

House of Representatives

Supplementary Order Paper

Wednesday, 27 June 2012

Lobbying Disclosure Bill

Proposed amendments

Charles Chauvel, in committee, to move the following amendments:

Clause 4

In *clause 4*, replace the definition of **organisation** (lines 1 to 11 on page 3) with:
organisation has the meaning set out in **section 4A**

New clause 4A

After *clause 4* (after line 22 on page 3), insert:

4A Definition of organisation

- (1) In this Act, **organisation** includes—
 - (a) a business, trade, industry, or professional organisation whose purposes include the advancement of commercial interests:
 - (b) a chamber of commerce or board of trade:
 - (c) a company, partnership, trust, association, or society:
 - (d) a group whose purposes include the advancement of commercial interests.
- (2) For the avoidance of doubt, in this Act, **organisation** excludes—
 - (a) a group of persons acting together to pursue objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional, or sporting character, or other similar objects:
 - (b) a trade union or labour organisation, or a group of any such entities.

Clause 7

In *clause 7(5)*, after *paragraph (b)* (after line 32 on page 5), insert:

- (c) any communication between a constituent and a member of Parliament.

In *clause 7(6)*, replace *paragraph (b)* (lines 36 to 39 on page 5), with:

- (b) any person employed by, or serving in, or working under a contract for services for, or working on secondment to—
 - (i) any department of the public service listed in Schedule 1 of the State Sector Act 1988;
 - (ii) any Crown entity listed in Schedule 1 or Schedule 2 of the Crown Entities Act 2004;
 - (iii) the New Zealand Defence Force;
 - (iv) the New Zealand Police;
 - (v) the New Zealand Security Intelligence Service;
 - (vi) the Parliamentary Counsel Office; or
 - (vii) the Office of the Clerk of the House of Representatives;
 - (viii) the Parliamentary Service;
 - (ix) the Reserve Bank of New Zealand;
 - (x) any Office of Parliament;
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Explanatory note

This Supplementary Order Paper amends the Lobbying Disclosure Bill to exempt certain organisations and certain communications between certain people. The Bill's stated purpose is to "increase the transparency of decision making by executive government by establishing a Register of Lobbyists, which is administered by the Auditor-General and by the development of a Lobbyists' Code of Conduct and providing powers to the Auditor-General to investigate alleged breaches of the Code". This purpose deserves support. However, as the Attorney-General's report, issued under section 9 New Zealand Bill of Rights Act 1990, points out, the Bill is too broadly cast. It should be focused on lobbying with a commercial purpose or motive. There is no demonstrable public policy purpose served by subjecting civil society groups, non-governmental organisations, the community and voluntary sectors and religious and philanthropic organizations to the same disclosure requirements as, for example, the tobacco, alcohol, food, and pharmaceutical industries. Nor should the resources of the former category of organisation be diverted into satisfying the reporting burden that would be created by the Bill. Similar logic applies to trade unions and labour organisations, and to groups of trade unions and labour organisations.

This Supplementary Order Paper would amend *clause 4* to make it clear that the focus of the Bill has lobbying with commercial purposes in mind. Equally, the nature of communications between a member of Parliament and his or her

constituents should not be required to be disclosed publicly to third parties. Finally, the Bill as drafted requires returns of lobbying activity, but seeks to exempt public servants from this requirement. This Supplementary Order Paper would amend *clause 7* to exempt communications between a constituent and a member of Parliament, and to provide for a more comprehensive exemption, which would apply to all those working in the State services.
