DRAFT FOR CONSULTATION

Regulation of Lobbying Bill

Member's Bill

Explanatory note

General policy statement

The purpose of this Bill is to protect and promote the integrity, transparency, and accountability of public decision-making in New Zealand by ensuring that lobbying activities are conducted openly, ethically, and in a manner that supports public confidence in democratic institutions. The Bill recognises that lobbying can play a legitimate and valuable role in informing policy development and government decision-making. At the same time, it acknowledges that influence may be exercised in a manner inconsistent with the public interest and that private interests that are being benefited may be hidden due to lack of transparency.

The Bill is designed to provide information to the public about:

- who is undertaking lobbying activities:
- who is being lobbied:
- on whose behalf lobbying is being carried out:
- the laws, policies, programmes, funding decisions, or other matters that are the subject of lobbying:
- the objectives sought through lobbying activities:
- the extent and nature of interactions between professional lobbyists and designated public officials.

The Bill seeks to improve transparency and fairness in public decision-making by enabling citizens, public officials, Parliament, the media, and civil society to understand how influence is exercised within government, and to identify any significant imbalances in access or representation. Public disclosure is expected to encourage decision-makers to hear from a balanced range of views, while supporting informed public scrutiny, strengthening trust in democratic processes, and helping ensure that decisions are made in the public interest.

To achieve these purposes, the Bill establishes a public register of lobbying activity, creates disclosure obligations for professional lobbyists, and provides for appropriate oversight and enforcement arrangements. The Bill also imposes post-employment restrictions on certain former designated public officials to prevent the misuse of confidential information and improper influence arising from previous public office.

The Bill is not intended to restrict ordinary democratic participation. It should exclude or appropriately protect communications by constituents with the MPs that represent them, public submissions, petitions, media and academic commentary, legal representation, statutory consultation, and other forms of open public participation. The Bill also respects parliamentary privilege, MPs' representative functions, and the constitutional character of Tiriti-based engagement between Māori and the Crown.

The Bill further establishes a mandatory Code of Conduct for professional lobbyists. The Code would require persons engaged in lobbying to act honestly, transparently, professionally, and with integrity; to provide information that is accurate and not misleading; to disclose the interests they represent; to respect the independence and impartiality of public officials; to avoid conflicts of interest and improper influence; and to comply with all registration and reporting requirements. The Code is intended to promote high standards of behaviour, foster a culture of ethical engagement between professional lobbyists and public officials, and ensure that lobbying contributes positively to democratic governance.

An independent regulatory authority, a Lobbying Integrity Commission, is responsible for administering the register, monitoring compliance, issuing guidance, promoting awareness of lobbying obligations, investigating breaches of this Bill and the Code of Conduct, and enforcing the Bill's requirements.

The Bill provides for graduated enforcement, including education and guidance, correction notices, warnings, administrative or civil penalties, suspension or removal from the register, and criminal offences for deliberate, repeated, or serious misconduct. The Bill includes natural justice protections, review and appeal rights, and periodic statutory review to ensure the regime remains effective and proportionate.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force 6 months after Royal assent.

Part 1
Preliminary provisions

Clause 3 sets out the purpose of the Bill. The purpose is to promote the integrity, transparency, and accountability of public decision-making by ensuring that professional lobbying activities are conducted ethically, and in a transparent manner that supports public confidence in democratic institutions.

Clause 4 defines terms that are used in the Bill. They include, for example, the term **regulated lobbying activity**.

Clause 5 provides a definition of **professional lobbyist**.

Clause 6 and *Schedule 1* provide for transitional, savings, and related provisions.

Clause 7 states that the Bill, once enacted, will bind the Crown.

Part 2
Lobbying Integrity Commission

Clause 8 establishes the Lobbying Integrity Commission.

Clause 9 requires the Commission to act independently in carrying out its functions.

Clause 10 states that the board of the Commission consists of not less than 3 and not more than 5 members.

Clause 11 sets out eligibility criteria for appointment to the board.

Clause 12 states the Commission's objective.

Clause 13 sets out the Commission's functions.

Clause 14 requires the Commission to maintain the capability and capacity to carry out its functions in a manner responsive to tikanga Māori, the rights and interests of Māori, and te Tiriti o Waitangi.

Clause 15 provides for the Commission to designate persons and office holders as designated public officials.

Clause 16 provides that the Commission may perform its functions in co-operation with others.

Part 3
Registration of professional lobbyists

Clause 17 requires any person who is a professional lobbyist to be registered.

Clause 18 sets out the process of applying for registration.

Clause 19 requires the Registrar to accept or refuse an application for registration.

Clause 20 lists particular types of person who are disqualified from registration.

Clause 21 provides that designated public officials may not apply to be registered lobbyists within certain specified periods of ceasing to hold office, depending on the office they held.

Clause 22 requires the Registrar to keep a register of professional lobbyists.

Clause 23 specifies the content of the register.

Clause 24 outlines the information required to be provided with an application for registration as a professional lobbyist.

Clause 25 requires each registered lobbyist to file an annual return confirming that the information in the register is correct and that they are not disqualified from registration.

Clause 26 requires a registered lobbyist to notify the Registrar if they become disqualified, their details change, or they cease to be a professional lobbyist.

Clause 27 requires registered lobbyists to submit activities reports providing details of their regulated lobbying activities on a regular basis.

