

The Tasmanian Climate Collective appreciates the opportunity to have input into the review of Tasmania's Lobbying Oversight System. The necessary climate action requires better public integrity and democratic processes. For this reason, our members take a strong interest in these lobbying reforms.

About Tasmanian Climate Collective

Tasmanian Climate Collective is a group of passionate and committed organisations and individuals from across Tasmania who advocate for strong action on climate change. The Collective is made up of climate change, social and environmental groups and grassroots organisations. The Tasmanian Climate Collective has no political affiliation and is composed of scientists, farmers, doctors, teachers, nurses and other concerned citizens calling for more action on climate change.

OUR VISION *lutruwita Tasmania is a world leader on climate action, prioritising environment and people.*

OUR PURPOSE *Tasmanian Climate Collective connects groups and individuals to encourage, promote and initiate climate action across lutruwita Tasmania through cooperation, influence and knowledge sharing.*

The Integrity Commission should be commended for the progress made thus far in reforming Tasmanian lobbying practices. However, more comprehensive measures are necessary to ensure transparency, fairness, and ultimately, to bring Tasmania's lobbying standards on par or even surpass those of other jurisdictions. In recent years, there has been a growing recognition worldwide that the influence of lobbying can have far-reaching implications on the democratic fabric of society, and thus, robust regulation and oversight are essential. While Tasmania has taken some steps in this direction, it is imperative to continue striving for greater transparency and accountability within the lobbying landscape. In the following sections we detail areas in which the proposed reforms could be significantly improved.

Local government lobbying:

One of the key issues that we would like to raise in this submission is the exclusion of local government lobbying from the Commission's terms of reference. We believe that this is a significant oversight that undermines the integrity and transparency of the public decision-making process at the local level. Local government lobbying can have a profound impact on planning, development, environment, and other matters that affect the lives and well-being of Tasmanians. Therefore, we urge the Commission to consider extending its remit to cover local public officials and their interactions with lobbyists. This would ensure that the same standards of accountability and disclosure apply to all tiers of government in Tasmania.

Succinctly: Extend the Commission's remit to cover local public officials and lobbyists.

Disclosure logs and Ministerial Diaries:

Another aspect of the proposed disclosure reforms that we find inadequate is the lack of responsibility and accountability placed on the lobbyists themselves. We believe that lobbyists, who stand to benefit from influencing public decisions, should be required to fill out a disclosure log and submit it to the Commission. This would allow the public to cross-check the information provided by the public officials and ensure that there are no discrepancies or omissions.

Moreover, the disclosure log should contain more details than the current drop-down menu categories, such as the topic and intended outcome of the lobbying activity, as suggested by the Irish model.

We also recommend that the Commission adopt the practice of publishing Ministerial Diaries, which would enhance the transparency and scrutiny of the government's actions. Ministerial Diaries should be easily accessible, released at least monthly, and include meaningful content about how the ministers spend their time and who they meet with.

Finally, we propose that the disclosure of lobbying activities should occur within 3 days, rather than 5 days, of the interaction. This would ensure that any last-minute lobbying before an important vote is captured and disclosed in a timely manner.

Succinctly:

- Require lobbyists to fill out and submit a disclosure log to the Commission.
- Publish Ministerial Diaries online at least monthly.
- Reduce the disclosure period for lobbying activities from 5 days to 3 days.

Lobbyist Register:

We also have some concerns about the proposed requirements for the lobbyist register. While we welcome the introduction of a requirement for registered lobbyists to acknowledge donations to public officials in the previous 12 months, we believe that this is not enough to ensure transparency and accountability. We suggest that registered lobbyists should also disclose the name of the recipient, the date, and the amount of the donation. This would allow the public to see who is funding the political parties and candidates, and whether there is any potential conflict of interest or undue influence.

We also propose that the threshold for disclosing donations should be lowered from the current federal level of \$14,500 to a more reasonable level of \$1,000. This would prevent lobbyists from hiding their donations by splitting them into smaller amounts or using third parties.

Furthermore, we recommend that registered lobbyists should update their information on the lobbyist register at regular, short intervals, and within at least 10 days of any relevant change in circumstance. This would ensure that the information on the register is accurate and up-to-date, and that the public can access it easily and quickly.

Succinctly:

- Require lobbyists to disclose the name, date, and amount of any donation to a public official in the previous 12 months.
- Lower the threshold for disclosing donations from \$14,500 to \$1,000.
- Require lobbyists to update their information on the register at regular, short intervals, and within 10 days of any change.

Legislation and Sanctions:

Another issue that we would like to address in this submission is the need for a Lobbying Code of Conduct to be enshrined in legislation. We agree with the Centre for Public Integrity that this would incentivise compliance and increase transparency in lobbying. We note that other jurisdictions, such as Queensland, Western Australia, Canada, Ireland, and Scotland, have already adopted such legislation. We believe that Tasmania should follow suit and introduce a robust and comprehensive legal framework for regulating lobbying activities.

