

# Disclosing Who is in the (Ministerial) Room

## Background Information: *Motion to Develop and Consult a Process for the Regular Publication of Tasmanian Ministerial Diaries*

Meg Webb MLC | March 2023

### *Text of Motion No. 4, Legislative Council Notice Paper*

Motion No. 4: Ms Webb to move – That the Legislative Council:

- (1) Recognises that the regular publication of the Members of Cabinets' official diaries provides an important accountability mechanism, by improving transparency and strengthening public confidence in government decision-making processes;
- (2) notes that the regular and mandated disclosure of official ministerial diaries, detailing meetings with stakeholders, third-parties and registered lobbyists, is established practice across a range of parliaments including NSW, ACT, and Queensland;
- (3) requests the Tasmanian government undertakes to introduce mandated requirements for the regular and routine disclosure of all Ministerial and Cabinet Secretary official diaries, detailing scheduled meetings, and their purpose, with stakeholders and organisations, including third parties and lobbyists; and when developing this disclosure regime to also:
  - (a) ensure the process is informed by best practice examples of mandatory disclosure of ministerial diary requirements established in other jurisdictions, including examples of oversight and compliance requirements; and
  - (b) develop and publicly consult on a proposed Tasmanian mandatory disclosure of ministerial diaries scheme.

### **Purpose: What Would this Reform Provide Tasmanians?**

Seeking to meet and discuss matters important to us as individuals, businesses or organisations with our elected representatives is an important function of our democracy.

Lobbying is not necessarily a problematic activity. However, lobbying *can* and *does* become problematic when there is *actual or perceived* inequity, disproportional imbalance in, and secrecy surrounding, the access and the range of voices from public and private sectors into the decision making process.

The transparency challenge is to make visible those seeking to influence decisions made by our elected state representatives. Visibility encourages scrutiny to ensure some 'voices' are not privileged over others, or the public interest in general.

By detailing in a timely manner, who was in the Ministerial room when policy and other portfolio-related discussions are underway, Tasmanians are provided:

- ◆ Best Governance Practice in the Public Interest
- ◆ A cross-referencing mechanism with other state transparency provisions including the Lobbyist Register
- ◆ Improved public confidence in the state's integrity and regulatory framework, and the integrity of government decision-making processes
- ◆ Improved protection for government representatives and those involved in legitimate advocacy and lobbying if public can see undue influence did not occur in decision-making processes.

*"The public expects government decisions to be made in the best interests of the community, and that their state and local governments will be open to ideas and advocacy that enhance the quality of those decisions. For all views to be properly considered, access to decision-makers must be equitable and transparent. This will give the public confidence that no improper influence has affected the outcome, and will reduce the potential risk of corruption."*

Queensland Crime and Corruption Commission, *Influence and Transparency in Qld's Public Sector*, January 2022; pg 4.

### **This motion seeks to:**

- ◆ Encourage commitment to a publicly consulted process by which Tasmanians can be included in determining how and when they are informed 'who is in the room' when public policy and funding priorities are discussed between ministers and stakeholders.
- ◆ This motion does *not* seek to pre-empt the outcome of any consultation process, so does not seek to impose any particular ministerial diary disclosure model.

## Support for Ministerial Diary Disclosure Reform

In its 2022 Summary report of submissions received to the Integrity Commission's lobbyist reform consultation process, the Commission states:

*"Public officers disclosing diaries was widely supported, other than in the whole-of-government response. Reasons given for the benefits of disclosing diaries were the ability of the public and the Commission to 'cross-check'. This matching exercise, though resource intensive, serves an auditing purpose that the Crime and Corruption Commission of Queensland undertakes to encourage the idea of mutual obligations between lobbyists and the lobbied."<sup>i</sup>*

**Tasmanian Integrity Commission** itself states:

*"Keeping and publishing Ministerial diaries was supported by submissions, and is regular practice in other jurisdictions. The Commission supports publishing Ministerial diaries as a matter of good practice for government transparency."<sup>ii</sup>*