Clause 28 provides for the appointment of a Registrar and sets out the functions of the Registrar.

Clause 29 provides for the Registrar to cancel a registered lobbyist's registration in specified circumstances.

Clause 30 provides for appeals to the District Court from certain decisions of the Registrar.

Part 4
Code of conduct

Clause 31 requires the Commission to establish and maintain a code of conduct that is binding on all registered lobbyists.

Clause 32 sets out the content of the code.

Clause 33 requires the Commission to have a procedure for receiving and investigating complaints by members of public about breaches of the code. The Commission must publish the complaints procedure, make it accessible, and promote awareness of it, along with the code.

Clause 34 provides that the Commission may issue guidance about the operation of the Bill and the code of conduct.

Part 5
Enforcement and offences

Clause 35 provides for the Commission to serve information notices to require the production of information for the purpose of carrying out its monitoring functions.

Clauses 36 and 37 provide for the Commission to issue warnings in relation to non-compliance with obligations imposed by or under this Bill.

Clauses 38 to 41 provide for the Commission to serve compliance orders in relation to non-compliance with obligations imposed by or under this Bill.

Clause 42 provides for appeals from a decision of the Commission to serve an information notice or compliance order.

Clause 43 provides for automatic revocation of registration for failure to comply with a compliance order.

Clauses 44 and 45 provides for the imposition of pecuniary penalties for non-compliance with obligations imposed by or under this Bill.

Clauses 46 to 50 prescribe offences in relation to the Bill.

Part 6
Regulations and review of Act

Clause 51 is a general regulation-making power.

Clause 52 provides for regulations to be made prescribing levies to be paid by registered lobbyists.

Clause 53 provides for the Bill to be reviewed no later than 2 years after its commencement and then at intervals of no longer than 5 years.

Part 7
Consequential amendments

Clause 54 and *Schedule 2* make consequential amendments relating to the establishment of the Commission.

Chlöe Swarbrick

Regulation of Lobbying Bill

Member's Bill

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulation of Lobbying Act **2026**.

2 Commencement

This Act comes into force 6 months after Royal assent.

Part 1
Preliminary provisions

3 Purpose

(1) The purpose of this Act is to promote the integrity, transparency, and accountability of public decision-making by ensuring that professional lobbying activities are conducted ethically, and in a transparent manner that supports public confidence in democratic institutions.

(2) To this end, this Act—

(a) provides for a register of persons who carry out regulated lobbying activities; and

(b) requires regular reporting by persons on the register; and

(c) provides for a code of conduct relating to carrying on regulated lobbying activities; and

(d) imposes restrictions on involvement in regulated lobbying activities by certain former designated public officials for a specified period.

4 Interpretation

In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the Commission

Commission means the Lobbying Integrity Commission established under **section 8**

designated public official means any of the following:

(a) a Minister of the Crown:

(b) a Parliamentary Under-Secretary:

(c) a member of Parliament:

(d) a member of the board of a statutory entity named in Schedule 1 of the Crown Entities Act 2004:

(e) ministerial staff:

(f) senior public sector staff:

(g) a person or office holder designated by the Commission under **section 15**

employee includes a person engaged under a contract for services

entity—

(a) means any of the following:

(i) a company or other body corporate:

(ii) a corporation sole:

(iii) in the case of a trust that has—

(A) only 1 trustee, the trustee acting in their capacity as trustee:

(B) more than 1 trustee, the trustees acting jointly in their capacity as trustees:

(iv) an unincorporated body (including a partnership); but

(b) does not include a public sector entity

industry association means an association of members from a particular industry that performs 1 or more of the following functions:

(a) representing members' views to non-members, including the Government:

(b) providing dispute resolution:

(c) providing education and training for members:

(d) providing social events for members:

(e) establishing rules or codes of conduct

international organisation means—

(a) any organisation of States, or Governments of States, or any organ or agency of any such organisation; and

(b) a prescribed organisation

iwi participation legislation means legislation that provides a role for iwi or hapū in processes under the legislation

ministerial staff has the meaning given in section 5 of the Public Service Act 2020

not-for-profit entity means an entity—

(a) that is one of the following:

(i) an incorporated society registered under the Incorporated Societies Act 2022:

(ii) a charitable entity (within the meaning of that term given in section 4(1) of the Charities Act 2005):

(iii) any other society, institution, association, organisation, or trust that is not carried on for the private benefit of an individual; and

(b) whose funds are applied entirely or mainly for benevolent, philanthropic, cultural, charitable, sporting, or public purposes in New Zealand

NZBN means New Zealand Business Number

officer, in relation to an entity, means—

(a) if the entity is a company, any person occupying the position of a director of the company by whatever name called:

(b) if the entity is a partnership (other than a limited partnership), any partner:

(c) if the entity is a limited partnership, any general partner:

(d) if the entity is a body corporate or an unincorporated body, other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company

professional lobbyist has the meaning given in **section 5**

public sector entity means—

(a) a public service agency as defined in section 10(a) of the Public Service Act 2020:

(b) the New Zealand Police:

(c) the New Zealand Defence Force:

(d) a statutory entity named in Schedule 1 of the Crown Entities Act 2004:

(e) the Reserve Bank of New Zealand:

(f) an organisation named or described in Schedule 4, or a company named in Schedule 4A, of the Public Finance Act 1989:

(g) a board as defined in section 10(1) of the Education and Training Act 2020:

(h) an institution as defined in section 10(1) of the Education and Training Act 2020:

(i) a Crown entity company or Crown entity subsidiary as defined in section 10 of the Crown Entities Act 2004:

(j) the Parliamentary Counsel Office

register of lobbyists or **register** means the register established under **section 22**

Registrar means a person appointed as the Registrar under **section 28**

registered lobbyist means a professional lobbyist entered in the register

regulated lobbying activity —

(a) means a planned, direct communication (of any type) made to a designated public official relating to 1 or more of the following:

  (i) the development, adoption, rejection, or modification of any proposal of the Government to make or amend legislation:

  (ii) the development, adoption, rejection, or modification of any other policy of the Government:

  (iii) the making, giving, or issuing by the Government of, or the taking of any other steps by the Government in relation to,—

    (A) any contract or other agreement; or

    (B) any grant or other financial assistance; or

    (C) any licence or other authorisation:

(iv) the seeking of a decision or action of the Government conferring any benefit or advantage on an individual or group:

(v) the exercise of any other function of the Government; but

(b) does not include a communication that—

(i) consists of a petition to the House of Representatives; or

(ii) consists of an oral or written submission made to the House of Representatives or any of its committees in proceedings that are a matter of public record; or

(iii) consists of an oral or written submission made in response to a publicly notified consultation or other public submission process; or

(iv) forms part of, or is directly related to, negotiations relating to redress for the settlement of Treaty of Waitangi claims, or is undertaken under a Treaty settlement Act, Treaty settlement deed, or other iwi participation legislation; or

(v) forms part of, or is directly related to, negotiations of an employment agreement undertaken by a union on behalf of its members; or

(vi) forms part of, or is directly related to, a genuine procurement process conducted in accordance with relevant procurement rules and guidance issued by central government; or

(vii) could, if disclosed, pose a threat to the security of New Zealand or the safety of any person; or

(viii) is made by or on behalf of an individual relating to their private affairs or personal point of view; or

(ix) is merely a request for information

senior public sector staff means any of the following:

(a) the chief executive of a public service agency (which has the meaning given in section 5 of the Public Service Act 2020):

(b) the chief executive of a statutory entity named in Schedule 1 of the Crown Entities Act 2004:

(c) an employee of a public service agency or statutory entity who reports directly to any of the following:

(i) a Minister:

(ii) the board of a statutory entity:

(iii) a chief executive referred to in **paragraph (a) or (b)**

union has the meaning given in section 5 of the Employment Relations Act 2000.

5 Meaning of professional lobbyist

(1) In this Act, a person is a **professional lobbyist** if the person is—

(a) a consultant lobbyist; or

(b) an in-house lobbyist.

(2) A person is a **consultant lobbyist** if, in the course of business and in return for payment or reward, the person—

(a) undertakes regulated lobbying activities on behalf of another person; or

(b) employs or engages another person to undertake regulated lobbying activities on behalf of a third person.

(3) A person is an **in-house lobbyist** if—

(a) the person regularly undertakes regulated lobbying activities; and

(b) those activities are undertaken in the person's capacity as an officer or employee of an entity to which **subsection (4)** applies.

(4) This subsection applies to an entity that—

(a) that has 1 or more full-time employees employed for the purpose of undertaking or directing regulated lobbying activities for the entity; or

(b) is an industry association, a not-for-profit entity, or a union with 1 or more full-time employees; or

(c) in any other case, has 10 or more full-time employees.

(5) However, a person is not a professional lobbyist to the extent that they undertake regulated lobbying activities while acting in their capacity as—

(a) a designated public official or an employee of a public sector entity; or

(b) an official or member of staff of a State other than New Zealand, the government of a State other than New Zealand, or an international organisation, and any regulated lobbying activity by the person is carried out on behalf of the State, government, or organisation.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

7 Act binds the Crown

This Act binds the Crown.

Part 2
Lobbying Integrity Commission

8 Lobbying Integrity Commission established

(1) This section establishes the Lobbying Integrity Commission.

(2) The Lobbying Integrity Commission is a Crown entity for the purposes of the Crown Entities Act 2004.

(3) The Crown Entities Act 2004 applies to the Lobbying Integrity Commission except to the extent that this Act expressly provides otherwise.

9 Commission must act independently

Except as expressly provided otherwise in this or any other Act, the Commission must act independently in performing its functions and duties and in exercising its powers under—

(a) this Act; and

(b) any other Act that expressly provides for the functions, powers, or duties of the Commission (other than the Crown Entities Act 2004).

10 Board of Commission

The board of the Commission consists of at least 5, but not more than 7, board members.

11 Eligibility for appointment as member of board

(1) When considering whether to recommend a person for appointment as a member of the board of the Commission, the Minister must ensure that—

(a) the board collectively has knowledge and experience in matters relevant to the functions of the Commission, including knowledge of and experience in—

(i) law; and

(ii) public administration and governance; and

(iii) lobbying and lobbying practices; and

(iv) te Tiriti o Waitangi; and

(b) at least 1 member of the board is a professional lobbyist; and

(c) at least 1 member of the board is a lay member (not being a professional lobbyist, a former professional lobbyist, or a designated public official); and

(d) at least 1 member of the board has experience and expertise in te ao Māori; and

(e) at least 1 member of the board has experience and expertise in tikanga Māori.

