Swimming in a Sea of It

A report on vested-interest lobbying in Aotearoa New Zealand

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About the authors

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The evidence base

The original material in this report is derived from 36 anonymous interviews with political actors, including current and former MPs, ministers, ministerial staffers and public servants. Interview subjects were drawn from across the political spectrum. The interviews took place in the first and second quarters of 2026, and were carried out under conditions of anonymity, to allow people to speak more freely. We have followed the usual protocols for using anonymous accounts, including seeking to verify or corroborate points made where possible. We feel that, for all their limitations, such anonymous accounts remain an invaluable insight into the workings of the political system.

Executive Summary

The core concepts *(see pages 19-37)*

The act of **lobbying** politicians and officials – in the sense of contacting them in order to influence their decisions – is a natural and necessary part of any democratic system. As well as consultant (or third-party) lobbyists, who act on behalf of clients, much lobbying is carried out by people working in-house for businesses, trade associations, unions and NGOs.

More concerning, however, is **vested-interest lobbying**: the actions of individuals and groups that wield sufficient economic or political influence to shift decision-making processes in their favour and thus do injury to the public good.

If that vested-interest lobbying is powerful, controlling or enduring, it can be termed **policy capture**.

Our interviews: key themes *(see pages 63-95)*

This report presents material from 36 anonymous interviews with current and former ministers, MPs, ministerial staffers and public servants, drawn from across the political spectrum. This testimony reveals how political actors experience lobbying (including that carried out by vested interests), what they think about it, and their views about possible policy responses. This is the first time (to the best of our knowledge) that the views of policy-makers have been so extensively canvassed. The central insights from our interviews are as follows.

Lobbying can be helpful

It can give decision-makers information – perspectives, experiences and technical knowledge – not otherwise provided by legislative texts or official advice. As one former ministerial staffer argued: *"The only way decision-makers can do their work is if they are hearing from people."*

Lobbying was particularly helpful when it synthesised a set of wider and well-informed views. One MP told us: *"Lobbyists who represent a group of people who are affected will know more than someone might have from reading the bare legislation."*

However, vested-interest lobbying can have negative effects

One former MP told us that lobbying *"ranges from helpful information that is sent on a daily basis to ministers through to very sophisticated and coordinated lobbying campaigns. You are swimming in a sea of it. Taken to an extreme, it can be a way in which those with pre-existing power and resources can get something that is more in their favour."* On similar lines, a former public servant said bluntly: *"The lobbying is intense and the capture is rife."*

Some lobbyists attempt to avoid transparency

One ex-ministerial staffer told us of an MP-turned-lobbyist who would provide policy suggestions in hard copy rather than email, and without their name on it, in an attempt to prevent the document turning up in Official Information Act (OIA) requests. In the words of the former staffer, the lobbyist's approach was: *"I'm going to leave this piece of paper here with [policy] information – [but] without identifying information – designed to avoid the OIA."*

Lobbying has intruded into inappropriate areas

One ex-minister described a *"ridiculous"* scenario in which a government agency they oversaw hired a consultant lobbying firm *"to contact me to seek a meeting".* This suggested a wholly inappropriate permeation of lobbying culture into what should be straightforward agency-minister relationships.

Lobbying can bypass state agency decision-making

One interviewee told us of a prime minister announcing contingency funding for a programme after lobbyists had gone over the heads of officials and approached the prime minister directly, knowing this particular issue was *"a hot pressure point"* where the government needed to show progress. *"Pressure was put on by lobbyists to make that happen,"* the former ministerial staffer noted. Once the minister's office had to implement the programme, they found it was *"a bit of a hot mess"*: the supporting information wasn't correct, fewer companies were on board than the lobbyists had claimed, and other components of the programmes *"didn't stack up"*. Another interviewee said of the same programme that there had been *"cherry-picking of funding decisions based on lobbying".*

Differences in resources could lead to differences in influence

Some interviewees felt they routinely heard from both sides of a given argument. One MP explained: *"If people contact me and want to meet on a particular issue, I will meet, even if it is an opposing view."*

But many were struck by imbalances in resources, access and sophistication. One ex-minister told us he was *"surprised by the proportion of meetings that I had with people that were from that end of town* [business]. *The weight and volume of requests* [for meetings] *was significant. … With the smaller, less well-resourced groups without a big commercial base, it would often be less well-coordinated among those groups. … I think definitely that imbalance was challenging."*

Meanwhile, one ex-ministerial staffer argued that corporate managers *"will be able to pick up the phone and talk to a senior public servant pretty easily. They will have your mobile number."* At the other end of the spectrum, 90% of requests from *"small community trusts looking to resolve local resilience problems"* would be *"treated like ministerial correspondence that [just] needs a quick reply – e.g. reference to website. A different level of attention is received."*

Some lobbyists also traded on political and party connections. Another ex-ministerial staffer observed: *"A lot of party-connected people who were lobbyists were able to have greater access to me than somebody who wasn't connected into the party. Whether that was through being able to get emails or phone numbers from others who were connected – it was easier for them to get into the office or to make connections than others who were less connected."*

The above suggests that imbalance is not simply a matter of whether MPs are willing to meet with different groups. Instead, it reflects deeper inequalities in resources, knowledge of political processes, geographic proximity, professional networks and capacity to sustain engagement over time.

Decision-makers can become dependent on lobbyists' information

So-called information asymmetry exists when lobbyists, especially those acting on behalf of business interests, know significantly more than decision-makers do. Interviewees frequently acknowledged that industry knowledge can be necessary for good decision-making. As one MP put it, "*You have to talk to them because they have the data and experience.*" However, decision-makers may lack the expertise to assess the reliability or completeness of what they are being told. The same MP explained that in areas *"where ministers don't have expert knowledge, it is a lot harder to know. It is hard to challenge the advice you are getting if you don't really know the topic."*

This can be exacerbated by state agency weaknesses

Several interviewees described situations in which ministers, political staff or departments relied heavily on industry lobbyists because internal capacity or expertise was limited. As one ex-ministerial staffer explained: *"Some departments know their sector better than others. And ministers get frustrated when they ask for information and it isn't any good. At that point they will ask industry, and industry floods them with any information they want … Also, ministers ask officials, who don't know, and they [officials] ask industry. So you get industry information but on officials' letterhead."*

On similar lines, one ex-ministerial staffer told us: *"Providing information briefings and intel means [lobbyists] can build a picture as a trusted adviser. Even if you know this person clearly has a certain set of incentives, or skin in the game, if you have got nothing else – and if the public servants aren't acting fast enough to give you information – you will get in touch with your contacts directly to find out what you can. So, there is a fair bit of informational dependence."*

Indeed some interviewees felt government agencies could get captured by industry. One former ministerial staffer told us: *"[Department X] had largely drawn all of its staff out of the industry so it was difficult to get quality advice from the agency and there were continuous leaks from the agency back out to the industry doing the lobbying."*

These responses suggest that the democratic risk lies not only in unequal access to information, but in the possibility that resource-constrained decision-makers become reliant on well-resourced external actors for defining problems, supplying evidence and shaping the range of available solutions.

Hospitality can create a sense of obligation

Hospitality – such as catered events and free tickets to sporting matches – provoked a range of reactions. Some did not regard hospitality as inherently problematic. One MP told us: *"You get alongside someone in a [corporate] box and talk business … You have a chance to build a relationship. That is about trust. Do you look at the cost of the ticket – and make a decision accordingly? Never."* Few interviewees saw modest amounts of hospitality as likely to change decisions directly.

However, most interviewees felt that accepting hospitality could at least create a perception that they would act favourably to those providing it. Accordingly, many interviewees told us they declined all or most hospitality invitations. One former ministerial staffer suggested that hospitality served a strategic function: *"It is probably to make people feel more relaxed and perhaps give away more information without officials in the room. People hate having officials in the room."*

A recurring concern was whether hospitality creates a sense of obligation. We were told by one MP that accepting gifts or hospitality means *"you feel like you owe people something"*. Interviewees often described refusing an upcoming event invitation on these grounds. Another MP said: *"I've learned that [them] putting on these events and showing hospitality means that later on, when they ask for a meeting, you feel like you have to meet."*

Overall, our interviews suggested that hospitality is rarely understood as a simple exchange of gifts for policy outcomes. Its significance lies instead in its capacity to secure time, create expectations of access, make conversations less formal, and contribute to the longer-term relationship-building through which lobbying influence may operate.

Relationship-building is a central activity

Some interviewees were concerned that lobbying could create familiarity, social obligation and continuing access that may become valuable over time. One MP recalled being approached, when he was newly elected, by a lobbyist who invited him for drinks and then dinner: *"He would give you a little bit of information that was of use to you as a way to start – sort of a favour for a favour. I eventually twigged that he was telling me something someone had told him in confidence that he was using at leverage. … At the end of the day they are not your mates."*

Well-resourced lobbyists may strategically build long-term relationships with MPs in ways unavailable to less well-resourced actors. One ex-ministerial staffer described the lobbying they received while working in opposition: *"Smart lobbyists are seeking to build relations with members of Parliament with a view that they might [one day] be in Cabinet."*

The potential risks of relationship-based lobbying were clearest where interviewees described attempts to obtain confidential information. Several ex-ministerial staffers told us that lobbyists sometimes sought to exploit existing relationships with them. One explained: *"What I didn't enjoy – and actively shut down – was the more explicit phone calls directly from those who were what I would call professional lobbyists … It was always the same thing. E.g. if there was an issue they were pushing for a client [they would ask], 'Would their issue be at Cabinet on Monday?' I really struggled with that. Some were people I had known for a long time."*

Our interviews suggest that relationships are one of the principal mechanisms through which lobbying influence operates. Relationships may not directly determine decisions, but they can create familiarity, obligation, trust, access to informal channels, and opportunities to provide information or seek information away from public scrutiny.

The ‘revolving door’ is often seen as troubling

Former policy-makers may move swiftly into lobbying roles, carrying with them privileged information, personal relationships and an understanding of government processes that are not equally available to others. One MP described the attraction of former insiders in direct terms: *“The reason they* [lobbying organisations] *want you is because you can get into the office – your relationships.”*

Some interviewees believed decision-makers were *less* willing to meet politicians-turned-lobbyists, at least for a period of time, as they represented a reputational risk. However, most interviewees expressed concern about the speed with which people could move through the revolving door. An ex-ministerial staffer gave a vivid example: *“Previous ministerial advisory colleagues would be down the corridor one week and two weeks later be calling on behalf of a client. Sometimes the Minister didn’t even realise they had left and were lobbying. So when he picked up the phone it took him a moment to realise [the caller] was calling on behalf of a client and not on behalf of a minister.”*

Overall, concern about the revolving door was one of the subjects where our interviewees came closest to having a unanimous view, certainly when it involved Cabinet ministers.

Much lobbying occurs early in the process

One MP told us bluntly: *“Astute long-term lobbyists will work at every level.”* Others agreed. We also heard instances of problematic lobbying occurring right up until the last minute. One interviewee said *“one of the most direct examples of lobbying I have ever seen”* occurred at the tail end of the 2017-20 Labour-led government’s reforms to vaping laws. *“There were things that were conceded and it is pretty well understood where the requests were coming from,”* the interviewee added. *“Right up until the night the bill passed, there were active discussions going on.”*

By and large, however, interviewees thought that lobbying was most influential in the stages before policy becomes publicly visible: early definition of the problem, government agency-led consultation, legislative drafting and Cabinet decision-making. One ex-ministerial staffer told us: *“The most important time for lobbying is probably the three months before a bill is introduced to the house.”* Another ex-ministerial staffer put the point more starkly: *“If you are not involved from the point of public consultation onwards, you are missing a big opportunity. Public consultation is initial thinking. If you can get in before that, it is helpful – if you know it is going on. When the bill is introduced, the train has left the station.”*

Early-stage influence may allow lobbyists to define whether an issue becomes a policy problem at all. One MP told us industry can be influential at the agenda-setting stage by “*dominating the call for certain types of solutions”.* An ex-ministerial staffer told us lobbyists are *“most effective when they are bringing you a solution when you didn’t even know there was a problem. The department may not have raised it. Then it kick-starts the department [into asking], what is the thinking on this? … It gets the ball rolling on whether it is a problem and do we need a solution?”* The same ex-ministerial staffer added that it can be easy to *“lift and shift”* from a lobbyist’s prepared policy paper when a proposal is already packaged: *“You can solve the problem and not use a lot of resources to get the solution in place.”*

Others argued lobbying during select committee processes was also influential: *"By the time it gets to first or second reading, it has kind of escaped. But there is a lot of lobbying as it goes through select committee, as you would expect. … It is definitely lobbying top-down, with ministers. … To me those are the two main parts of the processes – power to make a decision at the top and [at] select committee. At the top – that is, before the bill is drafted."*

Interviewees also identified election manifestos and coalition negotiations as particularly susceptible points of influence. One ex-ministerial staffer described this as "*agenda setting – which issues get put on to the agenda. It is much less direct, and done within closed doors, party manifesto-setting rather than anywhere else. That is probably most susceptible to direct lobbying."* Minor parties were especially significant. *"If you can persuade someone that something is a red line in a cross-party negotiation, then that can influence the policy process."* These early policy-formation stages have limited visibility, being exempt from the OIA. One ex-ministerial staffer told us: *"Everything problematic happens long before anyone gets into the Beehive."*

The above suggests lobbying may be most consequential when it shapes the framing, timing and architecture of policy before public scrutiny begins.

Policy capture is more likely in specific circumstances

Our interviewees did not necessarily argue that policy capture was widespread. Overall, they thought most government decisions were made with a reasonable degree of integrity, and were informed by different views and a range of evidence.

Even when decisions went against the public interest, this was not necessarily a result of direct lobbying. It was just as likely to reflect public opinion and media pressure (shaped by public relations and other mechanisms) or ministers' pre-existing worldviews.

In some situations, however, vested-interest lobbying could sway decisions against the public interest. Our interviews suggested the following conditions were conducive to policy capture.

- **Absence of countervailing public opinion.** More than one interviewee noted that the tech 'giants' (Meta, Google, et al.) were among the most sophisticated and well-resourced lobbyists. However, the force of public opinion in favour of a social media ban (something the tech giants fervently opposed) meant those firms were, in our interviewees' opinion, unlikely to get their way. Conversely, policy capture was much more likely on issues where there was little public concern or indeed knowledge of the issue. Highly technical issues were thus ripe for capture.
- **Strong vested interests.** Capture was more likely when commercial interests (in particular) had much to gain or lose from a particular decision. This, and the points above, are consistent with the long-standing view that capture is most likely when there are concentrated benefits (or losses) to a particular actor but only dispersed losses (or benefits) to the public at large.
- **High-volume, well-resourced lobbying.** Vested interests stood a greater chance of success if they could deploy lobbying at multiple points in the process, something that required a degree of resources.

- **Influence brought to bear at the right moment.** If vested-interest lobbyists were able to get their issue on the agenda in the first place, or close off options before an issue made it into the public domain, they were much more likely to capture the process than if they simply made a public submission at the same time as everyone else. This timing sometimes relied on privileged access to information about the progress of policies, laws and bills.
- **Lack of public-sector capacity.** Finally, vested-interest lobbying was more likely to succeed if the public sector was relatively unable to counterbalance the lobbyists' views. This could be because the subject was especially technical, the agency had not maintained specialist capacity, or the agency had itself become captured by industry.

Case studies of vested-interest lobbying *(see pages 49-62)*

To buttress the interview material above, our report presents case studies of apparent vested-interest lobbying drawn from previous media reporting and academic research. These case studies provide further grounds for many of the concerns stated by our interviewees. They include:

- The decision to award SkyCity the International Convention Centre contract
- The scrapping of the Container Deposit Return Scheme
- The reversing of a proposed gas connection ban
- Changes to offshore oil and gas drilling rules
- The 'success fee' in the Plimmerton Farm land deal
- Delays in folic acid fortification
- The blocking of effective front-of-packet food labelling
- The exemption of farmers from climate emissions pricing
- The repeal of the Smokefree Generation laws
- The decision to fund a Waikato Medical School
- Changes to KiwiSaver withdrawal rules
- The Mike Smith court case

Possible reforms *(see pages 96-102)*

In light of the above evidence, our report outlines ideas for better regulation of lobbying, to ensure it is carried out transparently, ethically, and with a wide range of voices represented.

In particular, the following regulations are internationally standard practice:

- a Regulation of Lobbying Act;
- an online and publicly accessible register in which lobbyists have to make quarterly returns detailing their contacts with designated public officials (DPOs);
- a stand-down period of 1-3 years in which former DPOs cannot lobby government on issues where they had official dealings;
- a statutory (mandatory) code of conduct for lobbyists, and lobbying-related provisions added to existing codes of conduct for DPOs; and
- the creation of an independent Crown entity, either a narrowly focused Lobbying Commission or a more wide-ranging Integrity Commission, with the power to levy fines and generally enforce the above provisions.

In addition, we believe there are four further areas where public decision-making processes could be strengthened and policy capture made less likely.

1. Involving more people in decision-making

This would level the playing field so that stakeholders with diverse interests are involved in policy-making. This may include facilitation of collective action and new forms of political engagement based on deliberative and participatory democracy.

2. Strengthening regulators

Principally, this involves promoting accountability through competition authorities, regulatory agencies and ‘supreme audit institutions’. Such bodies can carry out audits looking for corruption and/or assess if all relevant parties participated in the policy-making process.

3. Protecting state agencies' integrity

Integrity processes should allow agencies to identify and reduce the risk of capture. This could include better regulating public officials' conflicts of interest as well as political finance measures like capping donations and providing greater transparency on political donors.

4. Strengthening the public sector's capacity

This would, among other things, involve recruiting and retaining more public servants with specialist knowledge; greater professional development; more identification of talent and provision of clearer career pathways; and maintaining adequate staffing in the public service.

Specific policies in each of these areas are detailed in the report itself.

Conclusion

'Those interviewed for our report held diverse views, and some were largely happy with the existing (absence of) regulation of lobbying in New Zealand. Even they, however, were uncomfortable with aspects like the revolving door. And many of our interviewees held much deeper concerns.

Those concerns were not about lobbying per se, which – as defined above – was seen as a normal and sometimes helpful part of the democratic process, one carried out by people and groups across the political spectrum providing decision-makers with information and seeking to influence policy. What concerned many of our interviewees were specific issues such as imbalances in who decision-makers heard from and met, over-reliance on information from particular sources, individuals trading on personal and political connections in inappropriate ways, and the possible use of confidential state information to benefit private clients. These concerns appeared to be supported by pre-existing evidence of vested-interest lobbying, as set out in this report's case studies.

The recommendations in this report are, therefore, aimed at creating stronger safeguards around lobbying, so that the public can have greater confidence that it is aiding the process of decision-making rather than distorting it. One of the most basic principles of democracy is that everyone should have an equal opportunity for political influence; our interviews, and pre-existing reporting, suggest that, in some instances, this is far from being true, and that some rebalancing of the scales is necessary.

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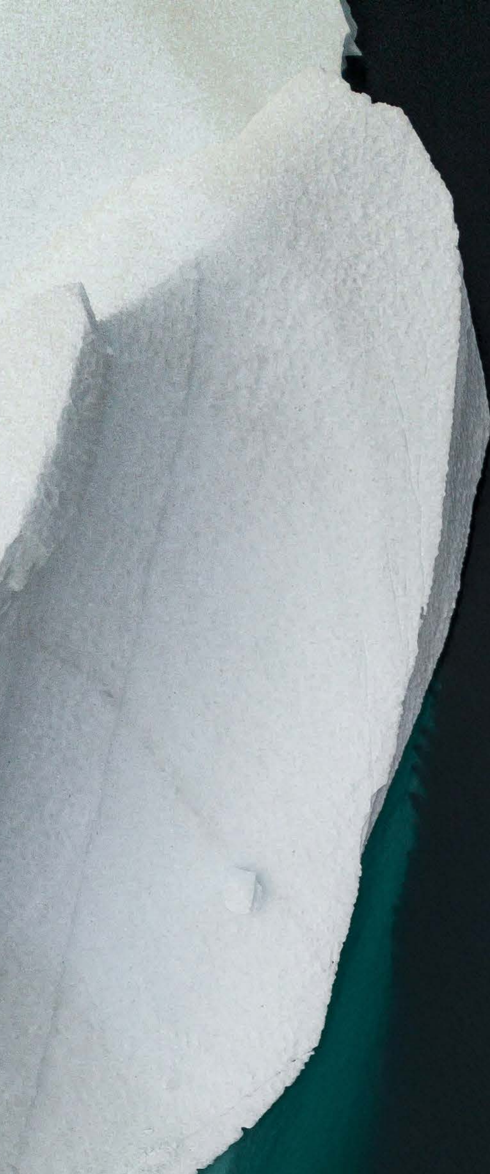


Introduction

Lobbying is a routine and often necessary feature of democratic government. Ministers, Members of Parliament and public officials need information from people and organisations affected by policy decisions, and stakeholders have a legitimate interest in explaining how proposed laws, regulations and programmes may affect them. In this sense, lobbying can improve decision-making: it can identify practical problems, bring technical expertise into the policy process, and help government understand the likely consequences of reform.

