

# Summary: Political Lobbying – Voluntary Code of Conduct options survey

## Background

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Between September 2023 and January 2024, the Ministry of Justice held an online survey to understand people's views on an approach to a code of conduct for political lobbyists.

The survey link was published in our newsletters about political lobbying, which were circulated to more than 200 people and organisations who had registered their interest in the Ministry's political lobbying work. A link with a request to respond was also emailed to more than 100 people who had taken part in meetings facilitated by the Ministry.

The survey helped the Ministry to develop a [draft voluntary code of conduct for lobbying](#), and may inform longer-term regulatory work.

## What we asked

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We asked five questions:

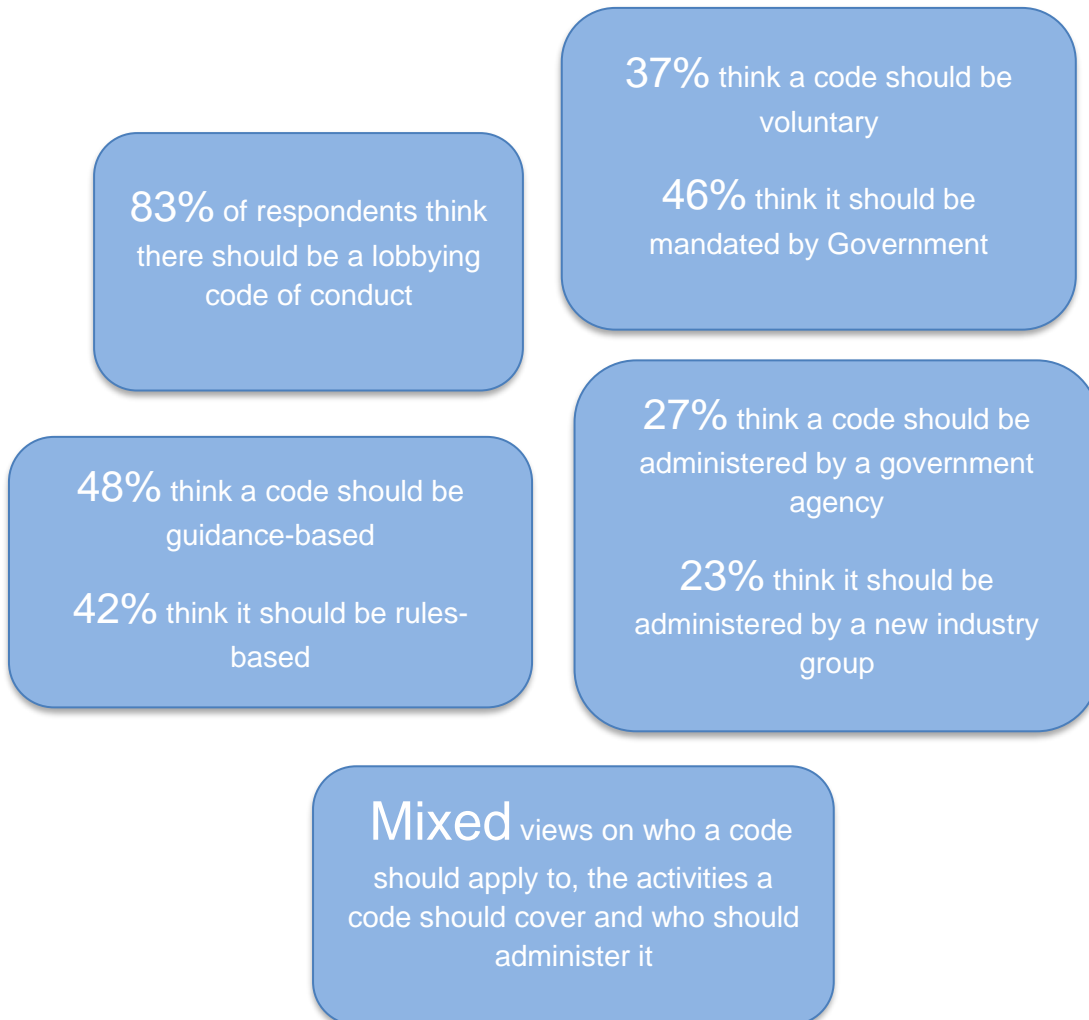
1. Do you think there should be a code of conduct developed for political lobbyists?
2. If there is to be a code of conduct for lobbyists, what kind of code should be developed?
3. Who should the code apply to?
4. What activities should be covered by the code?
5. Who is best to develop and administer the code?

