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**From:** Bryce Edwards <bryce@democracyproject.nz>

**Subject: Political Roundup: Demands on politicians to regulate lobbying ramp up**

**Date:** 3 April 2023 at 9:26:00 AM NZST

**To:** <janette@taikorea.co.nz>

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| **Political Roundup: Demands on politicians to regulate lobbying ramp up**Lobbyists have never been under such intense pressure and scrutiny. There is currently a real momentum building to rein in New Zealand’s wild west lobbying environment. **Politicians challenged to clampdown on lobbying** Political parties are now being challenged to say how they would gain control of New Zealand’s runaway lobbying train. Yesterday, TVNZ’s Q+A published the results of their survey of political parties. The seven main parties were asked whether, in principle, they supported the establishment of 1) an anti-corruption commission, 2) a register of lobbyists, and 3) a lobbying stand-down period. In response, the Greens, TOP, and Te Pāti Māori said they agreed with all three. Act opposed all three. National opposed an anti-corruption commission but agreed with the other two. And there was no comment from both Labour and NZ First. Jack Tame also interviewed Australian Professor of political ethics Charles Sampford, who warned New Zealand faced complacency about corruption. As well as recommending an anti-corruption agency for New Zealand, he suggests the establishment of an Ethics Commissioner who could guide Cabinet and the Prime Minister on potential conflicts of interest. **Further support for reform of lobbying** Some lobbyists can clearly see which way the wind is blowing, and are now joining the calls for reform. In his RNZ series on lobbying, Guyon Espiner details how lobbyist Holly Bennett, who used to work for National in the Beehive and now runs the lobbying firm Awhi, has written a letter to other lobbyists calling for them to support things like a code of conduct, an industry oversight body, a stand-down period for senior officials and politicians before they move into lobbying, and a public register of lobbyists. Others are joining the call for reform. On Friday former Cabinet minister Peter Dunne came out in favour of greater lobbying laws, saying that the current lobbying environment too often has an “unsavoury air of mates helping mates”. He says that reforms such as a register of lobbying and a stand-down period “are matters the next Parliament should address with priority.” But ultimately Dunne thinks the businesses that employ lobbyists need to realise they just don’t need them. He paints a picture of lobbyists as confidence tricksters who claim special powers due to “their imagined intimate knowledge of the way government works”. His own experience as a minister being lobbied was that they are “little more than professional whingers”. A similar point was put last week by former press gallery journalist Henry Cooke who says, “a key part of the profession is mystification, reselling what is essentially public information as incredible insider knowledge”. He says he has lobbying acquaintances, and that he thinks that New Zealand isn’t particularly corrupt. Nonetheless, Cooke says that a judge-led inquiry is now required, to give certainty to the integrity of New Zealand’s political system. After all, there is now a public sense “that some Kiwis seem to be able to get answers out of Government far easier than others – whether it be because they donated big money to a party, paid big money for a lobbyist, or just move in the right circles.” In contrast, public law specialist Graeme Edgeler believes that a different reform route could be used by government to fix lobbying – he has tweeted that “Lobbying regulation seems like a matter that could be usefully considered by the Law Commission, instead of an Inquiries Act type public inquiry.” **Case study on lobbying** The very nature of the lobbying industry’s subterfuge means that the public knows very little about how much influence any of the lobbying firms have on government decision-making. Fortunately, Guyon Espiner’s RNZ five-part series of articles on lobbying has helped illuminate how the process works. For example, in his final article last week, Espiner documented how in 2021 lobbyist Neale Jones lobbied Stuart Nash, then the Minister of Forestry, to allow pine trees to be included in the carbon credits of the Emission Trading Scheme. Nash made the change, affording Jones’ client, New Zealand Carbon Farming – one of the biggest landowners in the country – millions of dollars in carbon credits from the Government. Espiner uncovered communications showing Jones and Nash were on “familiar terms”. Similarly, Espiner found other communications from Jones that showed how close he is to Cabinet ministers: “ministers are addressed on a first name basis and are only a text message away.” According to Espiner, Jones even invited Andrew Little to his birthday party, and the two are “close friends”. He texts other ministerial staff addressing them as “comrade”. Commenting on his difficulty finding out any details of what lobbyists like Jones do and how they operate, Espiner complains “There are no rules to follow, no laws to break and no watchdog to bark.” He says, in this regard, “New Zealand, is far less transparent than in the US.” **The Lobbyists strike back** Although Neale Jones is refusing to engage any of Espiner’s allegations, back in late 2021 he wrote a defence of lobbying in reply to a column I had written. Writing in an op-ed for the Herald, he said analyses about his work are just “conspiratorial” and “as with any conspiracy theory, the reality is far less exciting.” Jones sought to paint his lobbying firm’s work as being about the common good, preferring the terms “advocacy” and “campaigning” instead of “lobbying”, and emphased the type of work that they do being for progressive causes: “The reasons clients come to us vary: It could be the global green energy company that wants to operate in New Zealand but needs help on the ground to give them some local context and make sure they're talking to the right people. It could be the Māori health provider urgently seeking funding to get its community vaccinated but coming up against the brick wall of bureaucracy. It could be the Kiwi business facing unintended consequences from poorly drafted legislation. Or the trade union that wants some help sharpening its messaging and telling its members' stories.” Rather than serving corporate clients, Jones said his work is simply “a vital part of our democracy”. Replying to my analysis of lobbying, Jones protests: “The world that Bryce describes, of quiet winks and nods and corrupt backroom deals to undermine the democratic will, simply doesn't reflect the New Zealand reality.” Instead, “When we achieve results, it's not because someone has done their old mate Neale a favour. It is because we have engaged constructively, presented effective arguments and understood how a client's ask aligns with the Government's priorities.” Jones also argued that those with worries about the influence of lobbyists should be assuaged by the existence in New Zealand of “a strong, independent public service”, an effective Official Information Act, “regular proactive release of all Ministerial diaries” and parliamentary Press Gallery that is focused on exposing “improper behaviour”. Last week, another lobbyist defended of his profession and his quick exit through the revolving door. Former Cabinet Minister Kris Faafoi penned a justification for his shift into lobbying, arguing that his work in corporate lobbying is simply an extension of his lifelong attempts to progress social justice, especially for those at the bottom of society. In a column about his achievements, the world leaders he has met, and the people he has helped, Faafoi points out that he’s just “humble Tokelauan” who likes to “stick it to the man” and “swim against the flow”. As to those that have questioned the ethics of shifting straight from Cabinet to a lucrative career in lobbying, Faafoi says: “People residing in supposedly mighty places telling me what I can or cannot do, and being generally judgy. I’d like to thank them for living their faultless lives and trying to lecture me about what I can and can’t do.” Faafoi explains that he simply wants to help people with his talents, as “by virtue of living and working in the capital I have learned to speak fluent Wellington and happily translate it for others.” Will the pleas of lobbyists convince the public? Do their claims that there’s “nothing to see here” really stand up? Unfortunately for the lobbyists, calls for reform are growing. And increasingly the public can see that there’s a blatant distortion in the political process where the wealthy can influence government policies to protect and increase their wealth – this grates against New Zealanders’ egalitarian impulses. It's now going to take the very best spin efforts of the lobbyists to convince their politician friends not to step in and do the right thing. For the sake of democracy and fairness, let’s hope the politicians can withstand that lobbying. |

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