Yet lobbying also raises important democratic concerns. Influence is not distributed equally. Some actors have greater resources, stronger networks, better access to decision-makers, and more capacity to present information in ways that are timely, persuasive and professionally packaged. This alone creates an uneven playing field. And where that vested-interest lobbying is opaque, where relationships are leveraged to gain privileged access, or where government becomes dependent on industry-supplied information, there is a heightened risk that policy will be shaped more by organised and well-resourced interests than by the wider public interest. In extremis, that imbalance can turn into what is sometimes called regulatory or policy capture: the persistent shaping of decisions to favour private interests over the public good.

This report examines lobbying in Aotearoa New Zealand. It considers how lobbying is understood, how it operates in practice, and where it may create risks for transparency, accountability and democratic equality. The report is concerned not only with formal government relations firms or professional lobbyists, but with the broader range of actors who seek to influence government, including NGOs, businesses, unions and private individuals. It also canvasses a wide range of practices through which influence is sought, including industry engagement, political relationships, hospitality, the use of expert information, and movement between public office and lobbying roles.

The analysis draws on several sources of evidence. It reviews international and New Zealand literature on lobbying, policy capture and related issues. It also canvasses domestic incidents of policy capture and global policy responses.

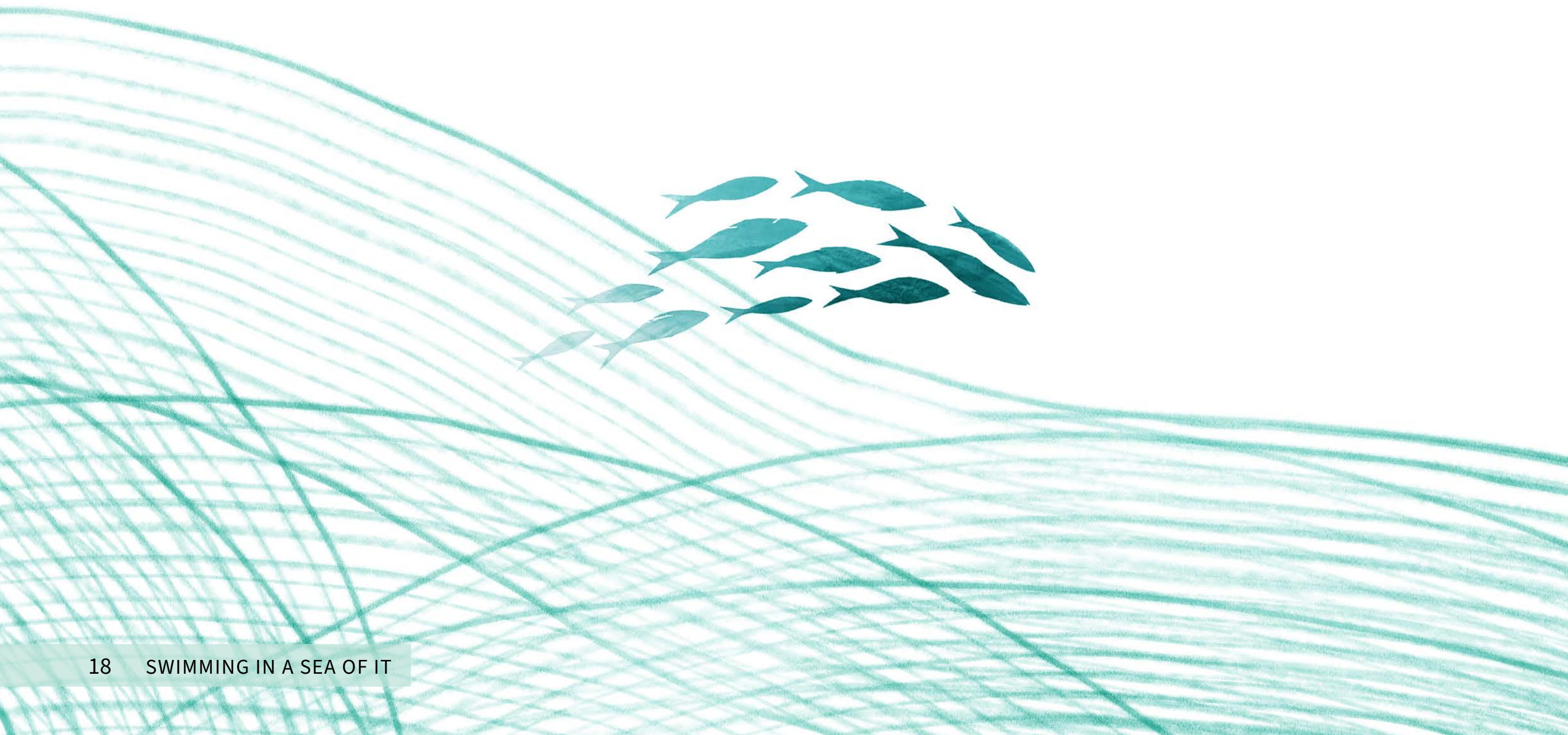
This report's main contribution, however, is to present evidence from 36 interviews with current and former MPs, ministers, ministerial staffers and public officials, eliciting their views and experiences of being lobbied. The viewpoints of people on the receiving end of lobbying are seldom explored in research or public debate. Accordingly, these interviews provide important insights into how lobbying is experienced by those inside the policy process, including when it is regarded as useful, when it becomes problematic, and where safeguards may be needed.

The report does not argue that lobbying is inherently improper. Rather, it shows that the democratic risks arise from imbalance, opacity and dependence: imbalance in who is heard; opacity about who is lobbying, on whose behalf, and at what stage of the policy process; and dependence on external actors for information, expertise or ready-made policy solutions. These risks are particularly acute where influence occurs early, before public consultation or Select Committee scrutiny, and where political parties, ministerial offices or departments are approached through informal or poorly visible channels.

The title of this report, *Swimming in a Sea of It,* reflects one interviewee's description of the pervasiveness of the lobbying of political actors. The phrase highlights the central challenge explored in the pages that follow: lobbying is everywhere in democratic politics, but its effects are difficult to observe, measure and regulate. For all its pervasiveness, lobbying does not (according to our interviewees) distort most decisions towards private interests – but in some circumstances it clearly does. The task, therefore, is not to eliminate lobbying, but to ensure that influence is visible, contestable and subject to appropriate safeguards, so that public policy is made in the public interest.

The remainder of the report proceeds as follows. The next section defines lobbying and situates it within the broader range of influence strategies used to shape public decision-making. The report then examines the democratic problems that vested-interest lobbying can create, including unequal access, information misuse, hidden interests, the use of front groups, the revolving door and policy capture, before reviewing how lobbying is regulated across comparable OECD countries. It then turns to New Zealand, outlining the country's limited regulatory history, recent controversies and examples of vested-interest influence. The report's empirical core presents findings from interviews with current and former political actors about how lobbying is experienced in practice, where it is useful, where it creates risks, and which parts of the policy process are most susceptible to influence. The final section draws these findings together and sets out recommendations for reform.

Influence is not distributed equally. Some actors have greater resources, stronger networks, better access to decision-makers, and more capacity to present information in ways that are timely, persuasive and professionally packaged.



Lobbying: background and definition

Lobbying, as defined in this report, is one part of a wider constellation of strategies through which organised interests gain access, frame policy problems, manufacture support or doubt, and influence politicians and public servants. These all have an effect on the policy process.

Public decision-making

The decisions made by public bodies are supposed to advance the public interest (a.k.a. the public good or the common good). Concepts of the public interest dates back to the political philosophy of Plato, Aristotle, Hobbes, Rousseau and many others.[1]

One useful definition comes from the political theorist William Connolly, who calls the public interest “a set of shared purposes and standards which are fundamental to the way of life prized together by the participants”.[2] It can also be described as that which best serves the needs of the community, or as the goods and entitlements that people think are essential not just for themselves but for their fellow citizens more broadly. The philosopher Brian Barry defined the public interest as “those interests which people have in common *qua* members of the public”.[3]

Some theorists argue the ‘public interest’ is often poorly defined.[4] It is, however, a crucial concept in political theory; without it, public decision-making would be hard to understand. Moreover, acting ‘in the public interest’ is a requirement among many professions, and current acts of Parliament enjoin officials to consider the idea of the ‘public interest’, suggesting that the concept can be deployed in a practical manner.[5]

But if political decisions are to serve a broad public interest rather than narrow private ones, decision-makers must hear from a wide range of voices, and accord those voices some degree of equity. That immediately raises questions about the influence strategies being used by those outside government.

1 Michael Hantke-Domas, ‘The Public Interest Theory of Regulation: Non-Existence or Misinterpretation?’, *European Journal of Law and Economics,* 2003, 15, pp.165–194.
2 W. E. Connolly, *Appearance and Reality in Politics,* Cambridge University Press, 1981, p.91.
3 Marie Doole, Theo Stephens and Geoff Bertram, ‘Navigating Murky Waters: Characterising capture in environmental regulatory systems’, *Policy Quarterly,* 2024, 20(4), pp.44-53.
4 Hantke-Domas, n 1.
5 For example, Chartered Accountants Australia New Zealand require members to act in the public interest. Chartered Accountants Australia New Zealand, ‘The Chartered Accountant’s Commitment’, www.charteredaccountantsanz.com/news-and-analysis/news/the-chartered-accountants-commitment (accessed 19 August 2026); Fair Trading Act 1986; Protected Disclosures (Protection of Whistleblowers) Act 2022.

Forms of influence

Non-government actors have many ways – both direct and indirect – to influence public decision-making. The table below, drawn from OECD research, outlines some of them.

Table 1: Potential influence on public officials[6]

Direct influence	**Creating a sense of reciprocity**	• Illegal payments • Favours, e.g. political campaign funding, hosting functions, offering future jobs, gifts • Providing research and analysis
	Building on existing personal ties	• Family and other close relationships • Networks • Affiliations • State-owned enterprises • Politicians as board members • Revolving doors
	Building on strategic communication	• Meetings • Conferences • Study trips
Indirect influence	**Building on strategic communication**	• Broad concerted action through media ownership • Writing media comments, articles or columns • Issuing press releases, holding press conferences • Participating in public hearings and consultations • Grassroots lobbying
	Building on expertise	• Publicising analytical reports and other research • Participating in advisory groups and consultations • Using think-tanks to produce research • Responding to requests for comment • Providing manipulated information and expertise

Often it is corporations that benefit most from, and most frequently deploy, such strategies. (In countries like the US, where there is clear data on this point, the bulk of lobbying expenditure comes from business.[7]) The table below, adapted from public health research, outlines corporate influence strategies in greater depth.[8] There is evidence that many of them are deployed in New Zealand.[9]

As researchers have noted, corporations often “position themselves as representing and speaking for the public interest while they position those proposing the policy as damaging the public interest through incursions, restrictions and non-market interventions”. This framing may be used in their lobbying activities.[10]

6 OECD, *Preventing Policy Capture: Integrity in Public Decision Making,* OECD Public Governance Reviews, OECD Publishing, 2017.
7 Matthew Jenkins and Suzanne Mulcahy, *Businesses’ Lobbying Practices,* Transparency International, 2018.
8 S. Ulucanlar, K. Lauber, A. Fabbri, B. Hawkins, M. Mialon, L. Hancock, V. Tangcharoensathien, and A. B. Gilmore, ‘Corporate Political Activity: Taxonomies and Model of Corporate Influence on Public Policy’, *International Journal of Health Policy Management,* 2023, 12(1), p.7292.
9 Max Rashbrooke and Lisa Marriott, *Money for Something: A report on political party funding in Aotearoa New Zealand,* Victoria University of Wellington, 2022; P. Adams, K. Kypri, M. Gregan, K. Robaina, L. Rodriguez, E. Sayes, E. Wikaire, ‘Ways Unhealthy Commodity Industries Influence Political Actors in Aotearoa New Zealand: A Summary Report’, University of Auckland, 2022.
10 Ulucanlar, n 8

Table 2: Corporate strategies to influence policy[11]

Access policy-makers and policy spaces	• Provide hospitality, gifts and political donations • Threaten loss of investment • Use revolving door and control advisory groups • Seek regulatory capture by playing a "central role" in regulation setting • Access standard-setting bodies • Gather intelligence on politicians • Offer to draft policy • Lobby the executive and legislature • Use some departments against others • Abuse consultation processes e.g. with false research
Use the law to obstruct policies	• Use or threaten legal action
Manufacture support	• Deploy PR • Build business alliances • Generate alliances with civil society • Create front groups and astroturf organisations • Build media links • Provide media content
Manufacture doubt	• Undermine research with unachievable standards • Misrepresent evidence and cherry pick • Hide or marginalise unfavourable evidence • Misrepresent scientific norms by over-emphasising disagreement or uncertainty among scientists • Create parallel scientific literature • Spread favourable information and own research, including falsehoods
Displace or usurp public policy practitioners	• Seek self-regulation or voluntary codes instead of laws • Deliver individual-level interventions that are less effective • Divert attention to ineffective interventions • Promote harm 'reduction' • Deliver own-material education and training • Turn professionals against each other • Intimidate opponents
Manage corporate reputations	• Highlight ESG, etc • Publicly associate with respected individuals and orgs • Attack and defame researchers

These strategies may be most effective when deployed together. Political donations, for instance, have often been cited as potential sources of influence in New Zealand. We have, however, extensively covered this issue elsewhere.[12]

11 Ibid.
12 Rashbrooke and Marriott, n. 9.

Economic disparities

Influence strategies may be particularly concerning (and effective) in situations of significant economic disparity. If resources were distributed equally in society, the likelihood of some individuals having much greater political influence than others would be substantially lower. Where there are large inequalities, however, influence strategies – lobbying among them – can be a key means for converting economic power into political power.

It is therefore salient that income disparities increased more in New Zealand 1985-2005 than in any other OECD country, and that the wealth of the NBR Rich List has grown enormously since its foundation in the 1980s. Inequality on both measures is above the OECD average. Better-off New Zealanders now have far greater resources – and more motivation to lobby decision-makers to protect their position – than they did in the recent past.[13]

Auckland University academic Tim Kuhner has argued that, in New Zealand politics, there may be a connection between policies favouring the well-off and the "disproportionate financial influence" of those whose economic interests favour such policies. Kuhner also points to the US as a warning, citing evidence that economic disparities and unequal political influence have combined to ensure politicians' decision-making aligns with elite preferences and bears no relationship to the interests of lower- or even middle-class Americans. US researchers Martin Gilens and Benjamin Page argue that their democracy has been systematically co-opted by the wealthy, as "economic elites and organised groups representing business interests have substantial independent impacts on US government policy, while mass-based interest groups and average citizens have little or no independent influence".[14]

What is lobbying?

The OECD defines lobbying as "the act of lawfully attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by executive, legislative or judicial public officials at the local, regional or national level". Meanwhile, a key global work on the topic, *Regulating Lobbying,* defines its subject as "the act of individuals or groups, each with varying and specific interests, attempting to influence decisions taken at the political level".[15]

As defined in this report, lobbying encompasses any attempt to influence government policy via *direct* contact with decision-makers. It is therefore inherently 'political' lobbying.[16] It can take the form of writing a letter or email, presenting orally at a Select Committee, having a meeting with a public official, or other strategies. To keep matters tractable, the focus of this report is on lobbying of central government.

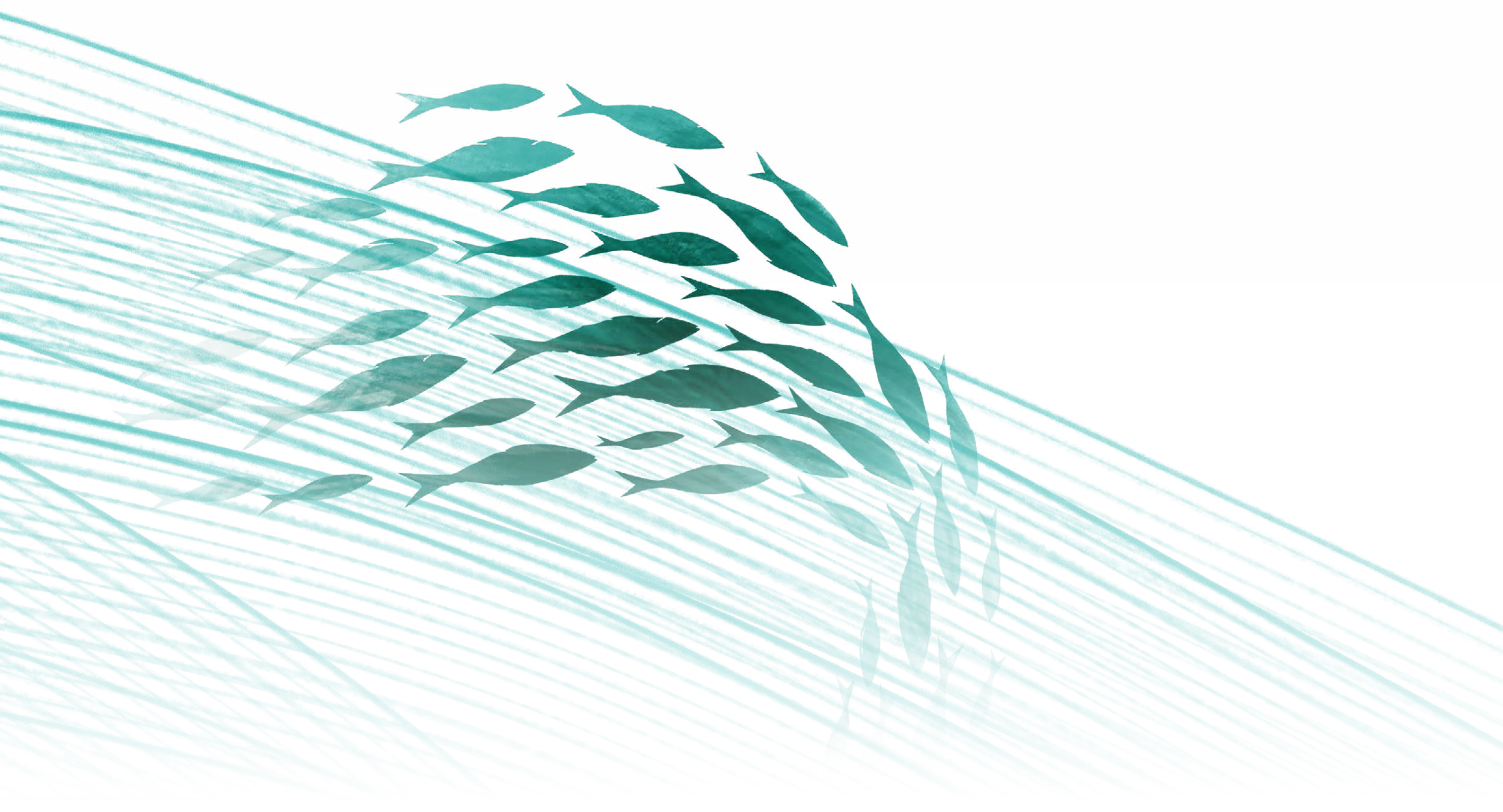
Lobbying is therefore a subset of the wider influence strategies outlined above. Some of those wider strategies are, admittedly, also classed as 'lobbying' by some theorists. For the purposes of this report, however, they are regarded as distinct (though often linked) strategies, and some are arguably better described as 'public relations' or similar. This report touches on those wider strategies, but only where necessary.

13 Ibid., p.17.
14 Ibid.
15 Quoted in: Max Rashbrooke, *A Balance of Voices: Options for the regulation of lobbying in New Zealand*, Health Coalition Aotearoa, March 2024, p.13.
16 Stephen A Zeff, 'Political Lobbying on Accounting Standards – US, UK and international experience', *Comparative International Accounting*, 2010, 12, p.207.

What are vested interests?

Lobbying is especially concerning when driven by vested interests, defined by researchers Grant Duncan and Simon Chapple as “a person, group or firm that wields sufficient economic or political influence to shift decision-making processes in directions that would favour themselves and do injury to the social interest”.[17] This helps distinguish lobbying in the ordinary sense – which, as above, can be to the benefit of the general public – from the more specific kind of lobbying that warrants scrutiny or regulation. It is the latter that is of particular interest to this report.

Although any individual or group can lobby government, attention often focusses on corporate lobbying, as companies have the largest resources, are globally the most vigorous lobbyists, and stand to make the greatest financial gain from public decisions.[18] They are, therefore, most often the ‘vested interests’ that warrant scrutiny. But vested interests can also include particular professions, groups of citizens who seek to unfairly elevate their interests above others, and many others types of organisation.



17 Grant Duncan and Simon Chapple, ‘What is a vested interest?’, *Policy Quarterly,* May 2021, 17(2), pp.3-8.
18 Jenkins and Mulcahy, n 7, p.2.

The problems created by vested-interest lobbying

As is evident from the above discussion, one of the key concerns with lobbying is that it can result in outcomes that do not reflect the public interest. Vested-interest lobbying can create multiple problems, including unequal access, opacity, the use of front groups, the revolving door, and the erosion of public trust. For this argument to hold, however, it has to be shown that, first, lobbying can affect outcomes and, second, those outcomes are undesirable.