## Summary of responses

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We received 52 responses.<sup>1</sup>

### Key findings



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<sup>1</sup> A number of respondents completed the survey twice, but representing different organisations. These responses have been counted separately.

Two individuals responded twice under the same organisation name. These responses have been combined (one response per individual). The survey results have been adjusted accordingly.

### **Code preference by organisation type**

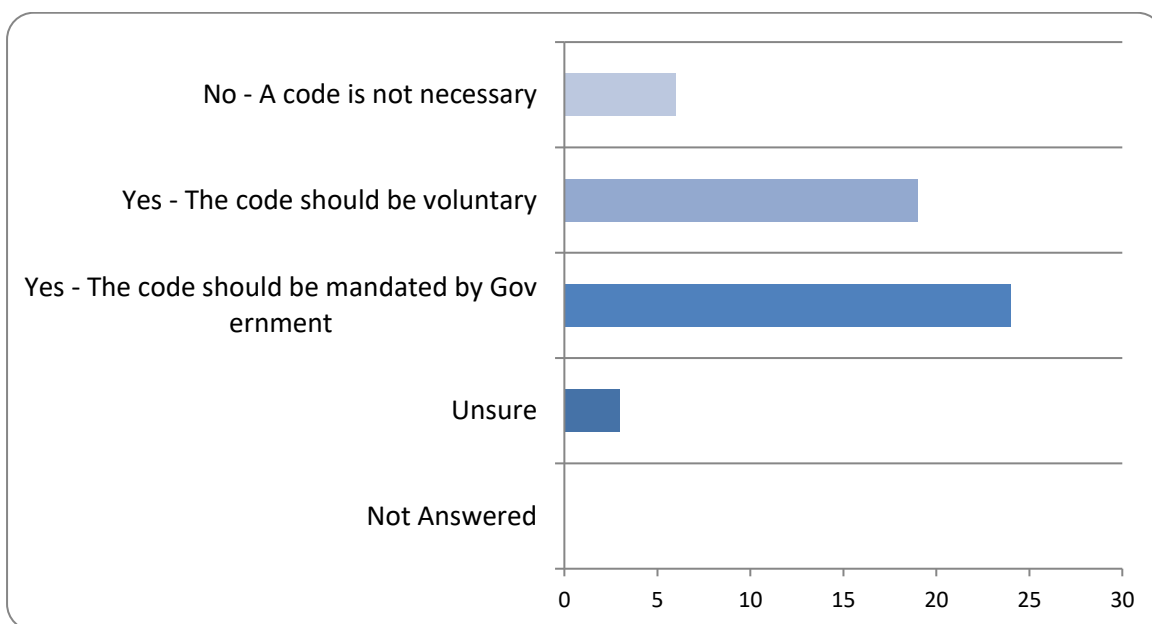
<b>Organisation Type</b>	<b>Code preference</b>
Academic institution	4 wanted a mandatory code
Interest and advocacy groups	8 wanted a mandatory code 1 wanted a voluntary code
Government relations consultants	3 wanted a mandatory code 7 wanted a voluntary code 3 did not think a code was necessary 1 was unsure
Businesses	1 wanted a mandatory code 2 were unsure
Industry associations/professional associations	4 wanted a mandatory code 12 wanted a voluntary code 2 did not think a code was necessary
Other – individual submissions	5 wanted a mandatory code 1 did not think a code was necessary

## Responses to survey questions

### **Question 1: Do you think there should be a code of conduct developed for political lobbyists?**

There were 52 responses to this question.

Option	Total	Percent
No - A code is not necessary	6	11.54%
Yes - The code should be voluntary	19	36.54%
Yes - The code should be mandated by Government	24	46.17%
Unsure	3	5.77%



