



Secretariat  
Government Administration Committee  
Parliament Buildings  
Private Bag  
WELLINGTON 6011

5 October 2012

▶ **Submission to the Government Administration Committee regarding  
Lobbying Disclosure Bill**

**(Submitted on-line)**

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▶ **About Volunteering New Zealand (VNZ)**

VNZ is an association of over 120 organisations that have a commitment to volunteering, including Volunteer Centres and other national and regional organisations.

Our vision is for a New Zealand that promotes, values and supports effective volunteering for the benefit of individuals and communities – and our mission is to promote, support and advocate for volunteering.

We are the only national organisation in New Zealand that focuses purely on volunteering and volunteer management. As the “voice of volunteering”, we hold the ‘big picture’ and are in a position to liaise and work with organisations across the sector, and to advise government and business sectors on matters related to volunteering. We work to ensure that volunteering occurs within a positive environment where it is encouraged and fostered.

In 2008, 67% of the Community and Voluntary Sector workforce was made up of volunteers; 90% of New Zealand non-profit organisations employ no staff, and rely solely on volunteers<sup>1</sup>.

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▶ **Submission**

1. We support the intent of this Bill because it seeks to bring a measure of transparency to political lobbying in New Zealand. We acknowledge lobbying is a legitimate activity for an open and accessible parliament. The Bill upholds the right of the public to know who is influencing key decisions, and ensuring that New Zealand has a lobbying regime that is practical, workable and fair.

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<sup>1</sup> *The New Zealand Non-profit Sector in Comparative Perspective, 2008*

2. We have a number of concerns for current provisions in the Bill, notably on the following anomalies:
- a) **At present the Bill applies only to *paid* lobbying activity** – In excluding volunteer (unpaid) lobbying activity, a loop-hole is created to allow the lobbying efforts of the Community and Voluntary Sector to go unregistered and thus unrecorded. In many organisations associated with VNZ, such “lobbying” as the Bill describes may be completed by volunteers – for example, our submission has been discussed, reviewed and drafted with the support of over 10 volunteers. This example indicates the intent of transparency will not be met in the current provisions of the Bill.
  - b) **The exclusion of the Volunteer voice devalues the economic and social significance of the Community and Voluntary Sector** – By excluding lobbying undertaken by volunteers, the legislation potentially excludes the voice of the volunteer, therefore de-valuing the voice of the wider Sector – and again, as a result of this, the intent of openness and transparency of the Bill.
  - c) **Additional compliance costs** – If this Bill is passed, and if the Community and Voluntary Sector is included (paid or unpaid lobbying notwithstanding) the compliance costs of a quarterly return on lobbying activities will be an additional burden to administration, alongside annual Charities Return, GST, PAYE, funding accountability and other reports, thus reducing further the time to attend to the primary focus of our organisations. Whether a return is the responsibility of an individual or the organisation, the recording and filing of information will still be an added imposition.
    - i. For example: VNZ is an organisation with two paid staff (70 hours per week in total), and engages over 45 volunteers. Eight of the volunteers are on the governance board of the organisations – and share some of the “lobbying” work, as defined by the Bill, with the paid Chief Executive. If the Bill came into effect without alteration, our organisation would be registering only part of our lobbying activity rather than a total picture – which would not support the intent of the Bill for openness and transparency. Alternatively, if we filed all lobbying work – by volunteer board members on behalf of VNZ and by paid staff – we would need to engage more volunteers, which in turn increase the management/supervisory demands on already-stretched paid staff. Attending to compliance requirements is a diversion from our core business which we can ill afford.
  - d) **Penalties for non-compliance** – As stated in the Bill, the fines set at \$10,000 for an individual or \$20,000 for an organisation are extraordinary. For some organisations these costs would amount to more than their annual expenditure. More equitable penalties must be considered.
  - e) **Ill-defined terminology** – The meanings of “Lobbying activity” and “lobbyist” are not clearly-defined in the Bill. There is no apparent distinction (for instance) between constituent meetings with MPs and formal ‘lobbying’ presentations, nor where the policy discussion with Ministry officials might stand. In view of recent experience with the review of the Charities Commission, we urge some clarification and distinction between ‘lobbying and ‘advocacy’.
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## ► Recommendations

3. **Support intent of the Bill**, as it seeks to bring a measure of transparency to political lobbying in New Zealand, while recognising lobbying as a legitimate activity, respecting the importance of an open and accessible parliament.
4. **Do not support the Bill without alteration**, as the Committee must consider the position of volunteers lobbying for Community and Voluntary organisations. The Bill does not address on whether volunteers should be included and how the system would be re-designed to accommodate these important voices in the Sector. The recording of lobbying activity is problematic – to exclude volunteer lobbying will be neither straight forward nor easy. There are 1.4 million volunteers in New Zealand<sup>2</sup> – how to address a regime around this would require fully run organisation and a solid consultation process with the Sector.
5. **Consider whose actual responsibility it is to record lobbying activity. Can Ministers' themselves undertake to record lobbying activity**, as Minister's offices will already the bulk of information needed to register lobbying activity. This would reduce the administration burden on all individuals and organisations, particularly those in the Community and Voluntary Sector. This solution may support the voice of volunteers in the lobbying regime to included, without the compliance and risk of penalty to Community and Voluntary Sector organisations.
6. **Refine the definitions of both 'lobbying activity' and 'lobbyist'**, as current definitions in the Bill are wide, and would include conversations that individuals might have with their local MP. The Attorney-General has highlighted this as an implication against the Bill of Rights. The term "lobbying" must be must be clearly articulated from "advocacy".
7. **Consider the need to educate the general public of the term 'lobby'**, as this will help those who need to register understand the processes, as well as wider education to explain what this means. The right for freedom of speech through 'lobbying' must not be seen as a bad thing, as it does serve an important purpose in democracy.
8. **If the Bill passes, support the Supplementary Order Paper's three changes** to exclude organisations such as those in the Community and Voluntary Sector from the registering of lobbying activity. If we have to go with this legislation, we'd rather our organisations did not have the burden of compliance and possible penalties.

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**We ask to appear before the Government Administration Committee to present an oral submission.  
We look forward to hearing from you when we will be able to present to the Committee.**

Yours sincerely



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<sup>2</sup> Based on 32% of the population volunteering from the OCVS Generosity Indicators Report March 2012, for an estimated population in New Zealand of 4.4 million.