

Draft Code of Conduct

Good practice expectations for lobbyists

Discussion draft v2.0 (March 2024)

Background to this draft code

1. In April 2023, the Prime Minister asked “third-party” lobbyists (people who lobby on behalf of others) to create a voluntary code of conduct. The Ministry of Justice assessed interest in a code through meetings and an online survey between July 2023 and January 2024. See the Ministry’s [political lobbying webpage](#) for a summary of the discussions.
2. Most people agreed that the code should apply to anyone influencing government decisions and suggested the Ministry draft an ethics-based code as a first step.
3. To develop the draft code, the Ministry studied over 40 codes from various countries and organisations. The code was also structured using the Organisation for Economic Co-operation and Development’s (OECD) principles for promoting good governance in lobbying.
4. In December 2023, the Ministry provided a first draft to government relations consultants for their review and feedback. We also met with government relations consultants in January 2024 to discuss their feedback on the draft code. Following this meeting, the draft code was revised, and shared again with this group to check their feedback had been captured accurately.
5. As the code is designed as a self-regulated voluntary code it does not require sign-up, nor are any enforcement mechanisms built in. Whether anything more is needed may be considered with longer-term regulatory work.
6. The next phase will be to invite feedback from wider stakeholder groups and partners on the updated draft (v2.0) code.

A note on the rights of Te Tiriti partners and te ao Māori

7. In meetings with Māori, we heard that the rights of rūnanga to engage as a Te Tiriti partner must not be conflated with lobbying. We also heard that good lobbying practices are already an integral part of te ao Māori. For example, statements made on the marae are heard by everyone. Kawa and tikanga, underpinned by whakapapa guides all connections and processes. Attendees suggested that any good practice expectations for lobbying could be guided by te ao Māori. Feedback on how this could be done is welcomed.

Preamble

1. In New Zealand's democracy, open access to public officials is crucial to ensure that good decisions are made. Lobbying activities play an important role in this process by promoting public debate, advocating for diverse interests, sharing information, and highlighting issues in public policy making.
2. New Zealand enjoys high levels of transparency and low levels of corruption in public life. This code outlines good practice expectations for lobbying and helps everyone who aims to influence government decisions to maintain public trust in the integrity of government. It is one of several tools that help build public trust. This code complements New Zealand's comprehensive transparency laws and mechanisms¹, and other professional rules and codes of practice.
3. The Ministry of Justice supported the development of this code with input from government relations consultants and a number of stakeholder groups between 2023-2024.

Application

4. This code applies to anyone trying to influence government policy, process or law. Public officials should also be aware of the code and its expectations.

Definitions

5. **Lobbyist** – Any person or organisation that aims to influence government policy, process or law.
6. **Lobbying activity** – Any direct or indirect method used to influence government policy, process or law.
7. **Public officials** – Ministers and Parliamentary Under-Secretaries, advisors to Ministers and Parliamentary Under-Secretaries employed via the Department of Internal Affairs' Ministerial Services, and senior public servants.

¹ New Zealand's comprehensive transparency laws and mechanisms include, for example, Official Information Act 1982, Local Government Official Information and Meetings Act 1987, Public Service Act 2020, Ombudsman Act 1975, Public Audit Act 2001, Public Finance Act 1989, Crimes Act 1961 (for punishing offences), State Sector Standards of Integrity and Conduct, Code of Conduct for ministerial staff, Code of Conduct for Crown Entity Board Members, Code of Conduct for Directors of Schedule 4A Companies (all codes of conduct issued by the Public Service Commissioner), Cabinet Manual, accountability of Ministers to Parliament through oral and written questions, accountability of the executive and public service to Parliament through Estimates review, Annual Reviews, annual reports, oversight by the Controller and Auditor-General, and other actions by executive government like proactive release of information.

Good practice expectations for lobbying

Promote Fair Access

Use access to public officials responsibly

8. Personal relationships are inevitable in a small country, but public trust can be undermined if people think that a lobbyist has an unfair advantage through a personal relationship:
 - 8.1. Act honestly and fairly when dealing with public officials and treat personal relationships with best judgement.

Support fair access for all

9. While public officials primarily make decisions and/or advise decision makers, lobbyists can be mindful of how their actions may support fair access for all:
 - 9.1. Acknowledge that others may wish to have their say and support the right to free expression.
 - 9.2. Be faithful to clients without losing sight of the broader public interest.

Practise Transparency

Be clear about who you represent and the purpose of the lobbying activity

10. When communicating with public officials, full transparency about who you are representing and their intent is important so that public officials know who the client or sponsor is and why:
 - 10.1. Name clients or employers represented and the sponsors for causes or interests represented.
 - 10.2. Clearly state what you are aiming to achieve.

Be transparent about lobbying activities, donations, and conflicts of interest

11. It is good practice to publicly disclose your lobbying activities, as this builds public trust in how you operate:
 - 11.1. Promote open communication in the public interest wherever possible.

Provide accurate information to decision makers

12. Decision makers rely on accurate information to make good decisions:
 - 12.1. Be accurate and truthful in all communications, and promptly correct errors or omissions.

Demonstrate Integrity

Maintain confidentiality

13. Lobbyists need to be respectful of confidential information obtained from public officials in the course of their work.

13.1. Use information as agreed with public officials for its intended purpose.

Manage conflicts of interest

14. Conflicts of interest need to be disclosed and carefully managed as they can result in actual, or perceptions of, bias or unfair access:

14.1. Be honest and trustworthy in managing any existing or potential conflicts of interest and ensure that those conflicts are disclosed to relevant parties.

Uphold a positive reputation for lobbying activities

15. Lobbying activities play an important part in democratic process. Contribute to building a good reputation for lobbying activities in their widest sense:

15.1. Foster a culture that advocates and supports the extension of ethical practice.

15.2. Understand the broader impact of lobbying activities and maintain public expectations of transparency, integrity and honesty, in addition to the transparency and integrity obligations on Public Officials.

Promote professionalism

16. Improper influence of public officials has a highly corrosive effect on democracy:

16.1. Act on the basis of a well-informed conscience and interact with public officials in a professional, ethical and responsible manner.

16.2. Comply with relevant legal obligations and good practice expectations outlined in this code.

Exercise Accountability

Be accountable for actions

17. Conducting business in a way that upholds the good practice expectations outlined in this code will help build public trust in democratic process and lobbying activities:

17.1. Establish a business culture that sets clear expectations about appropriate conduct and behaviour.