The legislation should also cover the private sector, as well as the public sector, to ensure that all parties involved in lobbying are subject to the same rules and standards. Moreover, the legislation should provide for stringent sanctions for non-compliance by lobbyists or public officials. We propose that de-registration of lobbyists should be accompanied by a lengthy ban of 10 years on reapplying to the register and significant fines. We also suggest that breaches by public officials should be treated as more than misconduct under the Integrity Commission Act, and should entail serious consequences.

In addition, non-compliance by lobbyists or public officials should be published in a transparent and timely manner, as done by New South Wales with its Lobbyist Watch Register. If the Commission is not able to introduce the desired legislation at this time, we urge it to do so upon review of its function and effectiveness after two years, as recommended in the Framework Report.

Succinctly:

- Enshrine a Lobbying Code of Conduct in legislation, covering both public and private sectors.
- Impose a 10-year ban and significant fines for de-registered lobbyists.
- Treat breaches by public officials as more than misconduct under the Integrity Commission Act.

Cooling-off Periods:

The proposed cooling-off period for former public officials in Tasmania is too short and does not adequately prevent the risk of undue influence or improper use of information. The Integrity Commission's proposal of a 12-month period is based on the assumption that former public officials face difficulties in finding employment in Tasmania, but it has not provided any evidence to support this claim.

On the contrary, other jurisdictions, such as Canada, have much longer cooling-off periods for former public officials, ranging from two to five years, depending on the level and nature of their position. These longer periods are intended to protect the public interest and ensure that former public officials do not use their insider knowledge or connections to benefit themselves or others in their post-employment activities.

Succinctly: Extend the cooling-off period to between 2 and 5 years and justify it with evidence and best practices.

Dual Hatting:

The Commission has proposed a 12-month prohibition on dual hatting, meaning that a lobbyist who played a significant role in a successful election campaign cannot lobby the elected public official or any public official who reports to them for 12 months after the election.

While we welcome the Commission's recognition of the problem of dual hatting, we do not think that the proposed 12-month period is long enough to address it effectively. The issue of undue influence does not suitably diminish after 12 months, especially if the lobbyist continues to have close ties with the elected public official or their party.

The time should be increased to as much as the entire term of the public official. This would ensure that there is a clear separation between campaign activities and lobbying activities, and prevent any perception or reality of favouritism or quid pro quo arrangements.

This is consistent with the recommendation of Queensland's Coaldrake Report, which suggested that a lobbyist who played a significant role in a successful election campaign should be barred from lobbying for the entirety of the term of office.

Succinctly: Ban dual hatting for the entire term of office of the elected public official.

Paid Access:

Paid access can create a perception or reality of corruption, as lobbyists may use their financial resources to buy influence or favour from public officials. This undermines public trust and confidence in our political system. We urge the Commission to reconsider its stance on paid access and include it within the definition of lobbying activities. This would require lobbyists to disclose any payments they make or receive for attending events or functions where public officials are present or speaking.

This would also align Tasmania with other jurisdictions, such as New South Wales and Victoria, which have included paid access within their lobbying regulations.

Succinctly: Include paid access in the definition of lobbying activities and require disclosure of payments.

Gift Giving:

We support the Commission's proposal to ban gift giving from registered lobbyists to public officials. However, we think that the proposed model only addresses part of the problem. Unregistered lobbyists should also be banned from giving gifts to public officials, as this would create the same risks and issues as registered lobbyists.

If the Commission contends that the proposed recommendations include all gift giving, then they should clarify this and make it more explicit in the proposed reforms. The Commission should also provide clear guidance on what constitutes a gift and what are the acceptable exceptions or exemptions, such as cultural or ceremonial gifts.

Succinctly: Ban gift giving from all lobbyists to public officials and provide clear guidance on exceptions.

Suitable Resourcing:

To fulfil its objectives, the Commission needs adequate resourcing to carry out its functions effectively and efficiently. The commission's resourcing should not be subject to the whims or interests of the governments of the day, as this could compromise its independence and credibility. The Commission should be protected by law from any undue interference or influence by the executive or legislative branches of government, especially in relation to its budget allocation, staffing, and operational decisions. This would ensure that the commission can perform its role without fear or favour and uphold the integrity of the public sector in Tasmania.

Succinctly: Guarantee adequate funding and limit government interference for the Commission and ensure robust and user-friendly processes.

Jen, Steve, Sharee
Co-convenors

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Tasmanian Climate Collective
www.tasclimatecollective.org

We acknowledge the traditional owners of lutruwita, the Palawa, their ongoing custodianship of the land, community, sea and waters. We pay our deepest respect to Palawa elders, past and present. Sovereignty was never ceded. Always was, always will be Aboriginal land



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