencing is changing.

Lobbying is about exchange of information

- 12.1. Attendees agreed that they see lobbying as primarily an exchange of information that helps both decision makers and the industries they represent. One said that in their experience, 80% of communications are in the general form of information requests coming from MPs or MPs offices that and two-way exchange of information is part of the policy/legislation design process.

Lobbying is more about relationships

- 12.2. Attendees said that New Zealand is a small place and there is a public perception that lobbying is “mates going to mates.” They thought there is a perception that those relationships are being misused and that this could breed

public mistrust. The talked about how there could be better awareness around how to behave – on both sides (stakeholders and government)”.

Indirect lobbying – use of media and other methods to influence decisions

- 12.3. Indirect influence was discussed as an activity or behaviour that could be included in the definition. Some attendees thought that this could be a too long a bow to draw when considering a definition of lobbying and that these issues might be better addressed in other policy areas.

The issues for New Zealand

13. MoJ asked if there were any particular behaviours or harms that should be focused on as part of this work and whether these are currently occurring in New Zealand.

Is there really a problem with political lobbying in New Zealand?

14. Many attendees questioned whether there is a problem to address. They observed that there is easy access for everyone to politicians through MPs’ offices, select committees and meetings with ministers. They also noted that information for recent media stories on political lobbying were obtained through existing transparency measures such as the Official Information Act and ministers’ diaries. Others said that there may still be opportunities to enhance trust.

We have a perception problem

15. Despite not being sure whether there is evidence of an actual problem, attendees acknowledged that there is a negative public perception of lobbying. Some said this was driven by the media articles about lobbying. One said that perception is an issue and does connect to trust and so is important to society.

We don’t have enough information on political lobbying harms in New Zealand

16. Part of the perception issue is driven by a lack of information about what is happening in New Zealand. Attendees noted you don’t know what you don’t know. Some suggested that MoJ should meet with the people who are lobbied to get more information.

Don’t be complacent

17. The group discussed potential for trust to decrease and that it’s important to prevent or avoid this.

The problem is with decision-makers not lobbyists

18. Attendees noted that a lot of the issues raised are not something that lobbyists can resolve and that the focus should be on decision makers. They noted it “takes two to tango” and a lot of the negative perception came about because of some high-profile movements out of the Beehive.

19. They suggested that this project should explore options to improve behaviour of people who are lobbied. Some also said that even this may not be that big a problem as any issues in the past have typically been found out and reported.

Difficult to enforce

20. Attendees were sceptical that even if there were regulations in place it would not stop those who lobby officials in a less than ethical way from doing so.

Beware unintended consequences

21. Attendees thought that this work should not dampen democracy and that any solutions should be relevant and proportional. One attendee commented that “you don’t want people to mob politicians, but you don’t want people not to access politicians either.”
22. They added that if a complicated apparatus is created people will find work-arounds

Fair access

There is fair access to decision makers

23. Most attendees thought that people have quite easy access to decision makers in New Zealand. They thought that just because they are engaging doesn’t mean others can’t also engage. One said that access is variable and that some ministers don’t talk to many people.
24. All attendees agreed that it is important that a wide range of perspectives are heard so decision makers balance information wisely. Some said that often information they are able to provide could be more valuable to ministers than people who are not experts in their particular sectors.

New Zealand has a weaker civil society than some other countries

25. MoJ asked whether some groups had more resources that made them better able to engage and that this might be adding to a feeling that others are not getting fair access.
26. Attendees agreed that this was a challenge, but some thought this issue might not be particularly solvable. One attendee noted that the reality is that companies will be seen to have outsized influence because they have the funding to be able to employ people.
27. Another attendee was interested in how Scandinavian and European countries have funded civil society organisations, which helps to rebalance access. In New Zealand the government does provide some fund to some organisations, such as Transparency International.

Ineffective engagement with citizens impedes fair access

28. An attendee said that select committee processes often allow limited time for anyone (e.g 10 mins) and can be highly egalitarian in that everyone gets the same amount of time regardless of their level of interests and expertise in the topic. Another spoke of her experience in a previous role interviewing people involved in the select committee process which concluded that this process is not as effective as it could be.

Access and influence are not the same thing

29. Attendees agreed there may be a perception that big business gets an unfair advantage, but that it doesn't mean they are having influence across many areas, only in the specific areas they are expert in.

Transparency

Transparency could be improved

30. Although transparency is provided through the Official Information Act and access to ministers' diaries, some attendees questioned how issues of transparency could be addressed when it comes to less formal interactions, such as when people may run into decision makers in public places, such as at a local event, or at the airport, for example. Others thought that MPs activities could be more transparent, noting that they are not covered by the Official Information Act.

Integrity

Revolving door issue

31. Attendees generally agreed that the revolving door issue (where people move from decision making to lobbying roles) could be a problem given the perception that former politicians will have access to information that others don't have. An attendee commented that they didn't think most lobbying is nefarious, but the perception of a revolving door and the competition for information could be worrying.

Suggestions for the way forward

32. While solutions were not the main outcome for this meeting, attendees made some suggestions:
 - 32.1. The solutions for a perception problem are different to solutions for actual issues with lobbying.
 - 32.2. Increased public education and awareness around how to participate in public processes could strengthen public trust in democracy.
 - 32.3. That a code of conduct should be based on ethical standards.

Next steps

33. A summary of the notes from the meeting would be circulated for review prior to publishing online.

Appendix 1: Attendee list

Name	Organisation
Lisa Sheppard	Ministry of Justice
Elisha Connell	Ministry of Justice
Mackenzie Bruhns	Ministry of Justice
Lindsay Price	Suncorp NZ
Dylan Lee	Suncorp NZ
Lisa Meiklejohn	Vero
Andrew Gaukrodger	ANZ
Haley Mortimer	Z Energy
Simon King	Rio Tinto
Emma Holloway	Genesis Energy
Andrew Saunders	IAG