General issues

US examples

To buttress this point, we can turn to arguably the world's most studied and most active lobbying industry, that of the US. In 2022, its lobbying industry was estimated to spend US$4.1 billion dollars annually.[19]

In one notable piece of US research, academics Amy McKay and Jeffrey Lazarus used "earmarks" – congressional appropriations inserted into spending bills at the request of a single member – to evaluate the effects of lobbying.[20] They found that colleges and universities that lobby in a given year can expect to receive 54% more earmarks and 24% more earmarked funds relative to other schools and other years. Rebecca Goldstein and Hye Young You provide similar findings on lobbying undertaken by cities asking the federal government for resources, showing that "each dollar a city spends on lobbying generates substantial returns".[21]

Relatedly, researchers Raquel Alexander, Stephen Mazza and Susan Scholz examined a tax provision, lobbied for by US multi-national corporations, that gave them a one-time opportunity to deduct 85% of dividends received during a single year from a foreign subsidiary.[22] The corporations thus paid tax on just 15% on repatriated income. Nearly 500 firms benefited from the tax provision; they spent US$282 million lobbying for it and repatriated US$208 billion in income, generating an average return in excess of US$220 for each US$1 spent on lobbying.[23] Similar findings are reported by researchers Nathan Grasse and Brianne Heidbreder, who find a direct association between lobbying activities and bill outcomes in Wisconsin,[24] and by academics Brian Richter, Krislert Samphantharak and Jeffrey Timmons, who report that firms that spend more on lobbying in one year pay lower effective tax rates in the following year.[25]

Meanwhile, McKay has used plagiarism software to identify similarities in interest-group lobbying and legislative amendments introduced by sitting Members of Congress in the US.[26] She finds similar or identical language, indicating that lobby groups had at least some success in persuading legislators to introduce amendments. McKay finds even greater similarity in language when the lobbying group hosts a fundraising event for the Senator. Other researchers have found that the probability of influencing government policy is 16% higher for firms that are members of lobbying groups than for firms that are not.[27]

These results all demonstrate that lobbying is effective: those who invest in it (often) reap the rewards they seek. The findings also suggest that lobbying distorts the decision-making process; unless those who lobby the most are always also the most deserving, lobbying should not result in such direct and immediate financial or legislative gains.

19 David Coen and Alexander Katsaitis, 'Introduction: Lobbying and public policy', in *Handbook on Lobbying and Public Policy,* Edward Elgar Publishing, 2024, pp.1-14.
20 Amy Melissa McKay and Jeffrey Lazarus, 'Policy Consequences of Revolving-Door Lobbying', *Political Research Quarterly,* 2023, 76(4), pp.1780-1793.
21 Rebecca Goldstein and Hye Young You, 'Cities as lobbyists', *American Journal of Political Science,* 2017, 61(4), pp.864-876.
22 Raquel Alexander, Stephen W. Mazza and Susan Scholz, 'Measuring rates of return on lobbying expenditures: An empirical case study of tax breaks for multinational corporations', *Journal of Law & Policy,* 2009, p.401.
23 Ibid.
24 Nathan Grasse and Brianne Heidbreder, 'The influence of lobbying activity in state legislatures: Evidence from Wisconsin', *Legislative Studies Quarterly,* 2011, 3 6(4), pp.567-589.
25 Brian Kelleher Richter, Krislert Samphantharak and Jeffrey F. Timmons, 'Lobbying and taxes', *American Journal of Political Science,* 2009, 53(4), pp.893-909.
26 Amy Melissa McKay, 'Fundraising for favors? Linking lobbyist-hosted fundraisers to legislative benefits', *Political Research Quarterly,* 2018, 71(4), pp.869-880.
27 Nauro F. Campos and Francesco Giovannoni, 'Political Institutions, Lobbying and Corruption', *Journal of Institutional Economics,* 13(4), pp.917-939.

Global examples

This intuition is buttressed by research that demonstrates the large political gains associated with connections to political leadership.[28] For instance, researchers have shown that lobbyists switch issues in a predictable way when the legislators with whom they are connected move to work in other areas. Researchers interpret this as "evidence that lobbyists' personal contacts to politicians are a relevant asset in defining their job".[29]

Meanwhile, Purdue University economist Mara Faccio has examined companies that are connected with a politician, where at least one of the largest shareholders or top officers is a member of parliament, a minister or a close relation of a top politician or party.[30] Corporate political connections existed in 35 of the 47 countries in her sample, and Faccio found a significant increase in company value when those involved in business entered politics.[31]

In estimating the monetary value of political connections, research has quantified the decline in value of companies headquartered in a politician's hometown when that politician dies suddenly. The research shows a 1.7% decline in the value of the company, followed by a decline in the rate of growth in sales. The results are "particularly pronounced" for firms in industries where the politician had jurisdiction.[32] The above findings suggest decision-making is distorted by lobbying, because the closeness of ties between firms and politicians should not, in a democracy where decisions are based on evidence and argument, play such a strong role in shaping outcomes.

General findings

Such findings are consistent with the OECD's summary of the issue in a major 2017 report. The OECD found that policy capture can "hinder sustainable economic growth, affect the quality and effectiveness of public services and policies, and undermine trust in government, further exacerbating inequalities and trapping societies in a vicious circle".[33] It can also lead to "misallocation of public and private resources, resulting in rent-seeking activities (obtaining benefits without contributing to creating new wealth) and diminished allocative and productive efficiency".[34]

There is clear evidence that high-volume, unethical lobbying can lead to the misallocation of public resources, lower productivity, and worse social inequalities. Lobbying by tobacco and oil interests has repeatedly undermined science-backed attempts to curb smoking and reduce carbon emissions. The 2008 global financial crisis, meanwhile, has been attributed partly to "deceitful" lobbying combined with revolving-door practices that led to deregulation of high-risk banking activities.[35]

One meta-analysis of 300 academic studies showed lobbying had led to "negative health outcomes, inaction on climate policies, excessive regulation to protect incumbents [and] insufficient regulation to correct market failures or distortions". British research into alcohol lobbying argues the industry has engaged in tactics that include "misrepresenting unfavourable strong evidence and promoting favourable weak evidence. This deliberate moulding of the evidence, or 'bending science', shapes ideas and influences perceptions of data by the public and policy-makers."[36]

28 David C. Francis and Robert Kubinec, *Beyond Political Connections: A measurement model approach to estimating firm-level political influence in 41 economies,* World Bank, 2022; Ike Mathur, Manahar Singh, Fred Thompson and Ali Nejadmalayeri, 'Corporate Governance and Lobbying Strategies', *Journal of Business Research,* 2013, 66(4), pp.547-553.
29 Marianne Bertrand, Matilde Bombardini and Francesco Trebbi, 'Is It Whom You Know or What You Know? An Empirical Assessment of the Lobbying Process', *American Economic Review,* December 2014, 104(12), p.3887.
30 Mara Faccio, 'Politically Connected Firms', *American Economic Review,* 2006, 96(1), pp.369-386.
31 Ibid.
32 Mara Faccio and David C. Parsley, 'Sudden Deaths: Taking stock of geographic ties', *Journal of Financial and Quantitative Analysis,* 2009, 44(3), pp.683-718.
33 OECD, n 6, p.9.
34 Ibid.
35 Rashbrooke, n 15, p.15.
36 Ibid., p.16.

In the New Zealand context, the Ministry of Justice has identified a range of public concerns about lobbying:

- Uncertainty about the motivations, origins and influence of lobbyist groups can erode trust in democratic process;
- Dissemination of biased information can reduce the public's ability to critically engage in matters that affect them;
- Some behaviours could be unethical or illegal, for example if lobbyists deliberately manipulate public opinion with false information;
- Movement between roles in government and lobbying agencies can result in misuse of privileged information and unfair access;
- Voices of those with limited resources or connections can be marginalised; and
- Decision makers can become over-reliant on lobbyist research or perspectives.[37]

In addition to these general findings, there are several specific problems that lobbying can create.

Information misuse and over-reliance

Communication between those internal and external to government is desirable. Decision-makers need to understand the implications of decisions, as well as the concerns of stakeholders. Indeed, it is the right of any individual or group in a representative democracy to communicate with elected officials.

However, problems can occur when misinformation is provided to support a particular policy direction and this is unquestioningly accepted by decision-makers. A recent example occurred when Associate Health Minister Casey Costello provided an anonymous document to health officials as evidence for policy change. The document claimed that nicotine is no more harmful than caffeine, a statement at odds with several decades of rigorous scientific research.[38]

More generally, and as noted above, decision-makers may come to rely on lobbyists (from whatever sector) for their sources of information. This issue is especially acute when the lobbyist in question is from a regulated party (typically a large firm) that has information not available to the policy-maker or regulator. This can result in informational dependence.

37 Ibid., p.14.
38 Guyon Espiner, 'Chief Ombudsman criticises Costello over withholding tobacco documents', *RNZ*, 19 September 2024, www.rnz.co.nz/news/political/528429/chief-ombudsman-criticises-costello-over-withholding-tobacco-documents (accessed 19 August 2026).

Unmerited advantage

Not all individuals and entities can engage in extensive lobbying. Duncan and Chapple note that "economically powerful vested interests who generate rents from their advantages have greater means to pay for researchers, lawyers and lobbyists to put forward more convincing cases to policymakers".[39] This can distort competition. Interest groups can invest in resources to engage with policy-makers to gain an advantage for their industry or over their competitors.[40]

Several industries, identified in the health literature as "unhealthy commodity industries" (including tobacco, alcohol and ultra-processed food and beverages), are particularly problematic.[41] Actions by these and other firms are sometimes called "the commercial determinants of health".[42] Where empowered by lobbying, such commercial forces can overturn science-driven policy decisions and outweigh the voices of public health groups advocating on behalf of society.

Gilmore et al. explain how "the shift towards market fundamentalism and increasingly powerful transnational corporations has created a pathological system in which commercial actors are increasingly enabled to cause harm and externalise the costs of doing so".[43] As corporations' wealth and power increases, policy solutions to social problems may not be adopted when likely to disadvantage vested interests.[44] One notorious example is the Sackler family, owners of Purdue Pharma, now widely reviled for their role in spurring the opioid crisis but, for many years, shielded from accountability by cosy relationships with politicians and regulators.[45]

39 Duncan and Chapple, n 17, p.6.
40 Coen and Katsaitis, n 19.
41 K. Cullerton and D. Patay, 'Inside a corporate affairs conference: the race for a social license', *Frontiers in Communication,* 2024, 9.
42 Ulucanlar et al., n 8.
43 A. B. Gilmore, A. Fabbri, F. Baum, A. Bertscher, K. Bondy, H. J. Chang, S. Demaio, A. Erzse, N. Freudenberg, S. Friel, K. J. Hofman, P. Johns, S. Abdool Karim, J. Lacy-Nichols, C. M. P. de Carvalho, R. Marten, M. McKee, M. Petticrew, L. Robertson, V. Tangcharoensathien and A. M. Thow, 'Defining and conceptualising the commercial determinants of health', *Lancet,* 2023, 401(10383), pp.1194-1213.
44 Ibid.
45 Patrick Radden Keefe, *Empire of Pain: The secret history of the Sackler dynasty,* Anchor, 2021.

The use of front groups

When groups and individuals engage directly with policy-makers, this may become apparent through the release of ministerial diaries and related mechanisms. If third-party lobbyists are hired to represent those groups' interests, this transparency may be diminished, although our interviews (see later sections) indicated that third-party lobbyists generally did disclose their clients.

However, other sources of influence may be even more opaque. Organisations such as think-tanks and advocacy groups may be advocating on behalf of others – most commonly, their funders – but without any transparency as to who those 'others' are.

Reporting has highlighted the potential influence of lobby groups that are recorded as having meetings with ministers.[46] Such entities may declare incomes that represent a sizeable sum in the New Zealand context, but provide no transparency as to the sources of that funding – and thus whose interests they are representing to ministers.[47] For instance, public health advocates have raised concerns that the Association of Convenience Stores presents itself as representing small dairy owners but is funded significantly by the tobacco industry.[48]

New Zealand researchers have observed that even if ministers and public servants act appropriately, nonetheless "wealthy and well-connected vested interests, acting as identified stakeholders via non-transparent processes, may still be exploiting their advantages".[49] Duncan and Chapple observe that "powerful private stakeholders and their hired lobbyists are not required to deliver clarity regarding their involvement in policymaking processes, nor are they required to declare publicly their interests in policy change or the status quo".[50]

Misuse of state office and information

The 'revolving door' phenomenon occurs when senior government officials or politicians move to positions in industry or vice-versa. This creates at least two potential problems. First, policy-makers may, while in office, act favourably towards certain industries in the expectation of finding work with them in future. Second, if former public office-holders move immediately into lobbying jobs in certain industries, those industries may receive favourable treatment because they benefit from the former official's networks, confidential state information, and knowledge of policy-making processes.[51] Those moving between government and industry are found to be "especially effective at policy influence".[52]

The above issues are created by people leaving (or potentially leaving) public office. There may also be concerns about those moving in the opposite direction, taking up public office after having worked in a given industry or sector. The concern here is that they may bring with them alliances or allegiances from their previous industry, potentially providing that industry with greater access to political decision-makers and biasing the individual's decisions in their new role.

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46 David Williams, 'Chiding in plain sight', *Newsroom,* 31 October 2023, www.newsroom.co.nz/2023/10/31/chiding-in-plain-sight (accessed 18 August 2026).
47 New Zealand Taxpayers' Union Incorporated (2576763), *Annual Financial Statements for 2023,* New Zealand Companies Office.
48 Cancer Society of New Zealand, *Tobacco Industry Interference Index 2023,* 2023.
49 Duncan and Chapple, n 17, p.8.
50 Ibid.
51 Narelle Robertson, Gary Sacks and Peter Miller, 'The revolving door between government and the alcohol, food and gambling industries in Australia', *Public health research & practice,* 2019, 29(3).
52 McKay and Lazarus, n 20.

Much has been written about the above issues domestically, especially with reference to the former Labour Party minister Kris Faafoi, who left Cabinet in 2022 and almost immediately started working as a lobbyist. But the issue is not confined to New Zealand. In the UK, one-fifth of the Conservative MPs newly elected in 2019 had worked in lobbying or public relations.[53] Journalist Peter Geoghegan observes that lobbyists with strong connections to Labour have been in particularly high demand since their party won the 2024 election. And several Labour Party advisers moved to public affairs roles in the months before the election.[54]

On similar grounds, McKay and Lazarus considered the influence of revolving-door lobbyists on public laws.[55] Their research found that additional funding is allocated to schools who lobby, with an "additional significant effect of revolving-door lobbying".[56]

Meanwhile, research from Australia shows that more than one-third of people registered on the Australian Government Register of Lobbyists were previously government representatives.[57] Researchers suggest that it is commonplace for people to move between roles in the Australian Government and industries like alcohol, ultra-processed food and gambling that are known to have harmful impacts on public health.[58]

Researcher Huchen Liu shows that lobbyists who have previously worked in government are particularly attractive to industries where there is policy uncertainty.[59] Joshua McCrain reports similar findings, showing that retention of connections between government workers and those who have left to engage in lobbying can increase a lobbying firm's revenue by 18% in the first year of employment.[60] Similarly, Todd Makse reports that lobbying by former members of Congress increases the probability that a Bill will progress.[61]

Researchers have also shown that in the US, 56% of the revenue generated from private lobbying firms between 1998 and 2008 can be attributed to individuals with some form of federal government experience.[62] The researchers show that lobbyists connected to US senators incur an average 24% drop in generated revenue when their previous employer leaves the Senate, and that ex-government staff are less likely to work in the lobbying industry after their connected Senators leave Congress.[63] The researchers suggest that this supports the claim that connections to powerful serving politicians are key determinants of lobbyists' income.

53 Peter Geoghegan, 'Labour and the Lobbyists', *London Review of Books,* 46(16), 15 August 2024.
54 Ibid
55 McKay and Lazarus, n 20.
56 Ibid., p.1780.
57 Robertson, Sacks and Miller, n 51.
58 Ibid.
59 Huchen Liu, 'Policy uncertainty and demand for revolving-door lobbyists', *Interest Groups & Advocacy, 2020,* 9(4), pp.470-494.
60 Joshua McCrain, 'Revolving door lobbyists and the value of congressional staff connections', The Journal of Politics, 2018, 80(4), pp.1369-1383.
61 Todd Makse, 'A very particular set of skills: former legislator traits and revolving door lobbying in congress', *American Politics Research,* 2017, 45(5), pp.866-886.
62 Jordi Blanes i Vidal, Mirko Draca and Christian Fons-Rosen, 'Revolving door lobbyists', *The American Economic Review, 2012,* 102(7), p.3731.
63 Ibid.

Feelings of obligation

Research has shown that every very small gifts (which are often deployed as part of lobbying strategies) can influence decision-making. In part this is because gifts play on ideas of reciprocity, and create a sense of obligation or 'something owed' on the part of the recipient. This is especially strongly established in medicine, where gifts to researchers are associated with a much greater likelihood of those researchers' recommending the donors' product.[64] The NGO Democracy Watch argues: "Clinical studies worldwide in many countries and cultures have all shown that the most effective way to influence someone's decisions is to give them a gift or do them a favour – even small gifts and favours have influence, and larger gifts and favours have more influence."[65]

Relatedly, investigations into the US Sackler family, the pioneers of the addictive opioid OxyContin, showed that if the firm took a GP out to dinner, that GP prescribed more of the Sacklers' product. Furthermore, taking them out to dinner on a weekend raised prescription rates more rapidly than doing so during the week. In the words of the award-winning chronicler of the Sackler dynasty, Patrick Radden Keefe, "The people who are paying for the steak dinners know what they're doing."[66]

Poor use of spending

The OECD cites data showing that higher levels of perceived undue influence go hand in hand with higher levels of perceived inefficiency in government spending. This is unsurprising, given that vested-interest lobbying in particular is designed to reward specific interests rather than maximise the good use of taxpayer dollars.[67]

Perceptions

The OECD observes that "alarmingly low levels of trust in government, political apathy … and radicalisation observed in many countries" may be related to the growing perception that policy-making serves vested interests.[68] This influence, whether real or not, damages the social contract underpinning democracies, damages the policy-making system's legitimacy, and can hamper effective policy implementation.[69] The OECD's survey data shows that up to 79% of legislators believe advisory groups have influence over policy making and outcomes, and 47% believe advisory groups are driven by special interests rather than public interests.[70]

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64 Robert B Cialdini, 'The Science of Persuasion', *Scientific American Mind,* 14 (1), pp.1-10.

65 Democracy Watch, 'Summaries of studies showing that giving someone even a small gift or doing a small favour for them will influence their decisions, and larger gifts and favours have more influence', https://democracywatch.ca/wp-content/uploads/StudiesReGiftsFavoursHaveInfluenceFeb2023.pdf (accessed 18 March 2026).

66 Rashbrooke and Marriott, n 9, p.29.

67 OECD, n 6, p.25.

68 Ibid., p.3.

69 Ibid.

70 Ibid., p.36.

Policy capture

The above issues show how public policy-making can be biased by vested-interest lobbying. If that bias is strong and/or enduring, it may be deemed ‘policy capture’. Although this term can be defined in different ways, the core intuition is that, as a result of lobbying, a particular group may not just influence public decisions but strongly, consistently or determinatively shape them in its favour, at the expense of the public interest.[71]

The scholar Barry Mitnick defines regulatory capture as referring “to cases in which a regulated industry is able to *control* decisions made about that industry by regulators and/or performances by regulators related to the industry” (emphasis added).[72] In conditions of policy capture, public agencies form a “stable relationship with industry that consistently shapes agency decisions and/or performances so as to intendedly benefit that industry”.[73]

Similarly, researchers Christopher Dougherty and Susan Philips define capture as a process by which “private organisations *direct* regulatory or policy processes and outcomes to serve their self-interests and do so in a manner that seems publicly defensible” (emphasis added).[74] The phrase “publicly defensible” references the frequent attempts to present the outcomes of capture as legitimate rather than illicit.

In the New Zealand context, Marie Doole and others have defined regulatory capture (a closely related term) as “situations when vested or special interests succeed in exercising excessive influence on institutions and systems that are ostensibly designed to protect the ‘public interest’”.

Mitnick outlines a range of benefits that can accrue from capture, including:

- contracts for goods and services;
- favourable tariffs;
- forbearance of prosecutions for anti-competitive behaviour;
- tolerance of monopoly or oligopoly status;
- subsidies;
- favourable tax laws;
- generous allocation of public resources; and
- adoption of rules that favour one company or industry over competitors.[75]

71 Justin Rex, ‘Anatomy of agency capture: An organizational typology for diagnosing and remedying capture’, *Regulation & Governance,* 2020, 14, pp.271–294.
72 Barry M Mitnick, ‘Capturing “Capture”: Definition and Mechanisms’, in D. Levi-Faur (ed), *Handbook on the Politics of Regulation,* Edward Elgar, 2011, p.35.
73 Ibid., p.40.
74 Christopher N. Dougherty and Susan D. Phillips, ‘Under the influence: The celebrity factor in policy capture’, *Regulation and Governance,* 2024, 18(1), pp.158-176.
75 Mitnick, n 72, p.35.

The OECD notes that although bribery may be the "most direct" form of capture, other methods may be subtler. Lobbying and political donations are "grey areas" where networks can be monetised, granting illegitimate power and influence "without resorting to cash-filled envelopes". The OECD argues that even formal participation mechanisms "can be abused and result in captured policies, thereby fostering exclusion rather than promoting inclusion as intended".