(2) None of the following persons are eligible to be a member of the board of the Commission:

(a) a member of Parliament:

(b) an officer or employee of a political party:

(c) an officer or employee of a industry association:

(d) an officer or employee of a union.

12 Objective of Commission

In performing its functions and exercising its powers under this Act, the Commission's objective is to achieve the purposes in **section 3(1)** by—

(a) preventing and addressing threats to integrity in public decision-making; and

(b) promoting public trust and confidence in integrity within public decision-making.

13 Functions of Commission

The functions of the Commission are—

Promoting, advising, and leading on integrity in public decision-making

(a) to provide advice, support, education, and guidance relating to integrity in public decision-making:

(b) to advocate and promote respect for, and enhance understanding and appreciation of, integrity in public decision-making:

(c) to develop and implement educational programs to foster public awareness of the requirements of this Act, particularly on the part of professional lobbyists, their clients, and public office holders:

(d) to be a leader on integrity issues in respect of public decision-making and to co-ordinate with relevant international bodies:

Designation of public officials

(e) to designate persons or office holders as designated public officials under **section 15**:

Registration of professional lobbyists

(f) to maintain a register of lobbyists in accordance with **Part 3**:

Code of conduct and enforcement

(g) to develop and issue a code of conduct under **Part 4**:

(h) to maintain and operate a complaints procedure in respect of compliance with the code of conduct:

(i) to monitor and enforce compliance with obligations imposed under this Act:

General

(j) to advise the Minister from time to time on any matters related to integrity in public decision-making:

(k) to generally take all steps necessary or desirable to achieve the purpose in **section 3(1)**:

(l) to perform any other functions that—

(i) are conferred on the Commission by this Act or any other legislation; or

(ii) the Minister may direct in accordance with section 112 of the Crown Entities Act 2004.

14 Duties of Commission when carrying out its functions

The Commission must maintain the capability and capacity to carry out its functions in a manner that is responsive to—

(a) tikanga Māori and the rights and interests of Māori; and

(b) te Tiriti o Waitangi.

15 Designation of public officials

(1) The Commission may, by notice in the *Gazette*, designate 1 or more of the following as a designated public official for the purpose of this Act:

(a) a specified person or class of persons:

(b) the holder or holders for the time being of a specified office or specified class of offices.

(2) A designation under **subsection (1)** may describe a class of persons or office holder by reference to their roles, levels of remuneration, grades, or similar factors.

(3) The Commission must maintain a complete list of all designated public officials described in such a way as to allow the public to identify them, for example, by reference to the office held or job title.

(4) The Commission must publish the list on an Internet site maintained by or on behalf of the Commission.

16 Commission may perform functions in co-operation with others

The Commission may perform any of its functions in co-operation with any person, body, association, or organisation.

Part 3
Registration of professional lobbyists

Subpart 1—Professional lobbyists must be registered

17 Professional lobbyists must be registered

A professional lobbyist must not carry out a regulated lobbying activity unless they are a registered lobbyist.

18 Application for registration

(1) A person may apply to the Registrar for registration as a registered lobbyist.

(2) The application must—

(a) be made in the prescribed form; and

(b) include the information specified in **section 24** and any other prescribed information; and

(c) include the prescribed fee (if any).

19 Registrar must accept or refuse application

(1) The Registrar must accept an application for registration if satisfied that,—

(a) in the case of an application by an individual, the person is not disqualified from registration; and

(b) in the case of an application by an entity, the entity and each of its officers is not disqualified from registration.

(2) If the Registrar accepts an application, they must, within 20 working days,—

(a) enter the applicant's name on the register as a registered lobbyist; and

(b) provide the applicant with a registration certificate containing a unique registration number and showing the date of registration.

(3) If the Registrar refuses an application for registration, they must give the applicant written notice with reasons within 20 working days after the decision is made.

(4) The applicant has the right, under **section 30**, to appeal to the District Court against the Registrar's refusal.

20 Disqualification from registration

(1) An individual is disqualified from registration if they are—

(a) an undischarged bankrupt; or

(b) a person who has been convicted of an offence against this Act; or

(c) a person whose registration has been revoked under **section 43**; or

(d) a person whose registration under this Act has been cancelled within the preceding 5 years; or

(e) prohibited from being a director of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment.

(2) An entity is disqualified from registration if—

(a) an officer of the entity, or an employee of the entity whose role involves undertaking regulated lobbying activities, would be disqualified from registration under **subsection (1)** if the person were attempting to register as an individual; or

(b) the entity has been convicted of an offence against this Act; or

(c) the entity's registration has been revoked under **section 43**; or

(d) the entity's registration under this Act has been cancelled within the preceding 5 years; or

(e) the entity is dissolved or in liquidation, receivership, or voluntary administration; or

(f) in the case of a company, the company has been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993.

21 Stand-down period for certain former designated public officials

(1) A person who has held office as a Minister of the Crown or Parliamentary Under-secretary at any time in the immediately preceding 24 months may not—

(a) apply for registration under **section 18**; or

(b) be an officer of an entity that is a registered lobbyist, or that applies for registration under **section 18**; or

(c) carry out regulated lobbying activities for an entity that is a registered lobbyist, or that applies for registration under **section 18**.