**TasCOSS:**

*"proposals for reform should focus on measures that increase transparency in relation to government communications... Provisions should allow for the publication of details about meetings between government and lobbyists, in a format which is accessible and easy to understand. Information should be kept and published not only relating to face-to-face meetings, but also to phone calls, emails and/or messages. In relation to what details should be included"<sup>iii</sup>*

National non-government transparency advocates also support the regular disclosure of ministerial diaries:

**The Centre for Public Integrity:**

*"In order to promote transparency and accountability, lobbying activity should be periodically disclosed via: - publication of the diaries of ministers, shadow ministers and their chiefs of staff; and - publication of key details of lobbyists' meetings."<sup>iv</sup>*

**The Grattan Institute:**

*"Ministerial offices should publish details of all official meetings, both in the office and offsite, all scheduled phone calls, and all events attended by a minister in an official capacity. 'Official meetings' should include those at which a minister was present as well as those held with ministerial advisers only. Records of meetings should identify those present and key issues discussed. To be useful, ministerial diaries must be published in a timely manner and an accessible form. For example, all meetings for one month could be published by the end of the following month, as already happens in Queensland. The publication should be searchable and exportable, to facilitate scrutiny."<sup>v</sup>*

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## Other National Jurisdictions that Disclose Ministerial Diaries

Additional to those international jurisdictions (e.g. UK, Spain and the European Union) which require the regular publication of government ministerial and senior staff diaries, the following Australian jurisdictions have also implemented this accountability and transparency reform.

### **Australian Capital Territory**

The ACT Government agencies are progressively making open access information available via an Open Access Information website, overseen by [the Ombudsman](#).

The Open Access policy requires a copy of the Minister's diary that sets out all meetings, events and functions attended by the Minister that relate to the Minister's responsibilities must be published. Personal and family events need not be included. Ministers are encouraged to ensure the most recent information published on this page is no more than six months old.

### **New South Wales**

The [NSW Department of Premier and Cabinet website](#) details that since July 2014 NSW Ministers must publish one month after the end of each quarter extracts from their diaries detailing scheduled meetings held with stakeholders, external organisations, third-party lobbyists and individuals.

Scheduled meetings include those to take place in person or by videoconference, teleconference or telephone call, and which involve the discussion of a matter that may be considered by the Minister, whether formally or informally, in his or her role as portfolio Minister or as a member of Cabinet.

It does not include internal meetings held by [NSW] Ministers with other Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW, or other Australian jurisdictions, or foreign governments), or strictly personal, electorate or party political meetings.

### **Queensland**

Queensland's [Ministerial Handbook](#) states:

*"Ministers are required to proactively disclose on a monthly basis portfolio related meetings and events.*

*For any meeting with a registered lobbyist or any person working for the lobbyist in any capacity, other than administrative staff, the diary must also include details about all attendees and a short description of the subject matter of the meeting.*

*Personal, electorate or party political meetings or events, media events and interviews and information contrary to public interest (e.g. meetings regarding sensitive law enforcement, public safety or whistle-blower matters) are not to be released."*

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<sup>i</sup> Tasmanian Integrity Commission, *Interim Report: Overview of Submissions Received for Integrity Commission Consultation Process*, October 2022; pg 17.

<sup>ii</sup> Tasmanian Integrity Commission, *Draft framework report: recommendations for reforming lobbying oversight in Tasmania 2022*; pg 15.

<sup>iii</sup> TasCOSS, *Reforming Oversight of Lobbying in Tasmania*, June 2022; pg 6.

<sup>iv</sup> Centre for Public Integrity, *Reforming lobbying oversight in Tasmania Submission*, July 2022; pg 5.

<sup>v</sup> Grattan Institute, *Submission on reforming lobbying oversight in Tasmania*, July 2022; pg 7.