Several factors facilitate capture, the OECD notes. These include opportunity (e.g. unchecked discretion, technical complexity and opacity of decision-making); and ability and capability (e.g. availability of resources, concentration and inequalities, recurrent benefits and stable captor networks).[76]

Forms of capture

To understand how capture occurs and how its different manifestations relate to each other, Mitnick sorts capture-promoting factors into 12 mechanisms sitting within six groups.[77]

Table 3: Factors promoting policy capture[78]

Group	Mechanism
Constitutional	Constitutional rules (whether set out in a formal constitution or in legislation) result in some actors receiving benefits that others do not.
Systemic	**Imbalanced affective access politics.** Groups that bias processes and outcomes, and acquire power at the expense of competing groups, are more likely to capture regulation. However, using formal agents (e.g. consumer advocates) can ameliorate this issue and also address the agency problem of diffuse groups. **Sub-governmental institutionalisation.** This is a closed system of policy-making where some actors, such as interest groups, are recognised as legitimate influences. This results in the same actors dominating policy decisions. **Regulatory arbitrage.** A "mismatch of regulatory capabilities and resources with regulating needs" provides opportunities for regulated actors to gain an advantage.[79]
Relational (Governance)	**External: relational political governance featuring overhead agency controls and channel management.** There are several means by which a regulatory body's behaviour can be controlled, e.g. media coverage, actions that affect the reputations of regulators, budgetary controls, etc. **Internal: substitutional governance.** Mitnick argues: "A major theme in explanations of capture relies on replacement of neutral governance by new, stable, and biased role incumbents."[80] An example of this is the "revolving door" whereby political actors become lobbyists for a previously regulated industry. The previous political actor can use their insider knowledge for private advantage. In addition, the potential for future lucrative employment in a particular industry may lead regulators to make more lenient decisions.

76 OECD, n 6.
77 Mitnick, n 72.
78 Adapted from Ibid.
79 Ibid., p.39.
80 Ibid., p.41.

Individual	**Incentive-shaped individual decision making.** If regulators are rational and act consistently in relation to their goals, responding to incentives, their organisations may behave in the same self-interested manner. This may result in the 'iron triangle" model of capture in which the interests of industry, legislators and regulators are aligned. **Implementation slippage.** This may occur when "regulatory performances" are dominated by regulators who identify with, or are responsive to, the industry that they are supposed to be regulating. This may take the form of bribes; regulators may find it easier to have positive working relationships with the industry to simplify their own roles; or regulators that have similar backgrounds to the industry may have the same interests as that industry.
Functional	**Information control and impactedness.** The regulated parties control the information that is needed for decision making. **Competency myths.** These are premised on the superior expertise of the delegated regulatory agent. Mitnick suggests that "it is in the interest of capturing industries to construct their regulators in the image of perfect agents". [81] **"Arational" regulatory process.** The regulatory process can be expensive and time-consuming; these barriers can result in protection for incumbent firms that are already benefiting from the regulatory settings. As Mitnick notes, "the ability to participate extensively in rulemaking and other formalized components of the administrative process gives significant advantages to larger firms", giving them a greater chance of capturing the decision-making process.[82]
Chronical	Mitnick refers to this as "path dependence opportunism" and focuses on state capture.[83] In the transition of centralised economies to market-driven economies, when public property is being privatised and the nature or regulation is changing, actors have different levels of access and receive different benefits.

Elsewhere, researchers led by David Miller have distinguished between 'downstream' and 'upstream' forms of capture. The former refers to "attempts to influence particular policy measures that might directly affect the industry concerned".[84] The latter denotes strategies "influencing the way in which policy decisions might be taken in the future, that is, to influence the agreed procedures by which decisions on particular matters will be taken … ["upstream"] refers to decisions about the architecture of policy decision making as opposed to the content of particular policies."[85]

81 Ibid., p.44.
82 Ibid., p.45.
83 Ibid., p.45.
84 D. Miller, C. Hawkins, M. Schlogl and B. Montague, *Impact of Market Forces on Addictive Substances and Behaviours: The web of influence of addictive industries,* Oxford University Press, 2017.
85 Ibid.

'Strong' and 'weak' forms of capture

Much of the early research about capture stemmed from concerns about regulation.[86] Scholars warned that, contrary to intentions, a government's regulatory activities could end up privileging the interests of the regulated parties over those of the more general public interest.

In the 1950s, the political scientist Marver Bernstein argued that regulators such as the US's Interstate Commerce Commission could be overly influenced by the very firms they are supposed to be regulating, and thus "too easily molded into instruments to protect private interests".[87] Bernstein connected this directly to a potential lack of engagement from ordinary citizens, arguing: "Without the sustained interest of a majority of voters, the public interest is neglected and a regulatory agency is ripe for capture by the regulated groups."

This line of thought, generally going under the heading 'regulatory capture', was taken up by 'Chicago School' researchers and proponents of public choice theory.[88] Their general argument was that regulatory capture was all but inevitable, given that those who seek advantages from regulators will get concentrated benefits from action and will thus have strong motivations to be well-organised and politically effective, while those who will lose out (often, the public as a whole) will face dispersed benefits that will not motivate them to act. Capture may also occur if regulators are dependent on regulated parties for information about the relevant industry, or there is the proverbial 'revolving door' of personnel moving between legislative/administrative posts and industry roles.[89]

The Chicago School were effectively arguing for a 'strong' theory of capture, one in which capture is so pervasive that the public interest is better achieved through no regulation. This view is now generally regarded as having limited empirical support and being incomplete in its depiction of political actors' motivations.[90] Conversely, in a situation of 'weak' capture, the capture exists, and diminishes the public interest, but not so much so that the public would be better off without regulation. Policymakers can take into account, at least to some extent, the fact that some groups will be better organised than others. Groups with more dispersed interests may also be capable of pooling their resources. Some scholars also argue that administrators "are sophisticated producers and sophisticated consumers of information" and can enhance in-house expertise by enlisting outside experts.[91] Most modern research focuses on weak rather than strong capture.[92]

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86 H. M. Gray, 'The passing of the public utility concept', *Journal of Land and Public Utility Economics,* 1940, 16(1), pp.8–20; M. Fainsod, 'Some reflections on the nature of the regulatory process', in C.J. Friedrich and E.S. Mason (eds), *Public Policy Vol. 1.,* Harvard University Press, 1940.

87 M. H. Bernstein, *Regulating Business by Independent Commission,* Princeton University Press, 1955.

88 M. Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups,* Harvard University Press, 1965; G. Stigler, 'The theory of economic regulation', *Bell Journal of Economics and Management,* 1971, 2, pp.3–21.

89 Jean-Jacques Laffont and Jean Tirole, 'The Politics of Government Decision-making: A Theory of Regulatory Capture', *The Quarterly Journal of Economics,* 1991, 106(4), pp.1089–1127.

90 See Steven P. Croley, 'Beyond capture: towards a new theory of regulation', in D. Levi-Faur (ed), *Handbook on the Politics of Regulation,* Edward Elgar, 2011; also C. Carrigan and C. Coglianese, 'Oversight in Hindsight: Assessing the U.S. Regulatory System in the Wake of Calamity', in C. Coglianese (ed) *Regulatory Breakdown the Crisis of Confidence in U.S. Regulation,* University of Pennsylvania Press, 2012.

91 Croley, n 90. See also: P. Sabatier, 'Social movements and regulatory agencies: toward a more adequate – and less pessimistic – theory of clientele capture', *Policy Science,* 1975, 6(3), pp.301–42; and the discussion of policy stability and inertia, which can strengthen the hand of "regular players": P. Sabatier, *Theories of the policy process,* Routledge, 2007.

92 See, for instance: A. Denzau and M. Munger, 'Legislators and interest groups: how unorganized interests get represented', *American Political Science Review,* 1986, 80(1), pp.89–106; R. D. Arnold, *The Logic of Congressional Action,* Yale University Press, 1990.

Challenges in detecting policy capture

The presence of policy capture can be difficult to confirm.[93] As noted by researchers David Francis and Robert Kubinec, “political influence is a social construct, and so it cannot be directly observed”.[94] This is partly because it is difficult to isolate an ‘acceptable’ level of influence. As noted by the OECD, “capture escapes clear-cut legal definitions, and happens in the grey areas between ethics and laws”.[95]

Political scientist Justin Rex draws on social psychology to suggest that regulators are likely to be biased towards an industry when: they identify with the industry or see its individuals as being part of their in-group; they believe they are dealing with people of high social, economic or intellectual status; and/or those they regulate are part of their own social network.[96] Such identification can, however, be difficult to pin down or to identify as policy capture.

Moreover, a causal relationship such as demonstration of protection or preference for one industry does not necessarily amount to proof of capture.[97] If, for instance, a larger company gets their products licensed more quickly than those of a smaller company, this may be because the smaller company incurs a risk premium for being newer or less experienced.[98]

Rex has identified several potential problems in policy-capture scholarship that, in his view, persist despite decades of study.[99] The problems he cites include the fact that the public interest is not always well-defined, capture is treated in an ‘all or nothing’ manner, and the claimed ‘evidence’ of industry influence is sometimes found wanting. On the latter point, Rex notes that policy capture “is often assumed, but evidence of this influence is often lacking, leading to poor diagnoses.”[100] He further argues that researchers “are too quick to allege capture when agencies take actions scholars do not agree with”.[101].

93 Daniel Carpenter, ‘Detecting and Measuring Capture’, in Daniel Carpenter and David A. Moss (eds), *Preventing Regulatory Capture: Special interest influence and how to limit it,* Cambridge University Press, 2013.
94 Francis and Kubinec, n 28, p. 4.
95 OECD, n 6, p.4
96 Rex, n 71.
97 Carpenter, n 93.
98 Ibid.
99 Rex, n 71.
100 Carpenter, n 93.
101 Rex, n 71.

Lobbying regulation in the OECD

In response to the kinds of concerns raised above, most developed countries regulate lobbying with increasing stringency. Broadly speaking, the international consensus among experts is that regulation should address the lobbying that occurs when:

- someone from a reasonably well-resourced organisation
- has formal, premeditated contact
- with an MP, a member of their staff, or a senior public servant
- regarding a government law, policy or award of funds.

Defining lobbyists

Of the above points, the most contentious question is generally the first one: who or what qualifies as a lobbyist.[102] Under the definition used earlier in this report, which captures all individuals or organisations that directly contact decision-makers with a view to influencing them, almost anyone could be a lobbyist.

Typically, though, overseas regimes focus on regulating the most high-intensity, well-resourced or professionalised lobbying. This captures the lobbying that is most likely to distort decision-making, keeps regulation tractable, and ensures 'ordinary' people's interactions with politicians are kept out of the net.

It is not easy, however, to capture only 'professionalised' lobbyists. Australia's system regulates only third-party or consultant lobbyists, but this seems unsatisfactory, as it omits the large volume of lobbying done by in-house 'government relations' staff and others. The Canadian system, meanwhile, tries to capture not just third-party lobbyists but also those in-house staff members within companies, NGOs, etc., who spend more than a certain amount of time lobbying. However, such time-based definitions are very hard to make tractable.

A more attractive regime appears to be the Irish one, which targets lobbyists according to the resources their organisation enjoys. A lobbyist is deemed to be anyone who contacts senior public officials while representing:

- a company with at least 10 staff;
- a "representative" body, e.g. a business peak body, with at least one paid staff member;
- an "advocacy" body, e.g. an NGO, with at least one paid staff member; or
- any third party representing the interests of one of the above organisations.

The regime appears to have operated well since its 2015 inception, there have been no major lobbying scandals since then (compared to a large number before), and the regime is well-supported across Irish society, including by lobbyists themselves.

An alternative definition is deployed in the French system, where the lobbyists of interest (those who have to disclose their lobbying, etc.) are the ones who have more than a certain number of lobbying contacts in a 12-month period. This seeks to capture high-volume rather than well-resourced lobbying per se (albeit the crossover between the two is likely to be large). This could, however, create undesirable loopholes – for instance, a firm may achieve large and unwarranted favours from just one or two contacts with officials.

102 This discussion draws heavily on Rashbrooke, n 15.

Formal and informal lobbying

Most lobbying regulation focusses on premeditated written, electronic and oral communication with senior public officials (sometimes known as 'designated public officials' or DPOs). This captures texts, emails, phone calls and meetings, and premeditated corporate hospitality. In this context, DPOs are members of Parliament (including ministers), certain staff working in their offices, and public servants in tier 1-3 roles (typically, chief executives, deputy chief executives and general managers). These are generally the individuals with the most significant influence over public policy and whose contacts with lobbyists are of particular interest.

This definition does not capture unplanned, chance or spontaneous encounters with public officials, for instance in the Koru Lounge or on the street. Arguably such contacts should fall within scope. But there are practical and philosophical problems in trying to capture them – for instance, one main reason used to reject Sue Kedgley's lobbying bill in 2014 (see next section) was the fact that people could be liable to disclose contacts if they bumped into a minister in the supermarket, and face significant penalties for failing to do so.

Standard mechanisms

Certain regulatory mechanisms are now standard internationally:

- an overarching law to regulate lobbying;
- an online and publicly accessible register of lobbying activity, in which lobbyists (as defined above) must regularly log their contacts with DPOs;
- stand-down (or "cooling-off") periods, typically 1-3 years, during which former public officials cannot become lobbyists;
- codes of conduct for lobbyists (and sometimes for those being lobbied); and
- a regulatory body empowered to oversee and enforce the above mechanisms.

Three of these mechanisms target three of the main potential harms of lobbying. Codes of conduct are designed to help prevent unethical lobbying; stand-down periods are aimed at preventing confidential state information being misused; and lobbying registers should not only allow the public to see if imbalances in access occur but also spur officials to redress those imbalances. International evidence suggests that these measures can increase transparency about lobbying and help curb its less desirable elements. In doing so, such regulation can help protect the integrity of public decision-making and increase public trust in the outcomes of democratic processes.

Lobbying in New Zealand: background

This section outlines recent research and reporting on lobbying in New Zealand, and how the country's (lack of) regulation has evolved in response.

Attempts to regulate lobbying 2012-14

The most notable attempt to regulate lobbying in New Zealand began in 2012, when Green MP Sue Kedgley introduced a Member's Bill on the issue. Kedgley's efforts were spurred by issues such as alleged corporate influence over the then National government and reporting by Nicky Hager on the underhand lobbying tactics of the state-owned enterprise Timberlands.

The Lobbying Disclosure Bill aimed to establish a code of conduct for lobbyists and a register where they would have to file quarterly returns. Both mechanisms were to be overseen by the Auditor-General. The bill defined a 'lobbyist' as anyone who was paid to communicate with a public office holder (an MP, minister, or anyone employed in their office) in an attempt to influence their decision-making.[103]

However, opponents argued the bill had multiple shortcomings, including:

- the failure to include senior public servants as targets of lobbying;
- the potentially disproportionate size of the penalties for non-compliance;
- the inappropriate selection of the Auditor-General as the regulator;
- the intention to regulate not just premeditated encounters between lobbyists and officials but also informal ones; and, above all
- the definition of a lobbyist as someone "paid to communicate" with public office holders, meaning the bill risked capturing literally anyone who was in paid employment and communicating with MPs.

The Attorney-General, Chris Finlayson, argued the bill would constitute a "dramatic over-reach", and "an unacceptable and dangerous limit on freedom of expression". Despite later changes proposed by the Greens, the Government Administration Select Committee, which was examining the bill, eventually recommended in 2014 that it should not proceed.[104]

Subsequent research and reporting

Concern about lobbying did not disappear with the bill, however. For instance, the publication of another Hager work, 2014's *Dirty Politics,* made it clear that anonymous smears by lobbyist Carrick Graham against public-health academics were being published on the Whale Oil site, with a view to discrediting those academics and reducing their ability to push back against unhealthy commodity industries. These anonymous smears were eventually the subject of a settlement and apology from Graham. The Food and Grocery Council was also alleged to have defamed public health academics via Whale Oil, but settled out of court.

103 This section draws heavily on Rashbrooke, n 15, pp.17-23.
104 Ibid, n 15.

In a more academic vein, researchers Thomas Anderson and Simon Chapple published a 2018 paper suggesting the local lobbying industry was relatively well-developed, although the absence of hard data made definitive conclusions impossible. Extrapolating from data on lobbyists with 'swipe card' access to Parliament and other information, Anderson and Chapple concluded that the size and intensity of the New Zealand lobbying market "may more closely resemble that of Australia, for example, than New Zealanders probably like to believe". They also noted the continuing growth in lobbying firms, including those of an explicitly partisan nature, as evidence of a likely wider increase.[105]

Taking a broader sweep, economist Geoff Bertram argued in a 2021 *Policy Quarterly* article that New Zealand's 1980s-era 'Rogernomics' reforms, though ostensibly aimed at reducing policy capture by protected industries, in fact opened the door to even greater capture. "The effect of the changes was not so much to eliminate pre-existing problems of capture and rent-seeking as to reinvent New Zealand as a case study of those pathologies in action, only under different management … From relatively inclusive politics and strong regulatory enforcement, New Zealand shifted towards more extractive institutions and weaker regulation … market power is now exercised by the current business and financial elite."[106] Working with Bertram, researchers Marie Doole and Theo Stephens have investigated regulatory capture in water policy, and proposed mechanisms to counter that capture.

James Gluck, who interviewed third-party lobbyists for his 2022 doctoral thesis, observed that his interviewees justified their stance on two grounds. Firstly, they stressed the "informal" nature of New Zealand politics, arguing that in a small society, contact with MPs was widely available. Secondly, and relatedly, they attempted to "normalise" their activities. Many argued they just "translated" government processes for deserving clients who would otherwise struggle to understand the intricacies of bureaucratic and political processes.[107] (Although as Anderson and Chapple note: "The translator metaphor raises a question of justice: who can and can't afford to pay for 'translation services'? And why, if translation is so important, do public servants, on the other side of the divide, not hire such translators for all citizens, rather than only those who can afford them?")

In 2023, Victoria University's Samuel Becher reviewed the 23 non-governmental submissions on the 2011 NZ Consumer Law Reform Bill's proposals to revise unfair contract terms. The consumer submissions, all in favour of reform, were significantly less professional than the business ones (12 opposing reform and two neutral), being far shorter in length, less likely to have markers of quality like paragraph numbers, and generally boasting much lower presentational quality. Becher suggested these imbalances were "markers of an unlevel regulatory playing field".[108]

The publication of the above papers coincided with growing concerns about lobbyists' influence in the Ardern-Hipkins Labour governments 2017-23. In particular, that government received sustained criticism for repeatedly employing lobbyists as the Prime Minister's chief of staff, allowing them to go through the "revolving door" and potentially use confidential state information for private benefit. In one controversial case, lobbyist Gordon Jon Thompson was briefly Ardern's chief of staff – gaining immense knowledge that could benefit his clients – and did not even step down from his firm for the duration. An even greater outcry was raised when Broadcasting Minister Kris Faafoi went from reading Cabinet papers in July 2022 to being a lobbyist, and thus able to commercialise his knowledge of those papers, just three months later.

105 Ibid.
106 Geoff Bertram, 'Regulatory Capture in Product Markets and the Power of Business Interests', *Policy Quarterly,* 2021, 17(2), pp.35-44.
107 James Gluck, 'Trading in Influence in New Zealand', PhD thesis, Victoria University, 2022.
108 Samuel Becher, 'Ex ante Access to Justice,' *Competition and Consumer Law Journal,* 2023, 30(2), pp.142-148.

Renewed attention in 2023

The most attention-grabbing reporting in this period, however, came in March 2023, when RNZ journalist Guyon Espiner published a series of stories on third-party lobbyists' activities, drawing on thousands of communications obtained under the Official Information Act. His stories suggested disproportionately rapid access for third-party lobbyists, and potentially undue influence. The series showed that:

- publicly funded bodies such as universities and Transpower were spending hundreds of thousands of taxpayers' dollars on lobbying firms, asking them to provide political intelligence on MPs, among other things;
- the Labour government refused to say if the prime minister's chief of staff, Andrew Kirton, had followed conflict-of-interest procedures relating to the alcohol-industry clients for whom he had lobbied immediately prior to entering the Beehive;
- there existed very close relationships between lobbyists and senior public officials, who addressed each other as "mate", "brother" and "comrade";
- at least one lobbyist felt comfortable issuing direct instructions to public officials, telling them that part of a draft bill "needs to be deleted" and getting an immediate response that the relevant official was "on it";
- lobbyists appeared to use their close connections with ministers to get their help in ensuring export barriers were removed for clients the lobbyist represented;
- lobbyists were able to set up meetings for their clients with ministers, and get updates on government policy development, to a far greater extent than ordinary members of the public could; and
- one lobbying firm was employed by the Commerce Commission, and given access to highly sensitive information and commission staff, even though the firm represented clients in the industries the commission was supposed to be regulating.

Although RNZ's reporting did not necessarily prove that lobbyists' influence was disproportionate, it clearly showed their access was far greater than that of others. The close relationships between lobbyists and officials, the rapidity with which requests were responded to, the ease with which lobbyists obtained meetings for their clients, the privileged access to information on the policy process: all this demonstrated an immense degree of access.

The clients in question may have had valid points to make; but many other organisations, unable to afford lobbyists, may have had equally valid points without the same access. And while influence does not always flow directly from access, the latter is nonetheless the precursor to the former.