(2) A person who has held office as a designated public official, other than as a Minister of the Crown or Parliamentary Under-secretary, at any time in the immediately preceding 12 months may not—

(a) apply for registration under **section 18**; or

(b) be an officer of an entity that is a registered lobbyist, or that applies for registration under **section 18**; or

(c) carry out regulated lobbying activities for an entity that is a registered lobbyist, or that applies for registration under **section 18**.

(3) If the Registrar receives an application for registration from a person described in **subsection (1) or (2)**, or an entity that has a person described in **subsection (1) or (2)** as an officer, or as an employee who carries out regulated lobbying activities, the Registrar must return that application to the person by whom it was made.

(4) A person to whom **subsection (1) or (2)** applies must be treated as disqualified from registration during the stand-down period that applies to them under this section.

Subpart 2—Register of professional lobbyists

22 Register of professional lobbyists

(1) The Registrar must keep a register of professional lobbyists.

(2) The register must be in electronic form and may also be kept in any other form that the Registrar thinks fit.

(3) The Registrar must ensure that the register is available to the public for inspection on an Internet site maintained by or on behalf of the Commission at all reasonable times.

23 Content of register

The register must contain an entry for each registered lobbyist that sets out—

(a) the information supplied with the application for registration specified in **section 24**; and

(b) the information contained in annual returns submitted under **section 25**; and

(c) the information contained in activities reports submitted under **section 27**; and

(d) any changes notified in accordance with **section 26**.

24 Information to be supplied by applicants for registration

An application for registration must be made in the form approved by the Commission (if any), and contain the following information—

(a) in the case of an individual,—

(i) the individual's name; and

(ii) the address of the individual's main place of business (or, if there is no such place, the individual's residence); and

(iii) the contact details for the individual's business, for example, the individual's business phone number and email address; and

(iv) the person's business and the main regulated lobbying activities to be undertaken; and

(v) a statement, made by the individual, that they are not disqualified from registration; and

(vi) a statement, made by the individual, verifying that the information contained in the application is true and correct:

(b) in the case of an entity,—

(i) its name; and

(ii) its trading name (if any); and

(iii) its NZBN (if any); and

(iv) the address of its registered office (for a company) or of its main office or place of business (for any other entity); and

(v) the contact details for the entity, for example, the entity's business phone number and email address; and

(vi) the names of its officers; and

(vii) the entity's business and main regulated lobbying activities to be undertaken; and

(viii) a statement, made by an officer of the entity authorised to provide it, that the entity and each officer of the entity (who must be individually named) is not disqualified from registration and

(ix) a statement, made by an officer of the entity authorised to provide it, verifying that the information contained in the application is true and correct.

25 Annual return

(1) As soon as practicable after each 12 month anniversary of a registered lobbyist's registration, the registered lobbyist must provide to the Registrar an annual return confirming that—

(a) the registered lobbyist is not disqualified from registration; and

(b) the information contained in the register about the registered lobbyist is accurate and complete.

(2) The annual return must—

(a) be in the form approved by the Commission (if any); and

(b) be provided no later than 20 working days after the day that is the 12-month anniversary of a registered lobbyist's registration.

(3) The return must be accompanied by the prescribed fee (if any).

(4) The Registrar must, as soon as reasonably practicable, update the register to include the information contained in the annual return.

26 Obligation to notify Registrar of changes

(1) A registered lobbyist must notify the Registrar if any of the following applies:

(a) the lobbyist becomes disqualified from registration under **section 20**:

(b) the registered lobbyist knows that any details on the register in relation to them are incorrect or incomplete:

(c) the registered lobbyist ceases to be a professional lobbyist.

(2) A notice under **subsection (1)** must be given within 10 working days after the relevant matter is first known to the registered lobbyist.

(3) **Subsection (4)** applies if a person becomes an officer of a registered lobbyist that is an entity.

(4) The registered lobbyist must, within 20 working days of the date on which the person becomes an officer, provide to the Registrar—

(a) the person's full name; and

(b) a statement confirming that the person to whom the notice relates is not disqualified from registration.

Subpart 3—Activity reporting

27 Registered lobbyists must submit activities report

(1) A registered lobbyist must, no later than 20 working days after the end of each relevant period, provide to the Commission an activities report containing the information set out in **subsection (2)** covering the relevant period.

(2) The information to be contained in an activities report about a registered lobbyist's regulated lobbying activity, in relation to each activity, is—

(a) the name of the person lobbied; and

(b) the date on which the person was lobbied; and

(c) the location at which the person was lobbied; and

(d) a description of the meeting, event, or other circumstances in which the lobbying occurred; and

(e) the name of the individual who carried out the activity; and

(f) either—

(i) a statement that the lobbying was undertaken on the registered lobbyist's own behalf; or

(ii) the name of the person on whose behalf the lobbying was undertaken; and

(g) the purpose or objective of the lobbying.

(3) The activities report must be in the form approved by the Commission (if any).

(4) The activities report must be accompanied by the prescribed fee (if any).

(5) The Registrar must, as soon as reasonably practicable, update the register to include the information contained in the activities report.