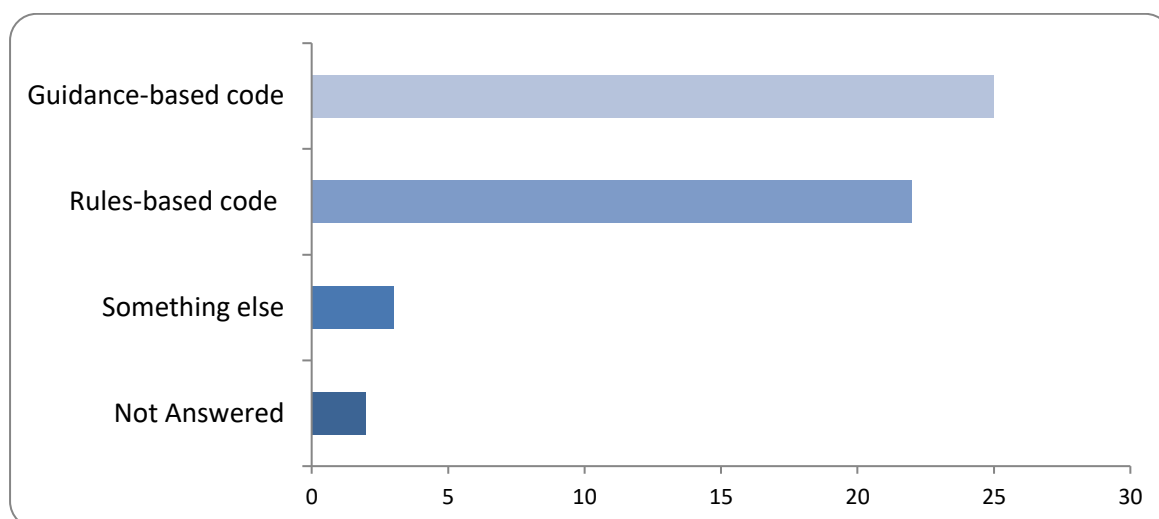
### **Summary of comments for question 1:**

- Those who felt the code should be voluntary gave a number of reasons, including:
  - it was important for lobbyists to maintain some degree of independence from the government, so they may operate with integrity;
  - a voluntary code is not necessarily “toothless”, as those who do not sign up to the code may be subject to public scrutiny; and
  - a mandated code suggests increased regulation, paperwork, monitoring, costs, and enforcement mechanisms.
- Those who felt the code should be mandated by government:
  - felt a voluntary code is ineffective, and does not hold lobbyists to account; and
  - felt unregulated lobbying undermines public interest, and there is risk of corruption and lobbyists wielding undue influence.
- Some respondents questioned whether a code would address key concerns and achieve the desired outcome.

**Question 2: If there is to be a code of conduct for lobbyists, what kind of code should be developed?**

There were 52 responses to this question.'

Option	Total	Percent
Guidance-based code - It should be based on ethical principles and/or professional standards, used to guide expected behaviours	25	48.1%
Rules-based code - It should include ethical principles, rules that should be complied with, a registration process and sanctions for failure to comply	22	42.3%
Something else	3	5.8%
Not answered	2	3.9%