A limited policy response

Following Espiner's reporting, the prime minister at the time, Chris Hipkins, announced four changes to the provisions around lobbying:

- asking the Speaker to remove lobbyists' swipe cards for the Parliamentary complex;
- asking the Ministry of Justice (MoJ) to work with third-party lobbyists to develop a voluntary code of conduct;
- adding a section to the Cabinet Manual to make it clear that "ministers' conduct and decisions should not be influenced by the prospect or expectation of future employment with a particular organisation or sector"; and
- tasking the MoJ with reviewing lobbying regulations more generally.

But although the Cabinet Manual was duly updated (see below), the rest of the work did not bear any immediate fruit. The MoJ published a proposed draft code of conduct, but groups like Transparency International New Zealand deemed it so watered-down as to be "meaningless", and it appears not to have progressed.[109] Nor has there been any apparent progress on the wider review of lobbying regulations, largely put on hold following the change of government in late 2023.

Debates over swipe card access, meanwhile, have continued. The issue raised by Espiner, and by other reporters before him, was that some 80 or so lobbyists had cards that allowed them to enter the Beehive without passing through security. This was seen as providing privileged access without necessarily a clear justification.

Before we began our research, the latest public reporting on this issue, dating from 2024, indicated that lobbyists' swipe card access had *not* been revoked, despite Hipkins's edict, but that there was confusion as to the new status quo.[110] During our research, however, we were informed by the Office of the Speaker, which controls access to the Parliamentary precinct, that swipe cards were now issued only to people working in Parliament or for other parts of government. In other words, the Speaker was not aware that any lobbyists, or indeed anyone outside of government, possessed a swipe card. The motivation for this change was to enhance MPs' security by limiting access to the Parliamentary precinct.

109 Transparency International New Zealand, 'Submission on the Draft Voluntary Lobbying Code of Conduct', April 2024, p.3.
110 Bridie Witton, 'Access to Parliament to be cut down in wake of growing MP abuse', *Stuff,* 18 April 2024, www.stuff.co.nz/politics/350248523/access-parliament-be-cut-down-wake-growing-mp-abuse (accessed 18 August 2026).

Commodity industry influence

Further light was shed on vested-interest lobbying by a 2024 PhD thesis by Auckland University's Melissa-Jade Gregan, who anonymously interviewed political actors about the strategies they saw deployed by lobbyists for the alcohol, processed food, tobacco and gambling industries.[111]

Key insights from her interviews included:

- <u>Lobbyists go to immense lengths to build relationships with MPs.</u> One journalist said: "A lobbyist will get alongside individual MPs – especially a new MP… when they're first embarking on their parliamentary careers, and no one really cares about them because they're no-one. That's the best time…. And that works in the same way that any human relationship works, in that they work in the same way that intelligence agencies work – what have you got? Vulnerability, motivation, ego, social connection. Those relationships are really important. They will work on those people; invite them out to lunch and those sorts of things. Nothing illegal about it, but that's the way they'll garner influence."
- <u>Importance is placed on lobbying early in the policy process.</u> One Minister told Gregan: "The earlier you get into a process, the more degrees of freedom of outcome there are. If you can get into the manifesto before the government's elected, that's great. If you can get to know the Minister when they're still at primary school, that's excellent. If you leave it till they become the Minister, that's all right. But on a particular issue, don't wait till the draft bill is already at the select committee, because 95% of it is already set in concrete. So, it's like a funnel and you want to get in as early as you can."
- <u>Gifts and sponsorship were provided to MPs.</u> One MP said: "Most Christmases, for example, every MP would receive a six-pack of beer ... In my time, it's normally a six-pack of beer, often advertising a new product would be my impression." A "political informant" told Gregan: "Who sponsors the [New Zealand] Parliamentary Rugby Team and gives alcohol to those events? It's not rocket science. It's the alcohol industry … you'd be naïve to believe that that does not have an influence."
- <u>Lobbyists would use industry events to lobby MPs.</u> One told Gregan: "Somebody in the liquor industry … might talk to the organisers of the event to say, 'At dinner, I'd like to sit beside [MP names themselves], talk about some law changes to the liquor law that we'd like". The MP went on: "During the [2011] Rugby World Cup, the [interest group] organised for dinner and then [to] take you out, watch the game … there were people there from the liquor and gambling industries who were there, and we'd sit around, have drinks, and have a meal. So, people from the liquor industry would talk to me ... It was really, in my case, [they] made the point of talking to me at a small table with drinks beforehand ... One of the advantages they get through sponsorship, they get invited to things where political leaders are invited. That's probably one of their motivations."
- <u>Alcohol and other sponsorship was used to build relationships.</u> One political informant described caucus parties where alcohol was paid for by alcohol interests: "They gave free alcohol to those parties … It's about building a narrative and building a culture, isn't it? If you are in an industry where your product is given free and enjoyed by people, is that going to have some impact on the way that your industry is perceived by lawmakers and media? Absolutely."

111 Melissa-Jade Gregan, *Relationships of Influence? An Institutional Ethnography of Alcohol, Food, Gambling, and Tobacco Lobbying in Aotearoa New Zealand,* thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Population Health, University of Auckland, 2024.

- Lobbyists provide MPs with questions to ask in the House and draft legislation. One MP described a "high-powered" lobbyist who had "come up with a private members bill that [they'd] completely written that I might like to introduce as a private members bill in Parliament. And [they] assured me that was quite a normal thing to do … There are … MPs who just get someone to draw up their private members bills and put them in on behalf of an industry."
- Lobbyists focus much of their efforts upstream. One public servant told Gregan: "One of the reasons industry doesn't bother lobbying backbench MPs most of the time is because they know how weak the select committee system is. And how unlikely it is that a bill would be substantially amended against their interests at the select committee. They [lobbyists] would basically see that their lobbying had failed if a bill contrary to their interests made it as far as the select committee. If, in the event, that such a thing ever happened however, they would lobby furiously but they would only ever bother in those types of circumstances. Most of the time they're focusing their efforts upstream on the officials and the Ministers."
- The pervasiveness of lobbying. Gregan's political informants described a parliamentary environment where lobbyists maintained a "near-constant" presence by hosting and attending events, scheduling regular meetings, and using more informal interactions such as invitations to dinner or drinks, conversations in the corridors of parliament, and even Christmas gifts.
- Lobbying may get around the rules. MPs have to declare gifts and hospitality worth over $500. Accordingly, as one Minister remarked, "If you're a good lobbyist you might find ways to entertain an MP that cost $490."
- Lobbyists make use of their access to the Parliamentary precinct. One ministerial advisor described a lobbyist who used their card "every couple of weeks". The lobbyist "had access to certain floors" and would "sit in Copperfield's, the café where [the politicians] all go, [and] speak to them or their advisors or sometimes hang out by the door and walk with them when they're going somewhere."

Other research

More recently, political scientist Bryce Edwards has begun maintaining a Lobbying & Influence Register that lists a wide array of organisations and seeks to provide transparency about their financial backers, members and interests.[112] The site aims to "assist the public in scrutinising elite political participants. The register details the political activities and influence of companies, lobbying firms, and interest groups … as "sunlight is the best disinfectant" against corruption and the outsized influence of vested interests." Some of those on the register have complained about mistakes in its contents, although Edwards argues they have been quickly fixed.[113]

Finally, in 2026, public health researchers published analysis of the diaries of the Transport Minister and Associate Transport Minister for the period 2017-22. They found that, of the 974 groups listed as meeting with those ministers, 74% were commercial (56% firms and 18% business associations). Among non-commercial groups, citizen groups (9%) and trade unions (7%) were the most common. Overall, commercial groups met with transport ministers about three times as often as non-commercial groups.[114]

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112 The Democracy Project, 'Lobbying & Influence Register', www.democracyproject.org.nz/p/unauthorised-nz-lobbying-and-influence (accessed 19 August 2026).

113 Kelly Dennett, 'The academic ruffling feathers in the political lobbying world', the *Post,* 13 June 2025, www.thepost.co.nz/politics/360719692/academic-ruffling-feathers-political-lobbying-world (accessed 18 August 2026).

114 Caroline Shaw and Katherine Cullerton, 'Who has most access to the top? What 5 years of transport ministers' diaries reveal', the *Conversation,* 16 February 2026, https://theconversation.com/who-has-most-access-to-the-top-what-5-years-of-transport-ministers-diaries-reveal-274732 (accessed 15 August 2026).

The current state of regulation

Despite all the concerns canvassed above, New Zealand remains a developed-world outlier by not regulating lobbying. As Espiner has observed, there is "no lobbying register, lobbyists don't have to reveal their clients, there is no code of conduct and no restrictions on how fast they move between top government jobs and the private sector". [115]

The Cabinet Manual does provide guidance on vested interests, recommending that "care should be taken … to avoid creating a perception that representatives or lobbyists from any one organisation or group enjoy an unfair advantage with the government."[116] However, the Manual does not provide any guidance about how to do this.

The Manual also notes that Ministers "should take care … to ensure that they do not become associated with non-government organisations or community groups where: (a) the group's objectives may conflict with government policy; (b) the organisation is a lobby group; or (c) the organisation receives or applies for government funding." Again, however, the Manual does not define what a "lobby group" is, or what constitutes "associated with".

In addition, the Manual tries to protect against revolving-door issues. It says: "Ministers must ensure that, after leaving office, they do not use any confidential, commercially sensitive, or legally privileged information to which they have had access as a Minister in any way that affects their personal interests or the personal interests of their family, whānau, or close associates, while that information is not generally available to the public." And it adds: "Ministers are entitled to engage in employment after they cease to hold office. While in office, Ministers' conduct and decisions should not be influenced by the prospect or expectation of future employment with a particular organisation or sector."

However, these provisions are not enforceable: by definition, once Ministers have left office, they are no longer bound by the Manual. And of course none of these provisions apply to MPs, ministerial staffers or public servants. Finally, The Controller and Auditor-General has also issued guidelines on conflicts of interest.[117] But none of the above provisions amount to regulation of lobbying in any meaningful sense.

Accordingly, the OECD has critiqued New Zealand's position, writing that the lack of regulation "may favour the lobbying endeavours of larger incumbent firms, potentially leading to an unlevel playing field for younger and smaller firms".[118] In a 2026 publication, the OECD scored New Zealand last out of 50 major economies for the strength of its lobbying regulation.

115 Guyon Espiner, 'Lobbying firms earning hundreds of thousands from contracts with government agencies', *RNZ,* 20 March 2023, www.rnz.co.nz/news/lobbying/486312/lobbying-firms-earning-hundreds-of-thousands-from-contracts-with-government-agencies (accessed 18 August 2026).

116 Duncan and Chapple, n 17, p.7.

117 The Audit Office, 'Auditor General's overview: Managing conflicts of interest. A guide for the public sector', 2020, https://oag.parliament.nz/2020/conflicts (accessed 19 August 2026).

118 OECD, 'Economy-wide highlights: regulation of lobbying activities', www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/product-market-regulation/New%20Zealand_PMR%20country%20note.pdf (accessed 18 August 2026)

Vested-interest lobbying in New Zealand: case studies

As Samuel Becher notes, it is “rather challenging” to prove that particular examples of regulatory or policy capture exist, or establish “the direct impact and results” of lobbying and influence. He writes: “These phenomena are inherently non-transparent and direct data on them is scant (if it exists at all).”[119] We note also Rex’s warning against over-diagnosis of capture.

In what follows, we present local instances of apparent policy capture, or at least decisions being distorted by vested-interest lobbying, as unearthed by previous reporting and research. While the descriptions are brief, we try to buttress each case by pointing to, first, evidence that the lobbying occurred, second, that it was (plausibly) persuasive, and third, that its effects were against the public interest.

119 Becher, n 114.

The SkyCity International Convention Centre

The decision

When soliciting bids to build a new convention centre in Auckland, government ministers negotiated in secret with SkyCity, giving it an advantage that other bidders did not have.

Evidence of lobbying

SkyCity had multiple undisclosed meetings with decision-makers to press their case.

Evidence of impact

SkyCity won the right to build the convention centre, and in exchange for doing so at no cost to the government, it received an extension of its casino licence to 2048 (well beyond its original 2021 expiry), 230 additional pokie machines, an additional 40 tables and other gambling concessions worth an estimated $527 million over 35 years.

Distortion of the public interest

The Auditor-General investigated the deal and concluded: “We do not consider that the evaluation process was transparent or even-handed … SkyCity was treated very differently from the other parties … the steps that were taken were not consistent with good practice principles of transparency and fairness.”[120] The Treasury advised ministers it had “strong concerns that private benefits to SkyCity will exceed public benefits to New Zealanders”.[121] Graeme Ramsey, the chief executive of the Problem Gambling Foundation, told reporters: “There is a very clear correlation between availability of machines and the number of machines and the number of problems ... Research shows for every gaming machine you put in you get 0.8 of a problem gambler, so it’s almost one for one.”[122]

120 The Audit Office, ‘Deputy Auditor-General’s Overview: Inquiry into the government’s decision to negotiate with SkyCity Entertainment Group Limited for an international convention centre’, 18 February 2013, https://ao.parliament.nz/2013/skycity (accessed 19 August 2026).

121 Micky Savage, ‘The SkyCity Deal’, the Standard, 10 February 2015, www.thestandard.nz/the-skycity-deal (accessed 18 August 2026).

122 Rob Stock, ‘A decade of disappointment: The grim, costly saga of the NZ International Convention Centre’, the *Post,* 7 June 2025, www.thepost.co.nz/business/360714622/decade-disappointment-grim-costly-saga-nz-international-convention-centre (accessed 18 August 2026).

The Container Deposit Return Scheme

The decision

A national container deposit return scheme (CRS) for drink bottles and cans, developed over several years and included in Labour's 2020 coalition agreement with the Greens, would have significantly boosted recycling rates of containers and improved environmental outcomes. It was shelved by Cabinet in early 2023 after sustained lobbying from the packaging industry.

Evidence of lobbying

Parts of the packaging industry were strongly opposed to a CRS.[123] In the lead-up to the scrapping of the scheme, the plastics industry had 21 meetings with senior officials while environmental groups had just three.[124] In addition, concerns were raised that prior to becoming Prime Minister Chris Hipkins' chief of staff in February 2023, Andrew Kirton had lobbied on behalf of Asahi and Lion, both of which claimed the scheme would hurt their businesses.[125] [126] [127]

Evidence of impact

Following extensive lobbying from the packaging industry, the government announced it would delay the container return scheme.[128] Hipkins maintained the deferral decision predated Kirton's appointment and that Kirton had discharged his prior lobbying commitments, but acknowledged a need for "transparency and vigilance" around lobbyists and their relationships with politicians.[129] The government's desire not to impose extra costs during a cost-of-living crisis may also have played a role: CRS schemes impose a payment of 10-20c on each container, later recouped by the consumer.

Distortion of the public interest

The scheme had strong evidentiary and public backing: government cost-benefit analysis found society would be better off financially, with an estimated $1.4 billion saved over 30 years and an extra 1 billion containers recycled annually.[130] Polling consistently showed around 80% public support across age groups, regions and party lines.[131]

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123 RNZ, 'Glass industry opposes a beverage container return scheme', 12 May 2021, https://www.rnz.co.nz/national/programmes/ninetonoon/audio/2018795149/glass-industry-opposes-a-beverage-container-return-scheme (accessed 9 September 2026).

124 Cécile Meier, 'Relentless lobbying delayed recycling policy', *BusinessDesk,* 30 October 2023, https://businessdesk.co.nz/article/environment/relentless-lobbying-delayed-recycling-policy (accessed 28 March 2024).

125 Guyon Espiner, 'Prime Minister's chief of staff Andrew Kirton led lobbying firm that fought against reforms now binned by Chris Hipkins', *RNZ,* 21 March 2023, www.rnz.co.nz/news/lobbying/486382/prime-minister-s-chief-of-staff-andrew-kirton-led-lobbying-firm-that-fought-against-reforms-now-binned-by-chris-hipkins (accessed 18 August 2026).

126 Anna Rawhiti-Connell, 'Is it time for more transparency on lobbyists?', the *Spinoff,* 21 March 2023, www.thespinoff.co.nz/the-bulletin/21-03-2023/is-it-time-for-more-transparency-on-lobbyists (accessed 18 August 2026).

127 RNZ, 'Hipkins confident Kirton had cut ties with lobbying firm before taking up role as Chief of Staff', 20 March 2023, www.rnz.co.nz/national/programmes/morningreport/audio/2018882618/hipkins-confident-kirton-had-cut-ties-with-lobbying-firm-before-taking-up-role-as-chief-of-staff (accessed 18 August 2026).

128 RNZ, 'Prime Minister Chris Hipkins responds to revelations chief of staff led lobbying firm', 20 March 2023, www.rnz.co.nz/news/political/486390/prime-minister-chris-hipkins-responds-to-revelations-chief-of-staff-led-lobbying-firm (accessed 18 August 2026).

129 Ibid.

130 Carbon News, 'Ditched container return scheme means ordinary Kiwis pay', 24 March 2023, www.carbonnews.co.nz/news/27295/story (accessed 19 August 2026).

131 News Wire, 'NZ First MP Jamie Arbuckle Tables Container Return Scheme Bill With 20 Cent Deposit and Promised $50 Million Annual Saving to Councils', 11 May 2026, https://newswire.co.nz/2026/05/nz-first-mp-jamie-arbuckle-tables-container-return-scheme-bill-with-20-cent-deposit-and-promised-50-million-annual-saving-to-councils (accessed 18 August 2026).

The gas connection ban

The decision

In 2021, the Climate Change Commission's draft advice recommended ending new residential gas connections by 2025 to reduce long-term household energy costs and emissions. The proposal was dropped before reaching legislation.

Evidence of lobbying

The industry body, Gas New Zealand, told an international fossil fuel forum (the World LPG Association) that it claimed credit for killing the proposed ban, presenting its campaign as a model for other jurisdictions seeking to avoid regulation.[132] It claimed to have achieved this through a mix of public campaigning and direct discussions with ministers and officials.

Evidence of impact

A modified version of the draft recommendation made it into the commission's final advice to the government, but without any deadline to take effect. The government's subsequent Emissions Reduction Plan excluded any ban. The industry body attributed that to its lobbying, although Prime Minister Christopher Luxon disputed the scale of the industry's influence.[133]

Distortion of the public interest

From 2024, new gas connections have been banned in new homes and government buildings in the Australian state of Victoria. Officials there have said it made no sense to keep connecting homes to gas when gas prices would keep rising, while renewable electricity got cheaper. Australian doctors also welcomed the move, citing the link between indoor gas stoves and asthma. Gas and "hydrogen-ready" boilers are also in line to be banned from newly-built homes in England from 2025.[134]

In addition, the proposal was designed to protect new homeowners from being locked into rising gas bills. All this suggests the Climate Commission's proposal was in the public interest.

132 Eloise Gibson, 'Gas industry boasts about killing proposed ban with lobbying', *RNZ*, 25 September 2024, www.rnz.co.nz/news/national/528952/gas-industry-boasts-about-killing-proposed-ban-with-lobbying (accessed 19 August 2026).
133 Ibid.
134 Ibid.

Offshore oil and gas drilling rules

The decision

The National-led coalition government weakened clean-up and liability rules for ageing oil fields. These rules had been introduced after the 2019 Tui Oil Field collapse left taxpayers with a $300 million bill.

Evidence of lobbying

Internal documents showed Resources Minister Shane Jones was repeatedly lobbied by the sector (including OMV, Todd Energy and Methanex) to dilute clean-up rules for ageing oil fields. Fossil fuel companies were given privileged, insider access to confidential legislative drafts over a two-year campaign.[135] This was even though some of the oil executives concerned had themselves been closely involved in the Tui disaster. Officials ran closed-door workshops with industry ahead of ministerial decisions, circulated draft policy to them "in confidence," and incorporated several company requests directly into the working legislative text.[136]

Evidence of impact

One internal briefing noted that OMV "intend to convey their thanks for the changes", even though the legislation was not yet public or signed off by Cabinet. This indicated industry was aware in advance that its requests had been incorporated. The final bill replaced automatic trailing liability with ministerial discretion, empowering the resources and finance ministers to decide case-by-case whether former operators must pay for clean-up.[137]

Distortion of the public interest

Critics such as Greenpeace's Russel Norman noted that the decision reopened a legal loophole that could again leave taxpayers covering clean-up costs.[138] The lobbying effectively rolled back a safeguard adopted in direct response to a cost the public had already borne.

135 Kirsty Johnson, 'How the oil and gas industry helped rewrite New Zealand's drilling rules', *RNZ,* 25 November 2025, www.rnz.co.nz/news/politics/579888/how-the-oil-and-gas-industry-helped-rewrite-new-zealand-s-drilling-rules (accessed 19 August 2026).

136 Ibid.

137 Ibid.

138 Ibid.

The Plimmerton Farm land deal

The decision

In 2023, state housing agency Kāinga Ora agreed to purchase 587 build-ready lots and 19 apartment "superior lots" from a private developer, the Gillies Group, as part of the Plimmerton Farm housing development near Porirua.

Evidence of lobbying

Property developer KM & MG Holdings (Gillies Group) engaged lobbying firm Silvereye in 2021 specifically to lobby the Labour government into purchasing land for state house building.[139] The arrangement included a contingency success fee: the developer originally offered Silvereye 1.5% of the deal's value ($1.89 million) if successful, while Silvereye's managing director pushed for 2%.