(6) In this section, **relevant period** means the period of 4 months ending with the last day of April, August and December in any year;

Subpart 4—Registrar

28 Registrar

(1) The chief executive must appoint an employee of the Commission as the Registrar.

(2) The functions of the Registrar are as follows:

(a) to establish and maintain a register of registered lobbyists:

(b) to determine applications for registration:

(c) to cancel registrations under **section 29**:

(d) to perform any other function conferred on the Registrar by this Act.

(3) The Registrar may delegate any of the Registrar's functions or duties to any other person, except the power of delegation.

(4) A delegation must be in writing, may be made subject to any restrictions or conditions the Registrar thinks fit, is revocable in writing at any time, and does not prevent the performance or exercise of any function or duty by the Registrar.

(5) A person to whom any functions or duties are delegated may perform them in the same manner, and with the same effect, as if they had been conferred directly by this section.

(6) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

Subpart 5—Cancellation of registration and appeals

29 Registrar may cancel registration

(1) The Registrar may cancel the registration of a registered lobbyist if satisfied,—

(a) in the case of a registered lobbyist who is an individual, that the individual is disqualified from registration; or

(b) in the case of a registered lobbyist that is an entity, that the entity or any of its officers or employees is disqualified from registration; or

(c) that the registered lobbyist was registered because of a false or fraudulent representation or declaration, whether made orally or in writing; or

(d) that the registered lobbyist has ceased to be a professional lobbyist.

(2) Before cancelling a registration, the Registrar must notify the registered lobbyist.

(3) The notice must—

(a) set out the reasons for the proposed cancellation; and

(b) give the registered lobbyist the opportunity to make written submissions as to why the registration should not be cancelled (no later than 20 working days after the date of the notice); and

(c) state the date (which must be a date after the last date on which submissions may be received) on which the cancellation is proposed to take effect.

(4) The Registrar must consider any written submissions received.

(5) If the Registrar decides to cancel a registration, the Registrar must give written notice to the registered lobbyist of the cancellation, the date on which it takes effect, and the reason for the cancellation.

30 Appeals

(1) A person may appeal to the District Court against the following decisions of the Registrar:

(a) a refusal to register the person:

(b) a decision to cancel the person's registration.

(2) An appeal must be made by giving notice of appeal no later than 20 working days after the date on which notice of the decision was communicated to the applicant or within such further time as the District Court may allow.

(3) In determining an appeal, the District Court may confirm or reverse the decision of the Registrar.

(4) A person may appeal to the High Court from a decision by the District Court under this section on a question of law only.

(5) Nothing in this section affects the right of any person to apply for judicial review.

Part 4
Code of conduct

31 Commission to establish and maintain code of conduct for registered lobbyists

(1) The Commission must establish and maintain a code of conduct for registered lobbyists.

(2) The code must comply with the requirements set out in **section 32**.

(3) When preparing the code of conduct (and any amendments to it), the Commission must take all reasonable steps to consult—

(a) professional lobbyists; and

(b) those who are likely to be impacted by its operation, including designated public officials; and

(c) the Public Service Commissioner.

(4) It is a condition of registration that registered lobbyists comply with the code.

(5) The Commission may—

(a) issue a warning notice in respect of a breach or suspected breach of the code (*see* **section 36**); and

(b) serve a compliance order in respect of a breach of the code (*see* **section 38**); and

(c) revoke a registered lobbyist's registration in respect of a breach of the code (*see* **section 43**).

32 Content of code of conduct for registered lobbyists

(1) The code must provide for minimum standards of professional conduct that must be demonstrated by registered lobbyists, including minimum standards of—

(a) general competence, knowledge, and skills that apply to all persons that undertake regulated lobbying activities; and

(b) ethical behaviour; and

(c) conduct, including transparency; and

(d) client care.

(2) The code may specify different standards under **subclause (1)**, in respect of different types of regulated lobbying activity or other circumstances.

(3) The code may also provide for—

(a) continuing professional development for persons that undertake regulated lobbying activities, including specification of minimum requirements that a person must meet for the purpose of continuing professional development:

(b) the way or ways in which a person may demonstrate their competence, knowledge, and skill.

(4) **Subclause (3)(b)** does not prevent a person from demonstrating their competence, knowledge, or skill in a way that is not specifically set out in the code.

33 Commission must have complaint procedure

(1) The Commission must have a procedure in place that—

(a) allows members of the public to make complaints about breaches or suspected breaches of the code; and

(b) provides for how those complaints must be investigated and otherwise dealt with.

(2) The complaint procedure must be consistent with this Act and any requirements in the regulations.

(3) The Commission must publish the complaint procedure, make it accessible, and promote awareness of it, along with the code.

(4) The Commission must manage complaints in accordance with the complaint procedure.

34 Commission may provide guidance

(1) The Commission may issue guidance about the operation of this Act and the code of conduct, with a view to promoting awareness and understanding of this Act and the code of conduct.

(2) The Commission must publish guidance issued under **subsection (1)** on an Internet site maintained by or on behalf of the Commission.

Part 5
Enforcement and offences

Subpart 1—Information gathering powers

35 Power to require information

(1) For the purpose of monitoring compliance with the obligations imposed under this Act, the Commission may serve a notice (an **information notice**) on a person described in **subsection (2)** requiring the person to supply the information specified in the notice.