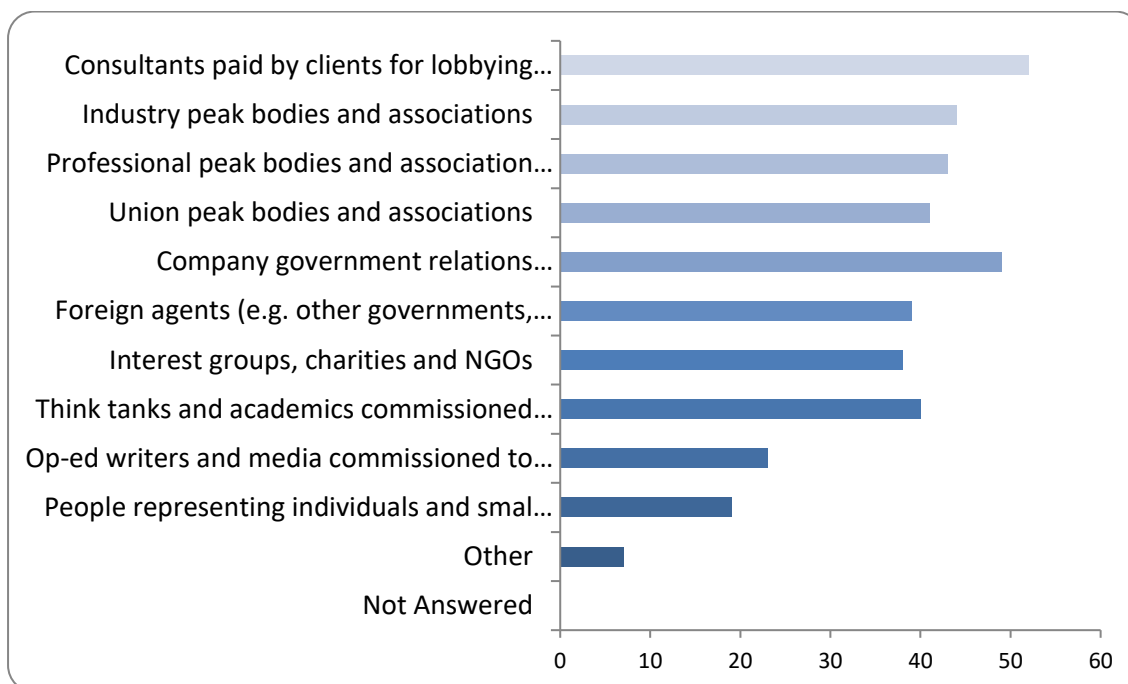
**Summary of comments for question 2:**

- Those in favour of a code (both rules and guidance-based) suggested that a code should contain ethical principles to guide lobbying activities and behaviours.
- Those in favour of a guidance-based code felt that ethical principles guiding lobbying activities should be established as an initial step. There were reservations about implementing further compliance measures due to impacts on freedom of expression, political participation, costs and bureaucracy.
- Those in favour of a rules-based code were interested in a model that contains effective mechanisms to hold lobbyists accountable, such as registration and sanctions.

**Question 3: Who should the code apply to?**

There were 52 responses to this question.

Option	Total	Percent
Consultants paid by clients for lobbying services (including government relations consultants and lawyers)	52	100.0%
Industry peak bodies and associations	44	84.6%
Professional peak bodies and associations	43	82.7%
Union peak bodies and associations	41	78.9%
Company government relations employees and contractors	49	94.2%
Foreign agents (e.g. other governments, foreign industry and interest groups, trade delegations)	39	75.0%
Interest groups, charities and NGOs	38	73.1%
Think tanks and academics commissioned to use research data to sway perspectives	40	76.9%
Op-ed writers and media commissioned to write influence pieces or social media posts	23	44.2%
People representing individuals and small community groups in government processes	19	36.5%
Other	7	13.5%



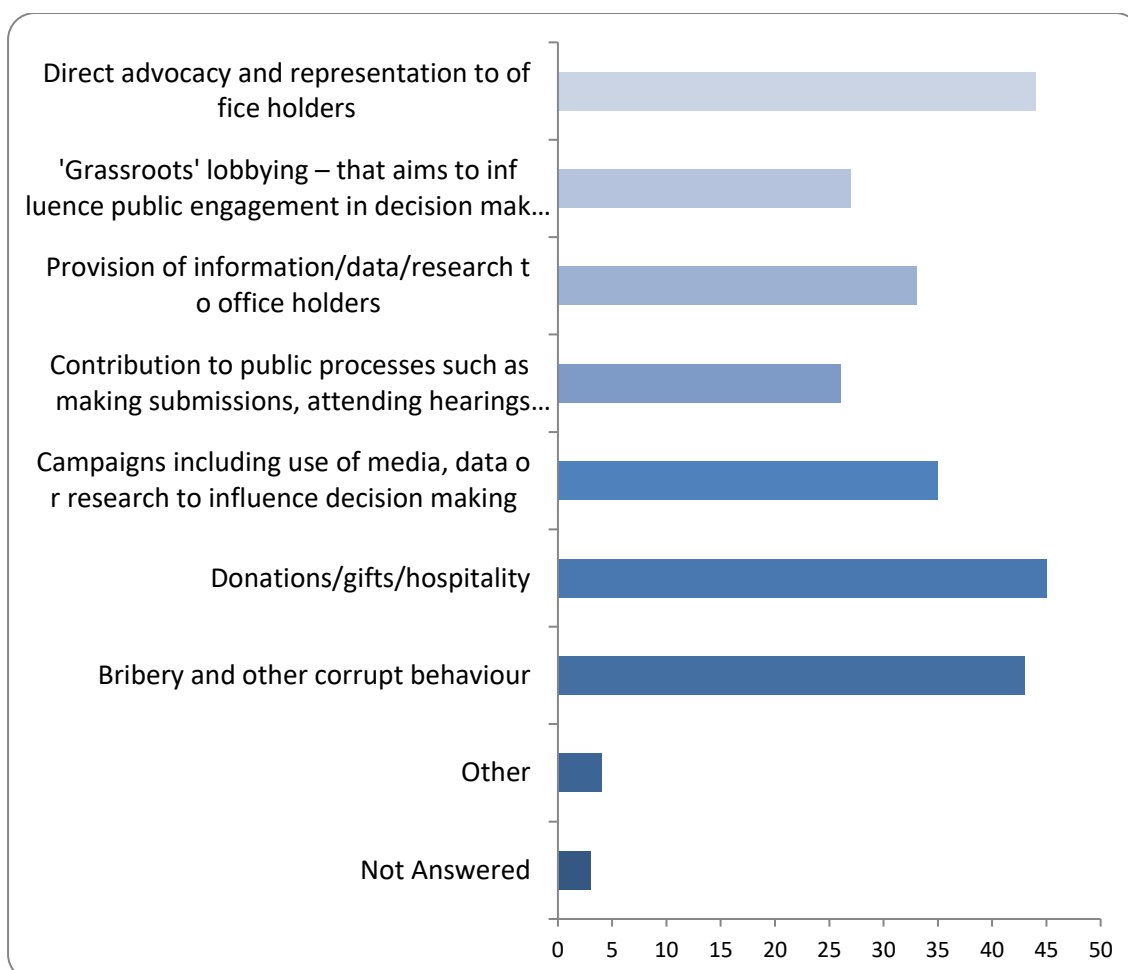
### **Summary of comments for question 3:**

