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Submission to the Ministry of Justice Supporting Transparency in Political Lobbying

Introduction

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 13 branches across the country.
2. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
3. This submission has been prepared by the NCWNZ Influence and Decision-Making Action Hub and the Parliamentary Watch Committee.

Summary

4. The National Council of Women New Zealand strongly supports the initiative by the Ministry of Justice that seeks "to provide greater transparency around lobbying at Parliament by supporting "third-party lobbyists" who lobby on behalf of others, to come together to develop a voluntary code of conduct to improve transparency and accountability that will serve as a set of guidelines for undertaking a review of the different policy options for regulating lobbying activities."
5. We understand that this is a preparatory step to a wider investigation into how best to enable legitimate lobbying and advocacy of politicians, while at the same time protecting the public interest by ensuring there is a measure of transparency and accountability around lobbying.

6. NCWNZ acknowledges that the practice of “lobbying” or engaging in advocacy activities to influence government policies and decisions, is entrenched in our country’s political system, and that the practice of enabling people to contact Ministers, elected representatives and government officials, to discuss matters affecting them, is a legitimate feature of our democratic culture.
7. However, we agree with the Ministry of Justice that issues can emerge when there is a real or apparent imbalance in access to decision-makers, or public concern about the level of transparency around who is lobbying who and what is being discussed. If lobbying happens under a veil of secrecy, as is the case in New Zealand, it can fuel a perception that some lobbyists are able to exert unfair influence on Government and this perception can, in turn, undermine public trust and confidence in the integrity of our democracy.
8. For these reasons we believe that, as the influence of lobbyists grows and their privileged access to politicians increases, there is a need for rules that govern the conduct of lobbying. This will ensure it is being carried out ethically, and that those who can afford to pay for lobbyists are not able to capture the political process or exert undue or improper influence over parliamentarians or political policy, at the expense of the public interest.
9. We note that many Western democracies, such as the United States, Australia and Canada, have systems in place to regulate and provide transparency on the ways lobbyists operate, and to ensure that lobbying is carried out ethically, such as a Register of Lobbyists and a Code of Conduct for Lobbyists.
10. A Register of Lobbyists, based on the Canadian model, would require any paid lobbyists who act on behalf of a third party for the purposes of lobbying government or parliamentarians, to be on a public Register, and to comply with its provisions. Failure to register would be an offence.
11. The Register of Lobbyists would enable the public to identify who the lobbyists are and who they are seeking to influence, while a Code of Conduct would clarify the standards of conduct expected of lobbyists. In our view it would make sense for the Auditor-General to be given powers to investigate alleged breaches of the Code of Conduct and to report their conclusions to Parliament.
12. NCWNZ notes that the perspective in this 2023 submission differs from our submission in 2012 (S12.26 Lobbying Disclosure Bill). Although there was also strong support for transparency in knowing whose opinions and interests have contributed to the development of policy and legislation, at that time we were less convinced of the likely efficacy of regulatory systems: “While expecting transparency in this process, the members believe that transparency cannot be guaranteed by either a register or a code of conduct.”

Conclusion

13. NCWNZ strongly supports the work of the Ministry of Justice to investigate options for ensuring transparency in the sphere of political lobbying in New Zealand. In particular, we support the work to develop a voluntary code of conduct as a first step in tackling this important issue.



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