(2) The persons are—

(a) a registered lobbyist:

(b) a person who is not a registered lobbyist but who the Commission has reasonable grounds to believe is a professional lobbyist.

(3) The information notice may require a person to provide any information that the Commission considers is reasonably necessary for the Commission to monitor and to enforce compliance with the obligations imposed by or under this Act, including by the code of conduct.

(4) An information notice must—

(a) specify the form in which the information must be supplied; and

(b) specify the date by which the information must be supplied (which must not be before the end of the period within which an appeal under **section 42** can be brought); and

(c) contain particulars of the right to appeal under **section 42**.

(5) The notice may do 1 or more of the following:

(a) specify the form and manner in which information, documents, or things must be given or produced:

(b) require the person to give a statutory declaration as to the truth of information given by the person:

(c) otherwise specify how anything required by the notice must be done.

(6) The recipient of a notice has the same privileges in relation to things required by the notice as a witness has in proceedings before a court.

Subpart 2—Enforcement actions

Warnings

36 Commission may give warning

(1) The Commission may issue a warning to a registered lobbyist, if the Commission has reasonable grounds to believe that the registered lobbyist has not com-

plied, is not complying, or is likely not to comply with an obligation imposed by or under this Act, including by the code of conduct.

(2) The Commission may issue a warning to a person who is not a registered lobbyist but who the Commission has reasonable grounds to believe is carrying out regulated lobbying activities.

37 Content of warning

A warning notice must—

(a) state the reasons for issuing the warning; and

(b) include guidance to help the person to comply with the obligations imposed by or under this Act, and include any other information that the Commission considers appropriate; and

(c) state that failure to comply with the obligations imposed by or under this Act may result in the issuing of a compliance order; and

(d) state the person's right, under **section 42**, to appeal the decision to issue the warning notice.

Compliance orders

38 Power to serve compliance order

(1) The Commission may serve a compliance order on any person—

(a) requiring that person to stop, or prohibiting that person from starting, anything done or to be done by, or on behalf of, that person that the Commission believes, on reasonable grounds, contravenes, or is likely to contravene, an obligation imposed by or under this Act, including by the code of conduct; or

(b) requiring that person to do something that the Commission believes, on reasonable grounds, will ensure compliance by, or on behalf of, that person with an obligation imposed by or under this Act, including by the code of conduct.

(2) A compliance order must state—

(a) the name of the person to whom it relates:

(b) the obligation that is being, or is likely to be contravened; and

(c) why the Commission reasonably believes the person is failing, or has failed to comply with the obligation; and

(d) the nature and extent of the failure to comply with the obligation; and

(e) the date by which the person must comply with the obligation; and

(f) that failing to comply with the compliance order may result in 1 or both of the following:

(i) revocation of registration:

(ii) prosecution.

(g) the person's right, under **section 42**, to appeal the decision to serve the compliance order.

(3) A compliance order may be made subject to directions and conditions (for example, directions to register as a registered lobbyist).

39 Compliance with compliance order

A person on whom a compliance order is served must comply with the order within the period specified in it.

40 Commission may vary or cancel order

A compliance order may be amended or revoked by the Commission at any time.

41 Formal irregularities or defects in order

A compliance order is not invalid merely because of any defect, irregularity, omission, or want of form in the order unless the defect, irregularity, omission, or want of form causes or is likely to cause a miscarriage of justice.

Subpart 3—Appeals from enforcement actions

42 Appeals

(1) A person may appeal to the District Court against the following decisions of the Commission:

(a) a decision to serve an information notice under **section 35**:

(b) a decision to issue a warning notice under **section 36**:

(c) a decision to serve a compliance order under **section 38**.

(2) An appeal must be made by giving notice of appeal no later than 20 working days after the date on which notice of the decision was communicated to the applicant or within such further time as the District Court may allow.

(3) In determining an appeal, the District Court may confirm or reverse the decision of the Commission.

(4) A person may appeal to the High Court from a decision by the District Court under this section on a question of law only.

(5) Nothing in this section affects the right of any person to apply for judicial review.

Subpart 4—Revocation of registration

43 Revocation of registration

(1) A registered lobbyist's registration is automatically revoked if—

(a) they have been served with a compliance order; and

(b) they have failed to comply with the compliance order; and

(c) either—

(i) no appeal against the serving of the order has been made; or

(ii) any appeal has been withdrawn or finally determined.

(2) If a registered lobbyist' registration is revoked, the Commission must—

(a) notify them in writing of the revocation (including the reasons for it); and

(b) arrange for the Registrar to remove their name from the register.

Subpart 5—Pecuniary penalties

44 Pecuniary penalties

(1) The High Court may, on the application of the Commission, order a person to pay to the Crown a pecuniary penalty if the court is satisfied that the person has—

(a) contravened an obligation imposed by or under this Act (other than an obligation imposed by the code of conduct); or

(b) attempted to contravene, or been involved in a contravention of, an obligation imposed by or under this Act (other than an obligation imposed by the code of conduct).

(2) In a proceeding under this section against a person (**A**) it is a defence if A proves that—

(a) A's contravention was due to reasonable reliance on information supplied by another person; or

(b) both of the following apply:

(i) A's contravention was due to the act or default of another person, or to an accident or to some other cause beyond A's control; and

(ii) A took reasonable precautions and exercised due diligence to avoid the contravention.