Evidence of impact

The lobbying was successful: in September 2023, the government approved the land supply agreement with Gillies Group. When the deal was completed, Silvereye invoiced Gillies for $3,277,500, a fee scaled directly to the size of the public agency's eventual purchase.[140]

Distortion of the public interest

In this case, the concern is less about the public agency's decision (which may or may not have been in the public interest) and more about the enormous success fee. Another lobbyist, Holly Bennett of Awhi, called it "an affront to decent society," noting her own firm does not charge success fees.[141] She argued that having a fee tied to the value of a public procurement decision creates a direct financial incentive for the lobbyist to secure the largest possible public spending, independent of whether that spend represents good value for the taxpayer. Other commentators framed it as illustrating "the price of political access in New Zealand."[142]

139 Bryce Edwards, 'The price of political access in New Zealand', *Point of* Order, 4 March 2026, https://pointofordernz.wordpress.com/2026/03/05/the-price-of-political-access-in-new-zealand/comment-page-1/ (accessed 18 August 2026).

140 Ibid.

141 BusinessDesk, 'Silvereye's $3.2m success fee claim "an affront to decent society", lobbyist says', 27 February 2026, https://businessdesk.co.nz/article/policy/silvereyes-32m-success-fee-claim-an-affront-to-decent-society-lobbyist-says (accessed 19 August 2026).

142 Edwards, n 139.

Delays in folic acid fortification

The decision

In 2007, New Zealand and Australia jointly agreed to mandate folic acid fortification of bread flour to reduce neural tube defects such as spina bifida. New Zealand did not implement this until 2021 – 14 years later than planned, and 12 years after Australia.

Evidence of lobbying

The Food & Grocery Council, representing bread and flour manufacturers, maintained sustained opposition over a long period of time. An interviewee for this report argued that industry had been "the dominant voice" in policy discussions about fortification (see p.75). The council even claimed the proposal was "mass medication" that could, among other things, cause cancer.[143] This was despite a comprehensive, peer-reviewed scientific review by the Prime Minister's Chief Science Advisor concluding that fortification of packaged bread had "compelling" benefits, and there was "no evidence of harmful health effects of folic acid supplementation in adults, at least at low doses in the range suggested for fortification".[144]

Evidence of impact

A 2023 peer-reviewed case study argued: "At the last minute, industry lobbying led to the New Zealand government not proceeding with fortification."[145] By contrast, fortification was fully implemented in Australia in 2009.

Distortion of the public interest

Australia's fortification programme has resulted in a significant reduction in neural tube defects: 14% overall, and 74% for indigenous women.[146] The decade in which New Zealand did not pursue fortification meant preventable birth defects continued to occur at a higher rate than necessary here. In 2019, the Ministry for Primary Industries estimated that as many as 180 pregnancies affected by a neural tube defect could have been prevented if mandatory fortification had gone ahead. More than half of such pregnancies are terminated or result in stillbirths.[147] An interviewee for this report argued that the fortification delay had led to increased child deaths and disability (see p.75).

143 Nicholas Jones, 'Why folic acid will be added to bread-making flour, what took so long, and the children already lost', *New Zealand Herald*, 8 July 2021, https://www.nzherald.co.nz/nz/big-read-why-folic-acid-will-be-added-to-bread-making-flour-what-took-so-long-and-the-children-already-lost/JXLXOE5N54733YS2PAQL7VCAMU/ (accessed 9 September 2026).

144 Ibid.

145 Lyall Thurston, Barry Borman and Carol Bower, 'Mandatory fortification with folic acid for the prevention of neural tube defects: a case study of Australia and New Zealand', *Child's Nervous System*, 2023, 39, pp.1737–1741.

146 Ministry for Primary Industries, 'Review of folic acid fortification of food', New Zealand Government, www.mpi.govt.nz/consultations/review-of-folic-acid-fortification-of-food/ (accessed 19 August 2026).

147 Ibid.

Health Star Ratings

The decision

The joint Australia–New Zealand Health Star Rating (HSR) front-of-pack food labelling system – in which the 'healthiness' of foods is rated from 0.5 to 5 stars – is regarded by experts as inadequate for multiple reasons. It is voluntary, uptake is overall low, and manufacturers are much more likely to put ratings on healthier items, indicating it is used more as a marketing than an informational tool. It can also be easily manipulated to make unhealthy food appear healthy. A 2026 decision by Australasian food ministers to move toward a mandatory system was opposed by New Zealand's Food Safety Minister, Andrew Hoggard. The proposal for mandatory labelling has nonetheless undergone Australasian consultation, but it is unclear if it will be adopted at a meeting of food ministers scheduled for 2027, or how New Zealand will respond.

Evidence of lobbying

Analysis from Victoria University of Wellington researchers notes that any regulation of the food industry "is likely to be resisted by its strong and well-organised lobbying power".[148] The system's original advisory group included substantial representation from major food manufacturers. Reporting on the issue has also highlighted extensive industry lobbying and the way that public health experts were, on some occasions, left "out in the cold". [149]

Evidence of impact

In February 2026, a majority of state- and national-level food ministers across Australia and New Zealand voted to progress mandatory HSR labelling. However, Hoggard voted against progressing the proposal. This apparently reversed his earlier position of not opposing mandatory labelling, for reasons that have not been publicly explained.[150]

Distortion of the public interest

Uptake of the system by manufacturers has consistently missed voluntary targets: only 36% of eligible packaged products display Health Stars, against a 70% target set for November 2025.[151] The system's voluntary nature has allowed manufacturers to manipulate it: a widely cited example is a chocolate milk powder that scored 4.5 stars based on a serving prepared with skim milk, versus just 1.5 stars in its raw, high-sugar powdered form. Consumer groups have accused the system of allowing manufacturers to carry out "health washing" of unhealthy products.[152] Experts have also argued that the voluntary system particularly fails low socio-economic status consumers.

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148 Jessica C. Lai, Alana Harrison, Hongzhi Gao and Samuel Becher, 'Why the Australasian Health Star Rating needs major changes to make it work', the *Conversation,* 18 June 2019, https://theconversation.com/why-the-australasian-health-star-rating-needs-major-changes-to-make-it-work-114581 (accessed 18 August 2026). See also: Rachel Judkins, 'Is the health star system past its use-by date?', the *Spinoff,* 28 April 2024, https://thespinoff.co.nz/kai/29-04-2024/is-the-health-star-system-past-its-use-by-date (accessed 19 August 2026).

149 Adam Dudding, 'The new food wars', *Sunday Star-Times,* 13 March 2012, https://www.stuff.co.nz/sunday-star-times/6556052/The-new-food-wars (accessed 10 September 2026).

150 Public Health Communication Centre Aotearoa, 'Making Health Star Ratings on foods mandatory – a big plus for public health', 19 June 2026, www.phcc.org.nz/briefing/making-health-star-ratings-foods-mandatory-big-plus-public-health (accessed 19 August 2026).

151 Ibid.

152 Jordan Barnes, 'Nestle Australia downgrades Milo's Health Star Rating after controversy', *Malay Mail,* 6 March 2018, www.malaymail.com/news/eat-drink/2018/03/06/nestle-australia-downgrades-healthy-rating-on-milo-video/1591603 (accessed 16 August 2026).

Farmers' climate emissions

The decision

Multiple governments have decided not to require farmers to pay the costs of their climate pollution, or to delay any requirement indefinitely. This was most notably seen in the collapse of the He Waka Eke Noa agreement with the sector under the last Labour government. This is despite strong scientific evidence and persuasive political arguments that farmers should pay at least part of the cost of their pollution.

Evidence of lobbying

The RNZ series 'Crown vs Cow' detailed how farmers' advocacy groups, even while appearing to work with government on He Waka Eke Noa, were lobbying against it.[153]

Evidence of impact

RNZ summarised its 'Crown vs Cow' series as revealing "the full story of how the agriculture industry lobbied its way out of paying a climate tax, again". During the key year when legislation was being debated, farming interests met the prime minister, Jacinda Ardern, at least seven times, while Ardern met just once with the heads of the country's environment groups, diary entries show.[154] Farming interests were able to bypass individual ministries (and their objections) by appealing directly to the prime minister. In some instances, drafts of Cabinet papers were shared with farming leaders before they were seen by ministers.

Distortion of the public interest

The exemption of farmers from paying the costs of their climate pollution is typically defended mainly on two grounds. Firstly, the emissions are mostly methane, a shorter-lived gas than carbon dioxide. However, as scientists point out, methane has contributed most of New Zealand's global warming so far – more than twice as much as carbon dioxide. And although methane leaves the atmosphere quickly, it is a very potent warming agent in the short term (much more so than carbon dioxide); reducing it would reduce warming rapidly too.[155]

Secondly, New Zealand farmers argue that they are highly efficient producers of food, and requiring them to pay for their pollution would reduce production here, shifting it to other countries with higher emissions (per unit of food produced). However, research shows that even just looking at production itself, Australian farmers are more efficient.[156] In addition, once the emissions of transporting New Zealand food to other countries are factored in, the UN has estimated that, for instance, the average emissions of sheep meat in Europe, the OECD and Australia/New Zealand (combined) "are more or less the same".[157] Furthermore, it is difficult for New Zealand to credibly say that it can exempt the source of half its overall emissions from any action on climate change.

153 Kirsty Johnson, 'Crown vs Cow: The inside story of how we failed to regulate our worst climate polluter', *RNZ,* 17 August 2023, www.rnz.co.nz/programmes/in-depth-special-projects/story/2018902262/crown-vs-cow-the-inside-story-of-how-we-failed-to-regulate-our-worst-climate-polluter (accessed 17 August 2026).

154 Ibid.

155 Ibid.

156 Amanda Larsson, 'Is New Zealand dairy farming the most efficient in the world?', Greenpeace, 9 June 2025, https://www.greenpeace.org/aotearoa/story/is-new-zealand-dairy-farming-the-most-efficient-in-the-world/ (accessed 19 August 2026).

157 John Sleigh, 'NZ research claimed food miles added few emissions to meat', the Scottish Farmer, 6 December 2022, https://www.thescottishfarmer.co.uk/news/23170801.nz-research-claimed-food-miles-added-emissions-meat/ (accessed 19 August 2026).

The repeal of the Smokefree Generation laws

The decision

In November 2023, the newly elected government announced it would repeal Labour's 'Smokefree Generation' laws that were designed to achieve New Zealand's smokefree targets. The laws had included reducing the nicotine content of tobacco to non-addictive levels, making it illegal to sell tobacco products to anyone born after 2009, and reducing tobacco retail outlets from approximately 6,000 to 600. Many New Zealanders were startled by a repeal that had been barely mentioned in New Zealand First's manifesto – all the more so given that National had said it would retain large parts of Labour's policy. The coalition, separately, introduced tax breaks for heated tobacco products.

Evidence of lobbying

Two former senior New Zealand First officials have taken up external relations roles at tobacco company Philip Morris International (PMI). New Zealand First minister Shane Jones described one of them as a "long term associate and friend" and someone from whom he took policy "soundings".[158] This is despite World Health Organisation rules largely prohibiting decision-makers from engaging with tobacco-industry lobbying.

Previously, in 2019, internal documents from US vaping company JUUL showed the company had identified and targeted New Zealand MPs and officials seen as "potential allies". Other documents from JUUL, which is part-owned by tobacco company Altria, showed PMI had given a draft piece of vaping regulation to New Zealand First, which "put it in the policy mix". The documentation described Jones as someone who "supports companies that support him. Known to respond to relationship building on the part of companies." The documents also argued that JUUL staff "should not worry about" the potential for New Zealand First leader Winston Peters to over-ride Jones. "Any regulation he champions is likely to be very industry friendly and highly geared towards commercial interests in the sector."[159]

Meanwhile, a leaked 2017 internal PMI document indicated the tobacco company had targeted, among others, New Zealand First to secure favourable regulation for its heated tobacco products.

158 Melissa-Jade Gregan, Janine Wiles, Vili Nosa, Erena Wikaire and Peter Adams, 'Tobacco industry interference and WHO FCTC Article 5.3 implementation in Aotearoa New Zealand: A qualitative analysis', *Tobacco Control,* 2026, Epub ahead of print.

159 Ibid., p.3.

Evidence of impact

Because much of the lobbying may have occurred during the formation of New Zealand First's manifesto, a process outside the ambit of state transparency laws, it is not possible to draw definitive conclusions. However, in July 2024, the coalition government approved a 50% tax cut on PMI's heated tobacco products, acting on the advice of another New Zealand First minister, Casey Costello. Costello's office was also responsible for producing a document, sent to health officials, that repeated inaccurate tobacco-industry talking points; Costello has been unable to account for its genesis.[160]

Distortion of the public interest

The government was advised that the repeal would have a "disproportionately negative impact" on Māori, Pacific Peoples and low socio-economic groups. Official modelling suggested the Smokefree Generation policies would have achieved New Zealand's Smokefree 2025 goal by 2027 for Māori, compared with 2061 without them.[161]

Regarding the heated tobacco products tax cut, officials warned that it would solely benefit PMI, which holds a monopoly on these products in New Zealand. This was despite health officials' view that there was no strong evidence either that the products were an effective smoking cessation tool or significantly safer than cigarettes.[162]

160 Guyon Espiner, 'Chief Ombudsman criticises Costello over withholding tobacco documents', *RNZ,* 19 September 2024, https://www.rnz.co.nz/news/politics/528429/chief-ombudsman-criticises-costello-over-withholding-tobacco-documents (accessed 9 September 2026).

161 Gregan et al., 'Tobacco industry interference', p.1.

162 Espiner, 'Chief Ombudsman criticises Costello'.

The Waikato Medical School

The decision

The Government proceeded with funding a new medical school at the University of Waikato.

Evidence of lobbying

Emails uncovered by RNZ's Guyon Espiner showed Waikato Vice-Chancellor Professor Neil Quigley working closely with National's then-health spokesperson Shane Reti to shape the policy well before the 2023 election, at one point describing an early intake of Waikato medical students as "a present" for a future National government.[163] The university paid Jacinda Ardern's former chief of staff Neale Jones a retainer to lobby Labour from 2020 to 2023, then turned to former National finance minister Steven Joyce once Jones judged Labour "a lost cause". Joyce's firm was eventually paid around $1 million over three years.[164] Vice-Chancellor Quigley hand-picked Joyce's firm without a competitive tender, bypassing the university's own procurement rules.[165]

Evidence of impact

The proposal was added to the incoming National-led government's 100-day plan in late 2023, and Cabinet approved funding for the school in July 2025. Joyce had advised the university to run a public pressure campaign to "shame" the Government into backing the project, on the basis that governments shift position when seats are at stake.[166]

Distortion of the public interest

An independent analysis commissioned by the deans of the Otago and Auckland medical schools found that expanding the two existing schools could add around 300 more medical student places, with only minor capital spending, faster than Waikato's school could produce its first graduates in 2030.[167] Auditor-General John Ryan publicly criticised the university's no-tender appointment of Joyce's firm, saying it "does not seem to appreciate that it is accountable to Parliament and the public" for how it spends public money, and that no adequate explanation had been given for the contract.[168] Cabinet approved the project despite warnings from Treasury, the Tertiary Education Commission and the Ministry of Education. The project's final business case claimed to show it was better value for money than expanding existing medical schools, but only because Waikato's courses would be shorter.

163 Guyon Espiner, 'University of Waikato boss referred to new medical school as a 'present' for future National government', *RNZ*, 5 September 2023, https://www.rnz.co.nz/news/politics/497281/university-of-waikato-boss-referred-to-new-medical-school-as-a-present-for-future-national-government (accessed 19 August 2026).
164 Ibid.
165 Bryce Edwards, 'Lobbying for Waikato's Medical School causing problems for the Govt', Democracy Project, 16 May 2024, https://democracyproject.nz/2024/05/16/bryce-edwards-lobbying-for-waikatos-medical-school-causing-problems-for-the-govt/ (accessed 19 August 2026).
166 Espiner, n 163.
167 Faculty of Medical and Health Sciences, 'PwC report: Existing med schools could train hundreds more doctors', Auckland University, 1 August 2024, www.auckland.ac.nz/en/news/2024/08/01/auckland-otago-med-schools-could-train-300-more-doctors.html (accessed 18 August 2026).
168 John Ryan, 'Procurement of services by the University of Waikato', Office of the Auditor-General, 3 May 2024, https://ao.parliament.nz/2024/university-of-waikato (accessed 19 August 2026).

KiwiSaver withdrawal rules

The decision

In 2026, the government amended the KiwiSaver Act to allow people to use their KiwiSaver accounts for first-time farm purchases and to exempt farm and other service-tenancy workers from the requirement to live in a first home purchased with KiwiSaver funds.

Evidence of lobbying

Federated Farmers told reporters: "We're immensely proud to have led the charge on this issue, advocating for a change to the KiwiSaver rules for three long years."[169]

Evidence of impact

The Ministry for Business, Innovation and Employment (MBIE) advised ministers: "The proposals have arisen out of lobbying from the farming sector (specifically Federated Farmers) and seem to be based on anecdotal observation more than evidential analysis."[170] In addition, the decision appeared to be a specific policy delivered largely as requested. The proposed amendments were sparked by a Member's Bill from National MP Suze Redmayne, following a campaign promise that Federated Farmers say Todd McClay made in Morrinsville on the eve of the 2023 election.[171]

Distortion of the public interest

MBIE explicitly recommended against the change and documented an absence of evidence for it. Officials found no evidence the proposals were "a more effective way to support the farming sector into farm ownership than other possible interventions," and noted analysts were "unable to find evidence to indicate the scale of this issue" for service-tenancy workers. The tight delivery timeframe meant these evidentiary gaps "cannot be filled".[172] Separately, officials warned the change would create inequities and risk poorer retirement outcomes.[173] The Financial Services Council warned that "weakening withdrawal rules sends a contradictory message that risks trust, participation and long-term savings behaviour" in a scheme intentionally designed to be protected from short-term raids.[174]

169 Farmers Weekly, 'Federated Farmers hails KiwiSaver win for young farmers', 1 March 2026, www.farmersweekly.co.nz/news/federated-farmers-hails-kiwisaver-win-for-young-farmers (accessed 19 August 2026).

170 Mandy Te, 'As the Government plans to allow KiwiSaver withdrawals for farms and exempt service tenants from living in their first home, MBIE analysis says "proposals have arisen out of lobbying from the farming sector"', *Interest.co.nz,* 18 March 2026, www.interest.co.nz/public-policy/137687/government-plans-allow-kiwisaver-withdrawals-farms-and-exempt-service-tenants (accessed18 August 2026).

171 Jenée Tibshraeny, 'KiwiSaver withdrawal rules to be changed to help farmers, diplomats and soldiers buy their first homes', *Herald,* 1 March 2026, www.nzherald.co.nz/business/personal-finance/kiwisaver/kiwisaver-rule-change-to-help-farmers-diplomats-and-soldiers-buy-their-first-homes/XKYHYACO3FD7XKNDZ4RO7XTNPA/ (accessed 19 August 2026).

172 Te, n 170.

173 Andrew Bevin, 'Rural KiwiSaver changes will come back to bite, officials warn', *Newsroom,* 18 March 2026, https://newsroom.co.nz/2026/03/18/rural-kiwisaver-changes-will-come-back-to-bite-officials-warn/ (accessed 18 August 2026).

174 Tibshraeny, n 171.

The Mike Smith court case

The decision

In August 2026, the government passed legislation to block 'tort' lawsuits (civil claims of harm) against major climate pollution emitters. At the time, activist Mike Smith had just such a claim in process.

Evidence of lobbying

The government's decision came after lobbying by major emitters including Z Energy and Fonterra. Most notably, the companies provided documents via a private email address, and in hard copy, to the prime minister's chief policy advisor, Matt Burgess. These documents were not released in response to Official Information Act (OIA) requests, something the Ombudsman found "unreasonable".[175]

Evidence of impact

The decision to bar such tort claims was precisely what was sought by Fonterra and Z Energy. However, ministers have downplayed the impact of that lobbying, arguing that the government was committed to changing the law regardless.[176]

Distortion of the public interest

There has been widespread criticism of the practice of providing lobbying documents in a manner that almost guarantees they will not turn up in OIA requests. On the substantive points, the government has argued the law change was required to provide certainty on climate policy, and that Smith's case threatened to set up a "parallel" system for creating said policy, something that is beyond the courts' remit. However, legal experts have argued that legislating over the top of an existing court case is profoundly undemocratic. Justice officials also explicitly told ministers not to proceed.[177]

In addition, the companies' claims about the possible negative effects of Smith's case have been dismissed by legal experts as "hyperbolic" and misleading. The bar on Smith's action could also have far-reaching negative consequences, experts argued. "It would effectively impose a total restriction on anyone's ability to bring a claim for damages caused by any event where climate change is a contributing factor," Jenny Cooper KC told a select committee.[178]

175 RNZ, 'Watchdog finds decision by Prime Minister's Office about official information request "unreasonable"', 1 July 2026, https://www.rnz.co.nz/news/politics/649997/watchdog-finds-decision-by-prime-minister-s-office-about-official-information-request-unreasonable (accessed 9 September 2026).