- The responses to this question were varied:
  - Some felt the code should apply to everyone who carries out lobbying activities, including anyone looking to influence government decision-making, while others offered alternative definitions and systems.
  - One respondent suggested that commercial lobbying should be given some focus and/or differentiation from other lobbying activities (including grassroots, charities, non-government organisations and small community groups).
  - Some proposed specific groups (in addition to the options provided in the survey) that should also be subject to the code. Some also suggested that the code should not apply to specific groups.
- Some noted that decision-makers should also be subject to regulation. Points raised included:
  - the focus should be on decision-makers, rather than lobbyists; and
  - decision-makers should also be subject to a code of conduct.

**Question 4: What activities should be covered by the code?**

There were 49 responses to this question.

Option	Total	Percent
Direct advocacy and representation to office holders	44	84.6%
'Grassroots' lobbying – that aims to influence public engagement in decision making processes	27	51.9%
Provision of information/data/research to office holders	33	63.5%
Contribution to public processes such as making submissions, attending hearings and public meetings, petitioning	26	50.0%
Campaigns including use of media, data or research to influence decision making	35	67.3%
Donations/gifts/hospitality	45	86.5%
Bribery and other corrupt behaviour	43	82.7%
Other	4	7.7%
Not Answered	3	5.8%





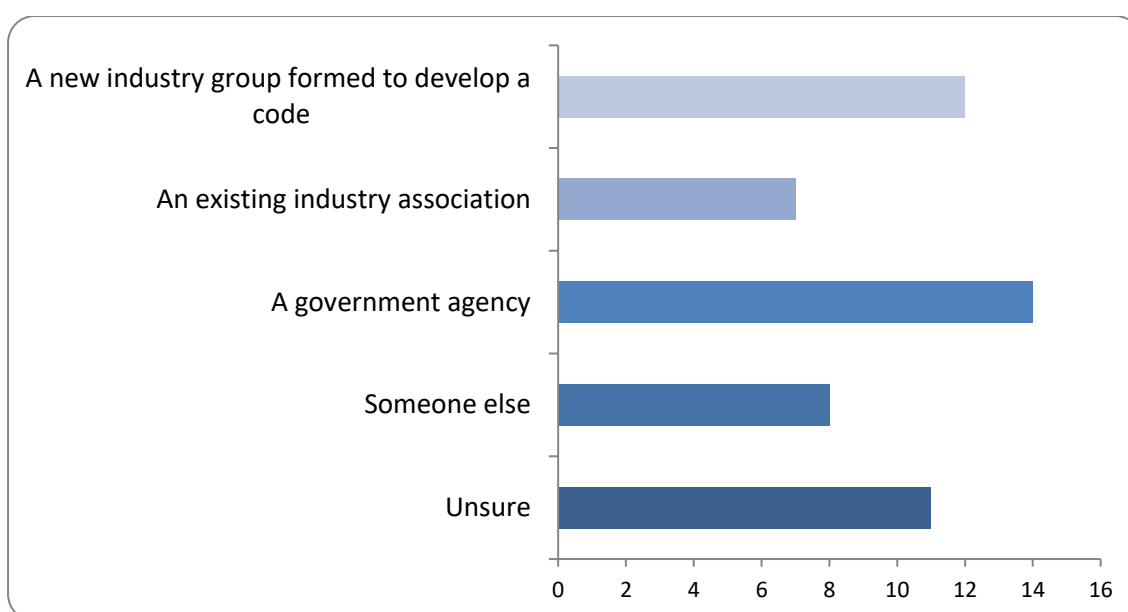
**Summary of comments for question 4:**

- On balance, most supported a code covering all activities.
- Feedback on the listed activities included:
  - Some activities are important for public participation and should not be defined as lobbying activities, unless carried out unethically.
  - Public processes including public engagement are already publicly recorded, so may not need to be included in a lobbying context.
  - Other respondents noted a number of existing mechanisms that already promote transparency, such as, corruption legislation and the Cabinet Manual which addresses donations and bribery.
- Many suggested additional activities and disclosure measures that could be covered by the code, for example:
  - direct advocacy and representation to government representatives;
  - online influencing activity and third party advertising;
  - provision of information, data and/or research accompanied by recommendations for legislative change; and
  - monthly disclosures from registered lobbyists, covering lobbying activities, clients and interactions with public officials.

**Question 5: Who is best to develop and administer the code?**

There were 52 responses to this question.

Option	Total	Percent
A new industry group formed to develop a code	12	23.1%
An existing industry association	7	13.5%
A government agency	14	26.9%
Someone else	8	15.4%
Unsure	11	21.2%



**Summary of comments for question 5:**

- Some respondents thought the code should be developed by the lobbying industry and should include diverse and balanced representation from across the sector. Some who favoured an industry-developed code noted that the industry could commit to self-regulation under its own established rules. However, others who did not support this self-regulated approach expressed concerns about conflicts of interest.
- Those who favoured a government body or independent agency suggested either the Public Service Commissioner, or a model similar to an Officer of Parliament, or an Integrity Commissioner (as used in Canada).