(3) For the purposes of **subsection (2)(a) and (b)**, **another person** does not include a director, an employee, or an agent of A.

(4) A person may not be liable to both a pecuniary penalty under this section and a fine for an offence against this Act or any other Act for the same conduct.

(5) In this section, a person is **involved in a contravention** if the person—

(a) has aided, abetted, counselled, or procured the contravention; or

(b) has induced, whether by threats or promises or otherwise, the contravention; or

(c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or

(d) has conspired with others to effect the contravention.

45 Maximum amount of pecuniary penalty

(1) In determining an appropriate pecuniary penalty payable by a person (**A**), the court must have regard to all relevant matters, including—

(a) the nature and extent of A's conduct; and

(b) the circumstances in which A's conduct took place; and

(c) whether A has previously been found by a court in a proceeding under this Act, or any other legislation, to have engaged in any similar conduct.

(2) The maximum amount of a pecuniary penalty under **section 44** is $300,000.

Subpart 6—Offences

46 Offence to provide false or misleading information

(1) A person commits an offence if the person, for the purpose of any application for registration, statement, or other information required or supplied under this Act provides to the Commission any false or misleading information, knowing it to be false or misleading.

(2) A person who commits an offence against **subsection (1)** is liable on conviction,—

(a) if the person is an individual, to a fine not exceeding $20,000; and

(b) in any other case, to a fine not exceeding $60,000.

47 Offence to fail to comply with information notice

The recipient of an information notice under **section 35** who fails, without lawful excuse, to comply with the notice commits an offence and is liable on conviction to a fine not exceeding,—

(a) in the case of an individual, $5,000; and

(b) in any other case, $25,000.

48 Offence to fail to comply with compliance order

(1) The recipient of a compliance order under **section 38** who fails, without lawful excuse, to comply with the order commits an offence and is liable on conviction to a fine not exceeding,—

(a) in the case of an individual, $15,000; and

(b) in any other case, $50,000.

(2) This section does not apply to the extent that a compliance order relates solely to a contravention of the code of conduct.

49 Offence to carry out regulated lobbying activities when not registered lobbyist

A professional lobbyist who is not a registered lobbyist and who carries out regulated lobbying activities in contravention of **section 17** commits an offence and is liable on conviction to a fine not exceeding,—

(a) in the case of an individual, $15,000; and

(b) in any other case, $50,000.

50 Offence to impersonate registered lobbyist

(1) A person who is not a registered lobbyist must not, in any way, hold themselves out to be a registered lobbyist.

(2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding,—

(a) in the case of an individual, $15,000; and

(b) in any other case, $50,000.

Part 6
Regulations and review of Act

Regulations

51 General regulations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for anything this Act says may or must be provided for by regulations:

(b) prescribing fees and charges payable in respect of any matter under this Act or the manner in which fees and charges may be calculated:

(c) imposing duties and obligations on registered lobbyists relating to regulated lobbying activities:

(d) prescribing the way in which duties and obligations imposed by or under this Act are to be performed:

(e) prescribing matters relating to the regulation or prohibition of specified regulated lobbying activities or a specified class of regulated lobbying activities:

(f) prescribing requirements relating to the keeping and availability of records in relation to regulated lobbying activities:

(g) prescribing exemptions from compliance with regulations on the terms and conditions (if any) prescribed:

(h) providing for the keeping of the register, including processes for amending the register:

(i) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.

(2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

52 Regulations may impose levies

(1) For the purpose of funding the functions of the Commission under **section 13**, the Governor-General may, by Order in Council, make regulations prescribing a levy, or a method or methods for determining levies, payable by registered lobbyists.

(2) Levies prescribed by regulations are payable to the Commission.

(3) Different levies or rates of levy, or different bases on which an amount of levy is to be calculated or ascertained, may be prescribed for either or both of the following:

(a) different purposes:

(b) different classes of registered lobbyist.

(4) Without limiting **subsection (1)**, regulations imposing levies may do any 1 or more of the following:

(a) specify when and how a levy is to be paid:

(b) use a formula or other method of calculation:

(c) set out a maximum rate when using a formula or other method of calculation:

(d) require the provision of information and returns in relation to levies.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Review of Act

53 Review of Act

(1) The Minister must, as soon as practicable after the expiry of 2 years from the commencement of this Act and then at subsequent intervals of not more than 5 years,—

(a) review the operation and effectiveness of the Act; and

(b) prepare a report on that review.

(2) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

Part 7
Consequential amendments

54 Consequential amendments to other enactments

Amend the legislation specified in **Schedule 2** as set out in that schedule.

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2
Consequential amendments

s 54

Crown Entities Act 2004 (2004 No 115)

In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Lobbying Integrity Commission

Official Information Act 1982 (1982 No 156)

In Schedule 1, insert in its appropriate alphabetical order:

Lobbying Integrity Commission

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Lobbying Integrity Commission

Protected Disclosures (Protection of Whistleblowers) Act 2022 (2022 No 20)

In Schedule 2, insert in its appropriate alphabetical order:

Lobbying	Lobbying Integrity Commission

Remuneration Authority Act 1977 (1977 No 110)

In Schedule 4, insert in their appropriate alphabetical order:

The members of the Lobbying Integrity Commission