176 Louis Collins, '"This isn't Hogwarts": Vanishing lobbying distracts from Government's budget narrative', *RNZ,* 27 May 2026, https://www.rnz.co.nz/news/politics/596506/this-isn-t-hogwarts-vanishing-lobbying-distracts-from-government-s-budget-narrative (accessed 9 September 2026).

177 Lilian Hanly, 'Officials told government not to intervene in a climate court case', *RNZ,* 27 May 2026, https://www.rnz.co.nz/news/politics/596461/officials-told-government-not-to-intervene-in-a-climate-court-case (accessed 9 September 2026).

178 Kate Newton, 'Emitters' claims that court case would shut them down are "hyperbolic"', *RNZ,* 14 July 2026, https://www.rnz.co.nz/news/environment_climate/717116/emitters-claims-that-court-case-would-shut-them-down-are-hyperbolic (accessed 9 September 2026).

Interviews with political actors

As a core element of our research, we interviewed 36 current and former political actors: people who are or were serving as Cabinet ministers, MPs, ministerial staffers and public servants. This helped fill a gap in existing research. There is not much literature on lobbying in New Zealand, and where it does exist, with a few exceptions it tends to focus on the *lobbyists* (those doing the lobbying). There is little attention given to the *lobbied* (those on the receiving end of the lobbying). This seems an oversight, as the targets of lobbying are likely to have useful insights about the tactics employed, the ends sought, the extent to which lobbying is benign or concerning, and (where it is the latter) what should be done about it.

Political actors will, of course, have their own biases. They are often drawn from the same socio-economic and professional backgrounds as the people lobbying them, and indeed may be connected to the latter through family, friendship, and past work experience. If lobbying is regarded as simply ‘part of how things are’, political actors may not perceive it clearly, just as the proverbial fish is said not to perceive the water in which it swims. Our interviewees may also have wished to appear virtuous to us, and thus had an incentive to minimise the effects that lobbying had on them.

As with any source, then, our interview material must be regarded critically, and should be juxtaposed against other sources, including data on ministerial meetings, reportage on possible instances of policy capture, and analysis from those outside government. Nonetheless we believe it constitutes a valuable and sometimes illuminating source of information about how lobbying operates in New Zealand.

Interview data

A central challenge in researching lobbying is the difficulty of obtaining reliable data. The benefits secured by interest groups in exchange for lobbying services are rarely observable, and it is often difficult to establish a causal connection between lobbying activity and specific policy outcomes. Hence our focus here on carrying out interviews in order to identify perceptions and reported experiences of influence.

While the evidence does not allow us to determine definitively if particular political connections caused particular policy outcomes, it does allow us to examine correlations and recurring themes. These primary data provide an important basis for assessing the risks of policy influence and for informing the recommendations that follow.

The interviews were conducted primarily between March and June 2026. We first wrote to all 123 Members of Parliament in the 54th New Zealand Parliament, inviting them to participate in the study. This initial recruitment process resulted in interviews with 16 current Members of Parliament and one written response. Participants were drawn from across the political spectrum, with representation from parties representing the left, centre-left, centre, centre-right and right. Table 1 summarises the party affiliation of the current MPs who participated.

Table 1: Responses from current MPs

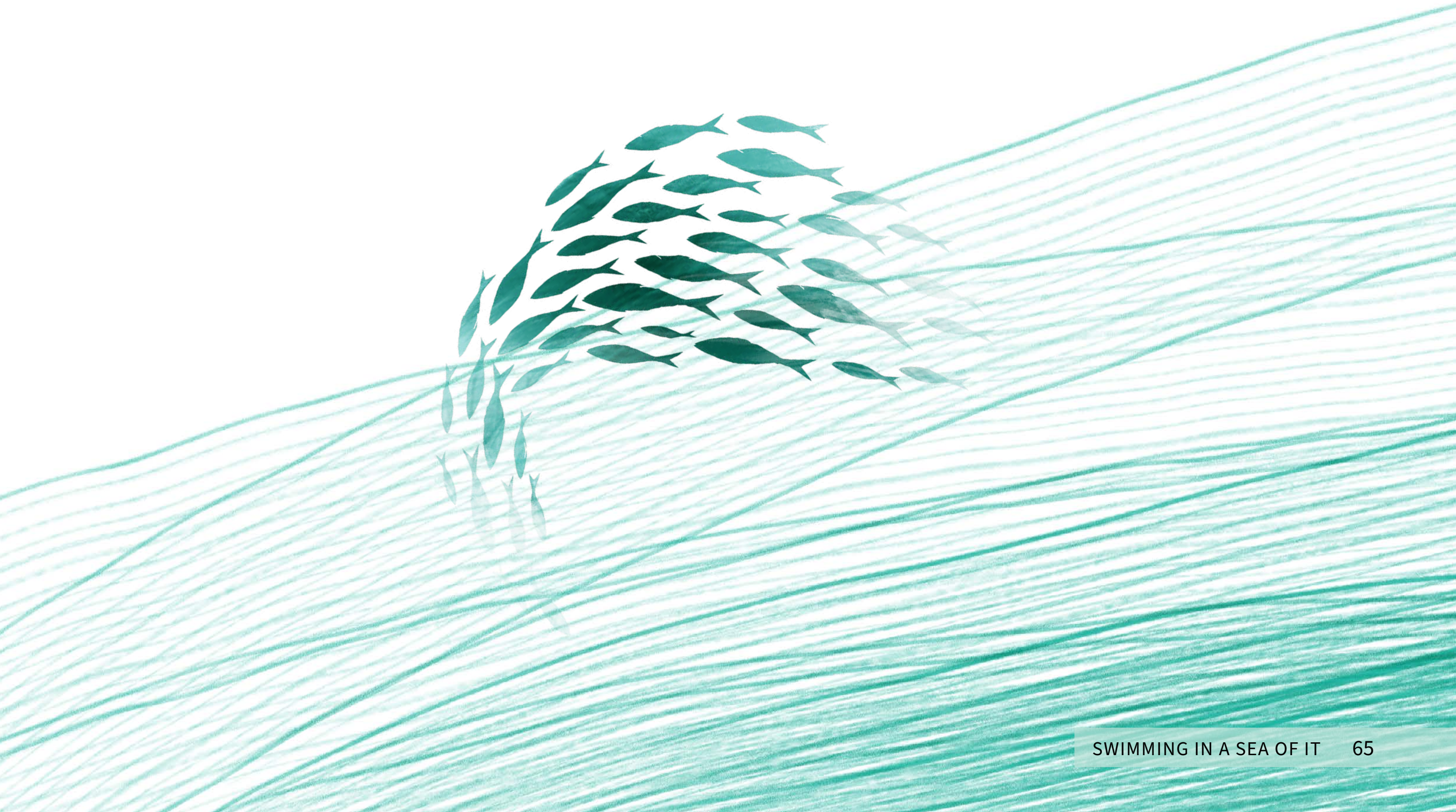
ACT	1
Green Party	3
Labour Party	5
National Party	7
New Zealand First	1
Total	**17**

In addition to contacting MPs directly, we used professional networks to identify other participants with relevant experience of lobbying and policy influence. This snowballing approach generated interviews with five senior former MPs, one senior former regulator, two ex-public servants, and 11 former ministerial staffers. The latter were all ‘political’ staffers (that is, senior advisers and the like) rather than secondees from departments or administrative staff. The relative dearth of public servants may stem from our snowballing approach and from the confidentiality requirements the former face; either way, carrying out more interviews with (former) public servants would be a valuable avenue for further research.

In total, the study draws on 36 interviews. Ethics approval was obtained from the authors’ home university. Interview notes were coded inductively using NVivo 14.

The interviews were semi-structured and typically lasted between 30 and 60 minutes. Appendix I sets out the indicative questions used to guide the interviews. Consistent with a semi-structured approach, our follow-up questions varied according to participants’ roles, experiences and responses, allowing interviewees to elaborate on issues that were most relevant to their own experience of lobbying.

The following sections present the interview data. To protect anonymity, participants are identified only at a broad level: current MP (MP-C), ex-MP (MP-E), former Ministerial Staffer (MS), or former Public Servant (PS). Each interviewee is assigned a number, for clarity of reporting. Where it was necessary to cite a particular example of lobbying, we have removed details that could identify the interviewee, replacing them with generic identifiers such as ‘company X’ or ‘government agency X’. Appendix II indicates the political leaning for each interview participant.



Methodological considerations

Different definitions of lobbying were explored during our interviews. As per the definition set out above, we focussed almost exclusively on *direct* contacts with decision-makers, although we were open to interviewees raising wider, more *indirect* influence strategies, including use of the media and campaigns to shift public opinion.

In terms of who counts as a 'lobbyist', our initial question to interviewees generally encouraged them to talk about whatever that term brought to mind. In response, several interviewees put forward expansive views of what constituted a 'lobbyist'. One MP told us he *"is lobbied by constituents as much as by lobbyists"* (MP-C1). He continued:

> *"The term 'lobbying' has a negative connotation. Heaven forbid MPs should listen to people and make decisions based on what they say. I am lobbied daily by colleagues, constituents, the opposition, etc. I am lobbied to go in different directions based on the issue of the day. The question should be what you do with it. When lobbied by my constituents I take that seriously, as people wouldn't raise issues that are unimportant to them"* (MP-C1).

Another MP posed the question: *"When does stakeholder engagement become lobbying?"* (MP-C9). Similarly, an ex-ministerial staffer told us her view of lobbying *"has evolved over time because there is no clear line between lobbying and advocacy … the only way decision-makers can do their work is if they are hearing from people"* (MS3). Our interviews thus began on a relatively expansive note.

As above, however, the lobbying that is generally of most interest (and in other countries is subject to regulation) is that which is carried out by non-government actors in a relatively well-resourced, high-volume or professionalised manner. Our subsequent questions did not, therefore, explore MPs' discussions with other MPs (something not conventionally regarded as 'lobbying'). Nor did we ask further questions about MPs' interactions with their constituents, in the sense of ordinary members of the public raising constituency business (which again is kept out of scope in lobbying regulation regimes).

In practice, then, the bulk of our questions concerned relatively well-resourced lobbying. However, as above, this lobbying may be undertaken not only by professional third-party lobbyists but also by companies, industry associations, advocacy groups, trade unions and others. For instance, interviewees frequently referred to direct engagement by industry as well as to lobbying through intermediary organisations.

Our analysis also recognises that lobbying can perform a legitimate democratic function. As one ex-MP put it, *"Lobbying is a pervasive fact of life for decision-makers"* (MP-E1). Most interviewees similarly accepted that *"there is nothing inherently wrong with lobbying"* (MP-C9). The purpose of this section, therefore, is not to present lobbying or lobbyists as problematic *per se*. Rather, it examines how MPs and officials understand lobbying, where they regard it as useful, and where they identify risks arising from unequal access and resources, (mis)use of confidential information and personal relationships, and a lack of transparency.

The impact of lobbying

Interviewees offered mixed assessments of the extent to which lobbying influences policy outcomes. Some were sceptical that lobbying has a substantial effect on legislation once it has entered formal parliamentary processes. One MP told us: *"I don't think much legislation changes in a substantial way because of the lobbying that comes from outside organisations, whether that is [company X] or some of the government relations firms that represent individual clients"* (MP-C11). However, as discussed further below, the influence of lobbying appears to depend significantly on when it occurs in the policy process and what form it takes. Ideological preferences also play a role, as captured in a statement from an ex-MP: *"We are generally sympathetic to those lobbyists from our side*" (MP-E5).

Several interviewees also cautioned against assuming that lobbying always achieves its desired effect. One MP explained: *"The assumption that lobbying is automatically effective, which is sometimes how it is perceived, is far from my experience. That may depend on the quality of the person being lobbied"* (MP-C4). Similarly, several ex-ministerial staffers said they had not seen inappropriate decisions being made as a result of lobbying, even where *"lobbyists changed the mind of the government"* (MS9). Such changes may reflect a broader combination of lobbying, public pressure, political calculation and changing policy circumstances, rather than lobbying alone.

Others similarly emphasised that lobbying is only one source of information among many. One MP explained:

> *"The balance of what I hear from lobbyists and what I hear from my community, that is a tiny proportion and it doesn't carry a lot of weight for me. You need to balance it with all the other feedback you are getting. I want to talk to industry but often they don't know how to articulate what they want. They have identified a problem but don't know how to provide a solution. Sometimes intermediaries can do that. This place is very time-poor as well"* (MP-C6).

The influence of lobbying may also operate through relationship-building rather than immediate policy change (see the 'Relationships' section below). One interviewee described feeling obliged to listen to lobbyists with whom they had developed relationships: *"I would feel a social obligation to at least engage with them. And if they asked for a meeting I would probably grant it. But I can't think of a time when that resulted in any policy change"* (MS8). This suggests that influence may be indirect: relationships may increase access, responsiveness and opportunities for future engagement, even if they do not produce an identifiable change in a particular decision.

Interviewees also described lobbying influence in terms of speed and escalation. Lobbyists or well-connected organisations were able to secure faster responses for clients because they understood how to generate pressure across political, administrative and media channels. One ex-ministerial staffer explained:

> *"When someone writes a letter and explains their situation and they make a series of allegations, there is a process for dealing with that which is pretty bureaucratic and slow. If there is an issue to be dealt with, this would be mostly dealt with by the agency, and the Minister would sign a letter and not have a huge role. But if someone from an organisation who understands how the system works, and is connected with the media or government, comes to you with a problem and says they want to do something – you have to do something about it because that person can quickly escalate that situation – and we don't have a long time to respond. The group could have a sympathetic spokesperson – and [know] how the issue is framed in the media – these are people who know how to put pressure on government" (*MS5).

This strategy could involve connecting with the opposition, the ex-ministerial staffer argued: *"Any potential point of leverage would be identified, and you are working with people who understood how to do that. It wouldn't be presented in a threatening way – it would be, 'We have spoken to XYZ about this, and you should expect to hear from these groups.' So they can put pressure across several fronts"* (MS5). Another ex-ministerial staffer made a similar point, observing that lobbyists may have greater success *"when they flip from talking to the Minister to sharing information with political opponents or sharing information in the media. Most effective is when they do both and that creates pressure on a Minister"* (MS7).

Access to information about government timing and intent was another source of influence. When asked what advantages a lobbyist might gain from requesting information about when a matter was going to Cabinet, one ex-ministerial staffer explained that lobbying was often *"about planning and intent mostly – that is where they find information that will potentially benefit their clients. The degree to which Cabinet timelines and plans is held closely has been a bit uneven at times. Some governments will hold that more closely than others"* (MS4). This form of influence is not necessarily about changing the content of a policy. It may instead involve giving clients strategic advantage by allowing them to anticipate, prepare for, or intervene in government decision-making at the most useful point.

Finally, lobbying may become more attractive where formal democratic processes are perceived to be inadequate or bypassed. One MP suggested people may turn to lobbyists when they feel their ordinary avenues for participation are ineffective:

> *"I also think that when they see governments bypassing proper democratic processes, abusing urgency, undermining the Select Committee process, so that individuals and organisations don't feel that their voice is going to be heard through those processes, inevitably they are going to look to other processes to get their voice heard. Money speaks, and they are going to use lobbyists to disproportionately get influence, and others think they have to do that otherwise they will get ignored"* (MP-C9).

In short, lobbying influence is uneven, contingent and often difficult to trace. It may not usually appear as a direct amendment to legislation, but it can shape access, timing, agenda-setting, responsiveness and the strategic positioning of actors within the policy process.

Lobbying can be helpful

Interviewees emphasised that lobbying can perform useful functions within the policy process. In some circumstances, the benefits may be mutual rather than one-directional. As one ex-ministerial staffer explained: *"There is a view that if you are a politician with an unpopular or radical agenda, sometimes you are lobbying them as much as they are lobbying you. If you are trying to get the big end of town on board with changing the way they do business, you might be working just as hard. You employ the same tactics and have the same casual conversations"* (MS9).

Professional lobbyists and representative organisations were often described as helpful when they coordinated and synthesised the views of affected groups. This was particularly the case where decision-makers needed to understand the practical implications of legislation or policy across a sector. One MP noted: *"Lobbyists who represent a group of people who are affected will know more than someone might have from reading the bare legislation" (*MP-C11). Another explained: *"When you are going through Select Committee, organisations represented by an institutional group are really helpful because they represent a whole sector. You are getting a sector view, rather than visiting 20 individual members"* (MP-C12). Similarly, an ex-ministerial staffer advised that the benefit of government relations firms is that *"they talk to lots of people";* someone who can synthesise a large number of views *"is hugely valuable"* (MS10).

A central benefit identified by interviewees was information provision. Lobbying can give decision-makers access to perspectives, experiences and technical knowledge that may not otherwise be visible from legislation or official advice alone. One MP explained that *"to make an informed decision,* [it is] *best to know their* [lobbyists] *viewpoint"* (MP-C1). An ex-ministerial staffer similarly described lobbying as *"like hearing from a customer of the government. If things are not working to enable or prevent things, it is useful to hear"* (MS9). That ex-staffer also emphasised the role lobbyists can play in helping stakeholders engage at the right point in the process: *"The biggest value I saw from lobbyists (for hire) is helping their clients get involved at the right point. They understand the system and when it is useful to try to talk to a Minister. While I didn't see overly aggressive lobbying, there is a lot of 'wrong place wrong time' – and lobbyists help reduce the waste of time that comes with this"* (MS9).

Interviewees also saw value in lobbyists' ability to condense and communicate complex issues. One MP observed that effective engagement often requires *"realising that you probably have 10 minutes to get your message out. That is where they can be helpful"* (MP-C11). A ministerial staffer made a similar point, noting: "*Ministers and their staff are incredibly busy, and coming in and saying they just wanted to introduce themselves and tell you about our organisation … is going to feel like you are wasting their time. If they come in with a problem and solution, it is a much more successful way of doing things. But it is unusual to see people who have drawn those threads together and identify a problem and how to fix it"* (MS12).

A further theme was the usefulness of actors who understand the political and policy process. Interviewees noted the utility of *"having a lobbyist who understands how the system works and where the pain points are"* (MS5), and that *"the value of someone who understands how the place works is quite significant"* (MP-C6). One ex-ministerial staffer explained why lobbyists are often effective:

> *"Usually they are good at understanding the process [and] understanding the sort of information that would be useful to act on. Because most have done similar roles, they don't beat around the bush and waste your time in the way that some other stakeholders do. They don't need to prove their credentials. That does make them more compelling than those who don't know the system. Knowledge and expertise makes it easier to engage with them"* (MS11).

Closely related to this was the perception that lobbyists are often effective communicators. One ex-ministerial staffer observed: *"If you have lobbyists who can write an effective submission, that is probably going to be more impactful than some punter adding their two cents"* (MS5). Another explained: *"Larger companies have staff who know how to talk to public servants and Ministers' offices in ways that is [sic] easy for them to understand"* (MS4). One MP similarly suggested there is a place for more effective lobbying: *"Lobbyists tend to understand how this place works … It takes a long time to understand the place and it always changes, so having people who know how the place works is useful"* (MP-C6). (This is, of course, the advantage that professional lobbyists are exploiting.) Another example related to banks. An ex-MP told us that a bank *"would call me and say X person from [Bank X] is coming over, would you like them to give you a briefing on the state of the economy? That stuff is really useful, as you have a single source of 'truth' from the Treasury and it is good to get another view"* (MP-E4).

The repeated value placed on clarity, process knowledge and coherent messaging helps explain why some organisations become default points of contact for decision-makers. An ex-ministerial staffer explained how certain groups can build reputations as trusted experts:

> *"If you are trying to engage with people who are representing the community, they might not have a good understanding of what is going on across the community. You may get diverse perspectives. They may be hostile. It can be hard to work out what the message is. Certainly, there are a number of groups that have built themselves up as a default group who the Minister always meets with and it becomes locked in – regardless of who is in government. They become the default people about who you meet on a particular issue"* (MS7).

Lobbying was also described as useful where it assists government to pursue an existing objective or identify workable solutions. One ex-ministerial staffer noted that interested parties may shape discussions by approaching agencies and saying, *"'Here is the solution to a regulatory problem.' And then officials will put that forward. That would more apply when you have a high level of engagement between the government agency and lobbyists"* (MS7). Another ex-staffer put the point more directly, saying lobbying is useful *"when they are helping you do something you want to do"* (MS10). These accounts from our interviewees suggest that lobbying can be helpful because it provides information, consolidates sector views, clarifies problems and solutions, and helps stakeholders engage with government when their input is most likely to be useful. These same features, however, also foreshadow the risks discussed in the next section, particularly where process knowledge, resources and access are unevenly distributed.

Lobbying can create issues

Interviewees identified a range of ways in which lobbying can become problematic. The concerns raised were not generally about lobbying as such, but about the circumstances in which lobbying advances the interests of already powerful actors, narrows the information available to decision-makers, or produces benefits for one group at the expense of others. We were given examples of lobbying that resulted in unwarranted benefits to particular industries, sometimes with costs borne by other groups. The former senior regulator, for example, described industry lobbying that benefited from delaying policy implementation for more than a decade.