- Public Relations Institute of New Zealand was suggested as a suitable existing institution to help develop and administer the code. Its Code of Ethics was also suggested to be a good model, which includes enforcement and disciplinary mechanisms.
- Others noted the importance of resourcing, and suggested that it was crucial to have a well-resourced agency develop the code (including defining the scope and undertaking policy work), and to administer it (including dispute resolution and enforcement processes).

## Appendix One

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Lobbying Code of Conduct text suggested by a survey respondent

### Preamble

- a. Respect for the institutions of Government depends to a large extent on public confidence in the integrity of Ministers, their staff and senior Government officials.
- b. Representation, engagement and advocacy (or 'lobbying') is a legitimate activity and an important part of the democratic process. Those involved in engagement and advocacy can help individuals and organisations communicate their views on matters of public interest to the Government and, in doing so, improve outcomes for the individual and the community as a whole.
- c. In performing this role, there is a public expectation that engagement and advocacy activities will be carried out ethically and transparently, and that Government representatives who are approached by persons engaging in these activities can establish whose interests they represent so that informed judgments can be made about the outcome they are seeking to achieve.
- d. This Code is intended to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty. Government representatives and persons engaged in lobbying activities are expected to comply with the requirements of this Code in accordance with the spirit, intention and purpose of this Code.

### Code of conduct

A person engaging in lobbying activity must abide by the following principles in conducting their work:

- a. the person must not engage in bribery, corruption, or any other conduct that is dishonest or illegal, or that unlawfully causes or threatens any detriment to any person;
- b. the person must use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to employers, clients or members whom they represent, the wider public and Government representatives;
- c. the person must not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their ability to realise outcomes or the extent of their access to Government representatives, members of political parties or to any other person;
- d. the person must keep strictly separate from their lobbying activities any personal activity or involvement on behalf of a political party;
- e. when making initial contact with a Government representative with the intention of conducting advocacy and lobbying activities the person must inform the Government representative of the following:
  - i. that they are employed, contracted or otherwise authorised to conduct lobbying activities;
  - ii. whether they are a signatory to the lobbying code of conduct;
  - iii. the name of the organisation or organisations on behalf of whom the person is conducting lobbying activities in relation to the Government representative;
  - iv. the nature of the matters that each such organisation wishes them to raise with the Government representative;
- f. the person must advise their employer, members or client where their objectives may be illegal or in breach of this code, and refuse to act for an employer, members or client in pursuit of any such objective.

- g. a person engaging in lobbying activities must disclose promptly any material conflict of interest to affected clients or organisations, and disclose the nature of any material client or business interests in any published or broadcast media commentary.