



Infrastructure New Zealand's submission on the Ministry of Justice's consultation on its draft voluntary code of conduct for political lobbyists

1. Introduction

- 1.1 Infrastructure New Zealand (INZ) welcomes this opportunity to submit on the Ministry of Justice's draft voluntary code of conduct for political lobbyists.

INZ is New Zealand's membership organisation for the infrastructure sector. We promote best practice in national infrastructure development through research, advocacy, and public and private sector collaboration. Our members come from diverse sectors across New Zealand and include infrastructure service providers, investors, and operators.

2. General Remarks

- 2.1 Lobbying, or advocacy, on behalf of members at a sector peak body level, or on behalf of clients in the case of third-party lobbyists, has a legitimate and important role in a healthy democracy that allows open access to public officials.
- 2.2 We take part in a two-way relationship that allows us to highlight and represent the views and experiences of those at the coal face of the infrastructure sector which is a crucial part of New Zealand society. This gives government officials and politicians access to insights they would otherwise have to spend far more resources acquiring and understanding and allows us to influence the workability of policy for those we represent. We are what is referred to as a secondary association, meaning we are committed to a broader goal or purpose, rather than serving individual members' interests in a narrow sense.
- 2.3 Lobbyists including sector peak bodies like ourselves have a responsibility to uphold high standards of integrity, transparency and accountability to ensure that members, clients, officials and politicians, and most importantly, the public, understand the role and motivations of actors influencing the policy development process. We take this seriously and acknowledge the work undertaken by the Ministry of Justice to provide guidance to lobbyists across Aotearoa.



2.4 INZ supports the light touch approach taken by the Ministry in its first tranche of work looking at options for guidance and regulation for lobbyists.

2.5 We note that New Zealand's reputation for a lack of corruption and high transparency, alongside its small size, require a proportional response, which we believe this code achieves.

2.6 We encourage the Ministry to continue to progress this approach in its next tranche of work on this matter.

3. Advocacy is a two-way street

3.1 INZ has a significant role in communicating sector views and priorities to Government, and working directly with public officials, and politicians to facilitate the testing of policy and streamlining the gathering of insights from those planning, funding, delivering, operating and maintaining infrastructure assets.

3.2 For example, in 2021 we hosted workshops across the country with Te Waihanga – the New Zealand Infrastructure Commission in preparation for the release of their 2022 infrastructure strategy – Rautaki Hanganga o Aotearoa.

3.3 We also hosted a workshop with previous Minister Hon David Parker to feed into the development of the Natural and Built Environment and Spatial Planning Bills in 2023. This allowed him, New Zealand Infrastructure Commission and Ministry for the Environment officials to hear directly from the sector about what would be workable for those using the replacement resource management legislation being developed at the time.

3.4 Another example of us providing insights that would have been otherwise cumbersome for the public service to gather includes the development of a report for the current Minister of Transport to pull on the ground reflections on lessons from the delivery of the Taparahi bridge along State Highway 25A after Cyclone Gabrielle. The collection of these insights by the New Zealand transport Agency – Waka Kōwhiri would have been difficult given its role as a funding and delivery agency. Our independence and deep relationships with the sector give us a particular advantage in accessing honest and useful advice that we are able to feed into future policy development.

3.5 Lobbying is in many ways a two-way street – galvanising sector and public opinion in a coordinated way provides insight for officials and the public alike, and access to decision makers is helpful for a sector that values certainty and wishes to drive towards a decision making and delivery system that works for all.



3.7 New Zealand has low levels of corruption and high trust in public institutions comparative to many other countries. We also have a small population base with many interconnected communities, including in Wellington. Any response must be proportional to these facts and recognise the impracticality of, for example, the registration of interactions with public officials on a casual basis. We support that this approach has been taken in the draft code of practice.

3.8 We also note that Ministers' diaries are already publicly available and we strongly support the continuation of this transparency.

4. Changes for clarity

4.1 In this section we suggest small changes to the draft for clarity and consistency with the principles represented by the document as it stands.

4.2 The reference to senior officials in definition 7 should be broadened to all public officials. Junior-mid level officials also engage with the wider advocacy community. This change would be helpful for clarity and the consistency of application of the guidance.

4.3 Clarity around the Ministry's intentions to circulate, promote and engage with industry once this code is published would also be helpful to understanding expectations for all lobbyists and advocacy organisations.

5. Recommendations for future work

5.1 In the next stage of policy development, we encourage the Ministry's light touch approach to continue to be adopted. Formally listing all interactions in a Wellington setting as was suggested in the 2012 Bill that dealt with these issues is unworkable.

5.2 Whilst the lobbying code as drafted would apply to all those who conduct lobbying activities, we note the focus on third party lobbyists in the consultation workshops the Ministry has conducted. In future, where work is applicable to a wider group, to would be helpful to include peak bodies like ourselves in these opportunities to feedback directly and discuss issues with Ministry officials.

4.4 We also note that while the initial context, as we understand it, for the commissioning of this work was the access of government relations consultants to Parliament with Parliamentary swipe cards despite their employment elsewhere, this does not appear to be mentioned or dealt with in the proposed code of practice. If this is a key concern, we suggest that it be dealt with in a targeted manner in the next stage of policy development or make explicit comment that this is being dealt with by other mechanisms.



5. Conclusion

- 5.1 We thank the Ministry of Justice for the opportunity to submit on this draft code of conduct for lobbying.
- 5.2 Advocacy and lobbying are an important and valid part of New Zealand's democracy and we welcome the Ministry's work to ensure that advocacy in the public interest is able to be carried out, and that trust in lobbying activities is upheld.
- 5.3 We appreciate and support the light touch approach taken in the draft code and encourage the Ministry to continue this in the second phase of the work programme.
- 5.4 New Zealand's lobbying environment works well in most sectors. A more targeted approach to some issues, may be valuable, but an overall softer guidance approach that retains workability for the sector is important and encouraged.

Yours sincerely,

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