Several interviewees were therefore sceptical of the way lobbying is presented. One ex-ministerial staffer observed: *"These lobbyists will present it as benefit to the government, but really it is for the benefit of clients"* (MS6). An ex-MP similarly described a wide spectrum of lobbying activity: *"[It] ranges from helpful information that is sent on a daily basis to Ministers through to very sophisticated and coordinated lobbying campaigns. You are swimming in a sea of it. Taken to an extreme, it can be a way in which those with pre-existing power and resources can get something that is more in their favour"* (MP-E1). These comments point to a central tension: the same practices that can help decision-makers access information may also allow well-resourced actors to frame issues in ways that privilege their own interests.

A small number of interviewees explicitly used the language of "capture" to describe these risks. For example, an ex-public servant told us that *"the lobbying is intense and the capture is rife"* (PS2). One ex-ministerial staffer felt that, in some agencies, *"Some people in higher positions within the departments are engaging with lobbyists themselves"* (MS6). She explained that she was lobbied by the same people when she worked in a government department as when she had been a ministerial staffer: *"In some instances, we would hear from a lobbyist and it would be the same opinion as you were getting from the department"* (MS6).

A similar concern was raised in relation to government departments staffed by people with prior industry experience: *"[Department X] had largely drawn all of its staff out of the industry so it was difficult to get quality advice from the agency and there were continuous leaks from the agency back out to the industry doing the lobbying*" (MS7). However, interviewees did not regard industry experience as inherently problematic. As one person noted, *"People from the sector get employed because they have relevant experience"* (MS4). That staffer, discussing the same agency as interviewee MS7 above, suggested the issue may be less about direct collusion than about embedded assumptions: *"I don't think it goes as far as people calling old mates and asking what they think about things and incorporating that into advice. Probably more [that] the frameworks that are used to analyse a problem will be strongly influenced by experiences in those companies"* (MS4).

We were also told that capture can be represented in what does not happen, rather than what does. For example, the ex-public servant advised: *"Capture is just as often about the conversations that can't and won't happen. For example […] won't go for it, so we won't even propose it"* (PS2).

Interviewees also described more indirect forms of influence. One ex-ministerial staffer referred to *"lobbyists who target around the sides so there is a misinformed Cabinet"* (MS9). This suggests that lobbying may shape decisions not only through direct persuasion, but also by influencing the wider informational environment within which decisions are made.

An ex-MP similarly described how influence may be built through repeated informal contact (for instance, at industry-sponsored events) and narrative-setting: *"It isn't a hard push [at events] but introductions are made. [It's] part of a sophisticated approach to embed a narrative about certain things, which is then repeated. Lobbyists [are] saying: 'These are our perspectives. This is how we see the world'"* (MP-E1). These accounts highlight that problematic lobbying is not necessarily overtly coercive or transactional. It may operate through the gradual normalisation of particular viewpoints, repeated access to decision-makers, and the creation of shared assumptions about what problems matter and what solutions are available.

Imbalances in who is heard

We asked interviewees whether decision-makers hear from a balanced range of voices. Several MPs emphasised that they were easily accessible, met a wide range of parties, and, in many cases, actively sought out different perspectives. One MP explained: *"If we have got a live issue, I want to hear from all sides. That's really important"* (MP-C2). Another described their approach to a particular Bill: *"the most interesting thing for me is there were quite a large number of people wanting to engage and I said early on to anyone who made commitments for me, that I wouldn't refuse any meeting on it. … And I continued to do that, so I met with a lot of people on that Bill – and some people multiple times"* (MP-C5).

This openness was echoed by other MPs, who framed broad engagement as part of the ordinary work of representation. One MP told us: *"I meet with anyone … it would have to be a pretty high bar before I don't take a meeting with someone. I don't really distinguish a lobbying meeting versus a normal constituency meeting. It's probably about the sophistication of the organisation and what they come in to discuss"* (MP-C3). Another stated: *"If you were doing your job properly, you would consult across the spectrum"* (MP-C2).

Some MPs described taking deliberate steps to ensure that they were not only hearing from those who already shared their position. One explained: *"If people contact me and want to meet on a particular issue, I will meet, even if it is an opposing view. There is nuance – and you might be able to accommodate aspects of their preference. It does rely on people making themselves known to you. In other cases you might like to go out and engage with stakeholders – it depends on the issue"* (MP-C2). Another similarly emphasised the democratic importance of hearing contrary views: *"Absolutely – you have to know where the other perspective is coming from, and to shut yourself off from that is unhelpful in a healthy democracy. The issue is the balance. That comes down to the integrity of the person who is listening"* (MP-C14).

However, interviewees acknowledged that sometimes decision-makers may not seek, or may not need, a fully balanced set of views. One MP described the value of building relationships within particular portfolios: *"I have spent a lot of time reaching out to stakeholders in those portfolios and I have found it incredibly valuable. So I have established relationships with people who might well mean that the plans created in those portfolios land well. There's nothing wrong with that. There are people saying – this is what we need to make our organisations really grow. That's a legitimate role"* (MP-C13). Another suggested that where a matter is industry-specific or highly technical, *"It might be appropriate to have just those stakeholders"* (MP-C3). Others were less concerned by asymmetry in the volume of contact: *"Just because you hear more from one group than another, that isn't necessarily wrong. The loudest is not necessarily correct" (MP-C1).* At the same time, an ex-ministerial staffer cautioned that some Ministers are *"only talking to people who will tell them what they want to hear"* (MS12).

A recurring distinction emerged between MPs who actively sought a broader range of perspectives and those who adopted a more passive approach, hearing primarily from those who approached them. In the latter case, if engagement depends on who has the capacity to initiate and sustain contact, decision-makers may disproportionately hear from those who agree with a policy position or who have the resources and networks to maintain closer relationships. An ex-MP reflected that he was

> "*surprised by the proportion of meetings that I had with people that were from that end of town* [business]. *The weight and volume of requests* [for meetings] *was significant. … With the smaller, less well-resourced groups without a big commercial base, it would often be less well-coordinated among those groups. Less capacity to meet with you frequently, to produce supporting information, to produce information in a timely way. I think definitely that imbalance was challenging"* (MP-E1).

Interviewees also noted that as MPs and Ministers in New Zealand are relatively accessible, stakeholders do not always need to use a lobbying firm to secure a meeting. One MP told us: *"It is getting to the point where some organisations feel that they have to go through these government relations groups, which are basically lobbyists. It got ridiculous – the most ridiculous example I can think of when I was […] and [government agency X] – the main stakeholder – got a government relations place to contact me to seek a meeting. They are literally the body that I engage with most"* (MP-C9). There was, in some cases, frustration that stakeholders believed intermediaries were necessary: *"It has always annoyed me that they think they have to go to a lobbying firm because a lobbying firm has a greater capacity to get through the door. They don't. It is that simple"* (MP-C11).

However, even supposing that formal meetings were relatively accessible, interviewees suggested that access becomes more unequal when considering follow-up contact, informal communication, and the level of attention given to different stakeholders. An ex-ministerial staffer explained this distinction:

> *"It isn't just who gets access to meet with Ministers. A Chief Executive of a large* […] *company will get a meeting with most Ministers. But also tiers two and three [in that company] will be able to pick up the phone and talk to a senior public servant pretty easily. They will have your mobile number.* [Example provided] *Quickly after the decision is announced, they [lobbyists] reach out to public servants and say, here are the things that we think are a good deal. [They have] slick, well-prepared slides that have been tested before they come to us. So, early opportunity for them – and that is always welcome in the public service. Not capture – but more information makes our jobs easier. That is quite an easy thing for them to get in front of public servants. Briefings would also have been sent to Ministers' offices. On the other end of the spectrum – I've done work with small community trusts looking to resolve local resilience problems with […], maybe looking for some government money or some attention on the issue, and I would say 90% of those are treated like ministerial correspondence that [just] needs a quick reply – e.g. reference to website. A different level of attention is received"* (MS4).

There was broad recognition that some actors have greater access to those with influence. One ex-ministerial staffer observed: *"For those professional lobbyists whose job is government affairs, having access to Ministers' offices, to be able to get information about what is happening with a Bill or where a reform is at – or whether we have thought about changing a policy, those sorts of transactional things – it is easy for them to access you and pick up the phone and ask where something is at. Whereas a member of the public would not be able to do that"* (MS4). Another made a similar point about political and party connections:

> *"A lot of party-connected people who were lobbyists were able to have greater access to me than somebody who wasn't connected into the party. Whether that was through being able to get emails or phone numbers from others who were connected – it was easier for them to get into the office or to make connections than others who were less connected. That stood out. It was the same cohort of people who were reaching out on behalf of clients. The lobbyists were the same – just the clients were different … if there was a connection to the party it was much easier to get into the building"* (MS6).[179]

179 Historically there have been criticisms of lobbyists having access to the Beehive. However, during interviews we were advised that no lobbyists or organisations outside Parliament currently have access cards.

Resource differences were identified as a central source of imbalance. One ex-ministerial staffer noted that *"engaging with stakeholders … is also one-sided because the business interests … are better resourced than most in the community … even [for] a minster who wants to meet equally, it is difficult to do, as there won't be equally resourced groups for them to be able to do that"* (MS7). This point was repeated across the interviews: *"Thinking about the individuals who are being lobbied on behalf of, there is an imbalance because the only people who can do that are people with money"* (MS5). We were also told that the range of voices heard on some issues is *"definitely determined by resource and influence and the time to do it. You would have to seek out balance because it doesn't happen naturally"* (MS9). One ex-ministerial staffer suggested smaller or charitable organisations might struggle to communicate their key messages *"because they don't have access to professional advice on how to conduct the advocacy work they are doing"* (MS5). Some interviewees noted the imbalance may be less pronounced in sectors such as education, where well-resourced unions can provide a counterweight.

Conversely, one interviewee argued:

> *"As a representative democracy, we need ministers to be engaging with stakeholders, but it is also one-sided because the business interests on the right side are better resourced than most in the community.* (MS7).

Interviewees also identified practical barriers that shape who feels able to participate in political processes:

> *"For example, who can get to Wellington. And the rules of engagement. Lots of people don't think they can contact someone in Parliament and have a conversation for half an hour. But there are a bunch of people who know every member of security by name. So there are people who feel very at home, either because they do it all the time or they used to have an office [in Parliament]. You see that at Select Committee also. You see people who are absolutely terrified having their five minutes [to speak] and they have very little knowledge of how it works"* (MP-C5).

This suggests that imbalance is not simply a matter of whether MPs are willing to meet with different groups. Instead, it reflects deeper inequalities in resources, knowledge of political processes, geographic proximity, professional networks and capacity to sustain engagement over time. Even where decision-makers are personally committed to hearing a range of voices, participation does not occur equally. The imbalance therefore lies less in formal exclusion than in the uneven ability of different actors to be visible and credible within the policy process.

Influence of commercial interests

Interviewees described commercial industry influence as a particular area of concern because industry actors may have both strong interests in policy outcomes and significant capacity to shape the information available to decision-makers. In some cases, this influence was said to appear within official advice itself. One interviewee told us: *"In my experience as a Minister – officials are presenting industry positions"* (MP-C15). At the more extreme end, an MP suggested that industry influence could extend directly into policy drafting: *"There is a lobbyist who keeps lobbying me for a particular Bill – and I'm pretty sure he wrote it. I've not asked him, but I can see that he wrote it"* (MP-C5).

Several interviewees were concerned that industry sometimes had excessive influence in policy discussions. One former public servant described discussions about whether the fortification of bread with folic acid should be made mandatory (see case study on p.55.) In their view, *"Industry was the dominant voice in the room"* (PS2). The food industry also argued publicly that folic acid was linked to cancer, despite significant evidence to the contrary. The interviewee recalled that, as a result of the industry's claims, they had received a phone call from a member of the public asking, *"Are you trying to kill us?"* Eventually fortification was made mandatory, but the delay had consequences, in the interviewee's view. *"We lagged Australia [in fortification] by a decade, and children will have died and been severely disabled as well, because of that"* (PS2).

The same person separately described a policy development process in which industry was included because *"rather than regulating them, you want them to do the right thing",* but the result was *"a very poor* [scheme] *because industry wanted it to be limited".* These accounts suggest that close engagement with industry may be justified as pragmatic or cooperative, but can simultaneously allow regulated actors to narrow the scope or ambition of reform.

Industry influence was also linked to expertise and capacity. Interviewees recognised that industry may possess detailed knowledge that is not always available within government. One ex-MP told us: *"Officials don't always know everything"* (MP-E1). However, several interviewees were concerned that this expertise can lead to disproportionate influence where departments lack deep technical knowledge of their own. One MP explained:

> *"The industry seemed to be really good at showing up and persuasively selling a message to Ministers and officials – having the answers, being able to solve problems. And because there is not a lot of deep knowledge left in our government agencies, they often don't know what they don't know. It felt like people who were getting the advice didn't have a lot of specific knowledge in [subject X] and they were confidently presenting this pitch from [industry X]. And it felt like some private organisation that does have an interest is very persuasive with officials and the Minister"* (MP-C15).

The problem, therefore, is not industry expertise itself, but the risk that expertise becomes difficult to test when public agencies lack equivalent knowledge or capacity.

The revolving door between industry and government was identified as another pathway through which industry perspectives may become embedded in policy advice. Interviewees did not suggest that industry experience is necessarily improper; indeed, specialist experience may be valuable. The concern was that departmental perspectives may become aligned with industry assumptions when officials have close prior connections to the sector. As one interviewee put it, *"It isn't like over-obvious lobbying – but that is how you end up with [excessive influence]. If MBIE hires someone who was formerly in the oil and gas industry to be their adviser on energy policy, it isn't surprising that you get a view out of that organisation that represents the industry"* (MP-C15).

Not everyone agreed that closer industry engagement is always problematic. One MP told us: *"The bureaucracy [is] not engaging with stakeholders and industry enough … we need better dialogue between the bureaucracy and industry"* (MP-C3). This view reflects the broader point that industry engagement can improve policy where it provides practical knowledge, implementation insight or technical expertise. Nevertheless, the more common concern was that consultation with industry can crowd out other stakeholders, particularly where industry has greater resources, clearer access points and more capacity to present a unified position.

Interviewees also identified particular sectors as having especially significant political influence. For example, we were told that the agriculture sector *"have a unique power that not many others have in New Zealand. They have proven time and again that they have the ability to get Cabinet to reverse their position"* (MS9). This kind of influence appears to go beyond providing technical advice; it suggests an ability to mobilise sufficient political pressure to alter high-level government decisions.

In some sectors, industry involvement began very early in the policy process. One ex-ministerial staffer explained that industry may be brought in at the policy conception stage: *"So they can be, not always, involved in project governance in some things … An example of industry getting to shape the strategic direction of policy towards adding value to existing incumbent industries rather than any competition"* (MS8). This early involvement is significant because it may shape not only the detail of a policy but also the underlying direction, objectives and assumptions on which policy is built.

In short, the interview data suggests industry influence is most concerning where industry actors are treated as necessary sources of expertise while other perspectives are less visible, less resourced, or brought into the process later. The democratic risk lies in the possibility that policy becomes shaped around incumbent industry interests before alternative framings or affected communities have a meaningful opportunity to be heard.

Information asymmetry and informational dependence

The risks associated with lobbying are particularly evident where information is unevenly distributed. This information asymmetry can run in more than one direction. Industry actors may hold data, technical knowledge or practical experience that is useful to MPs, Ministers and officials. At the same time, Ministers and officials may hold information about policy direction, Cabinet timing or legislative priorities that is valuable to lobbyists and their clients. Lobbying therefore involves not only the provision of information, but also competition over who has access to timely, credible and strategically useful information.

Interviewees frequently acknowledged that industry knowledge can be necessary for good decision-making. As one MP put it, *"You have to talk to them because they have the data and experience"* (MP-C15). However, this creates difficulties where decision-makers lack the expertise to assess the reliability or completeness of what they are being told. The same MP explained that in areas where they had less knowledge, *"It would be harder for me to discern if what I was hearing was correct … where Ministers don't have expert knowledge, it is a lot harder to know. It is hard to challenge the advice you are getting if you don't really know the topic"* (MP-C15). In these circumstances, the value of information is accompanied by a risk: the more specialised the policy area, the more difficult it may be for decision-makers to distinguish between evidence, advocacy and selective framing.

Interviewees also noted that information provided by an industry or its lobbyists is often highly professionalised. One ex-MP observed: *"Some organisations clearly have the resources and the capability. There would be a slickness and a consistency to the way the messages were presented and the volume of information presented before and after a meeting. They certainly weren't doing all that just to be helpful"* (MP-E1). Another MP referred to a *"pretty slick lobbying exercise* [that was] *unashamedly a counter message to what was in the media"* (MP-C5). The difficulty, as one ex-MP put it, is that there can be a *"fine line"* between information that is useful and information that is designed to persuade: *"It can be instructive or propaganda"* (MP-E2). This does not mean lobbying material is necessarily inaccurate, but it does underline the importance of recognising that professionally produced information is usually purposive.

Information asymmetry becomes more significant when it produces informational dependence. Several interviewees described situations in which Ministers, political staff or departments relied heavily on industry or lobbyists because internal capacity or expertise was limited. As one ex-ministerial staffer explained, *"That information dependence will depend on the Minister's skill [and] knowledge, and that of the political staff"* (MS12). Another told us: *"Some departments know their sector better than others. And Ministers get frustrated when they ask for information and it isn't any good – at that point they will ask industry and industry floods them with any information they want … Also, Ministers ask officials, who don't know, and they [officials] ask industry. So you get industry information but on officials' letterhead"* (MS9). This suggests dependence is not only a matter of who provides information, but also how industry-sourced information may acquire the authority of official advice.

Resourcing was repeatedly identified as a driver of this dependence. One ex-ministerial staffer argued:

> *"Part of the reason why business interests are able to have a disproportionate interest over the policy process is because they can better resource their ability to lobby government consistently. If you want to talk to the oil and gas industry, you have a single body, who is the key peak body who will bring you a single shared message about what the sector wants, and they will almost always do so in a way that is polite and respectful, even if you are on opposing sides. It won't be confronting to a Minister. So they are much more likely to meet with those people and use them as a source of information"* (MS7).

The issue, then, is not simply that industry has information, but that it often has the organisational capacity to make that information available in a form that is timely, coherent and easy for decision-makers to use.

This dependence may be intensified when new policy initiatives arise and the public service does not have technical expertise immediately available. One interviewee argued:

> *"One of the things that leads to external influence is a structural imbalance between the resources available to Minister's offices generally and political staffers specifically – and [the] workload they manage. … Resourcing for political parties is too low for the responsibilities they have – not just in government, in opposition as well. Information overload means it is harder to give decisions at [the] time needed, which makes you more vulnerable to people coming in offering to help or provide information"* (MS12).

Where decision-makers face heavy workloads, limited staff capacity and pressure to make timely decisions, well-prepared external actors may become especially influential because they reduce the immediate informational burden.

The risk is that repeated information provision can allow lobbyists to become trusted sources, even where they are serving a specific interest rather than the public good. As one ex-ministerial staffer put it:

> *"Providing information briefings and intel means [lobbyists] can build a picture as a trusted adviser. Even if you know this person clearly has a certain set of incentives, or skin in the game, if you have got nothing else – and if the public servants aren't acting fast enough to give you information – you will get in touch with your contacts directly to find out what you can. So, there is a fair bit of informational dependence" (*MS4).

These responses suggest that information asymmetry and informational dependence should be understood together. The democratic risk lies not only in unequal access to information, but in the possibility that resource-constrained decision-makers become reliant on well-resourced external actors for defining problems, supplying evidence and shaping the range of available solutions.

Hospitality

Almost everyone we spoke to had been offered, or had accepted, some form of hospitality. The frequency and nature of these invitations appeared to vary depending on the person, portfolio and level of seniority. Most interviewees recognised that accepting hospitality can create a perception issue, and many told us that they declined either all or most invitations.[180]

At the same time, several interviewees described hospitality as a practical means of securing time with busy decision-makers. As one MP put it, *"If you want to get an MP, you have to provide some food. That is a reality"* (MP-C6). Ex-ministerial staffers made similar observations: *"Dinners in Bellamys during recess are kind of useful. It is a two-way trade. Ministers are trading off their time, so it has to be the dinner-plus to be worth their time"* (MS10). Another ex-ministerial staffer reflected on the position of ministerial staffers: *"As a staffer you work crazy hours and are underpaid for the work you do, so if someone wants to buy you dinner, you don't want to turn that down"* (MS2). However, the same person also suggested that hospitality may serve a strategic function: *"It is probably to make people feel more relaxed and perhaps give away more information without officials in the room. People hate having officials in the room"* (MS2).

Some interviewees did not regard hospitality as inherently problematic. One MP explained: *"You understand what the purpose is. You get alongside someone in a box and talk business. Otherwise they don't get access to you for that long. You have a chance to build a relationship. That is about trust. Do you look at the cost of the ticket – and make a decision accordingly? Never"* (MC14). In contrast, another MP identified precisely this opportunity for extended access and relationship-building as the concern, describing *"the access to build a relationship"* as problematic because it *"gives people an advantage"* (MP-C7).

Several interviewees framed the acceptability of hospitality as a matter of individual judgement, ethics or character. MPs told us: *"Do I see it [lobbying] as a problem? No. I have a clear set of values and operate on those"* (MP-C4) and *"I have never deferred from my own personal values and those of the […] Party"* (MP-C1). Others had developed informal personal rules. One MP said he would accept hospitality at a corporate box *"a couple of times a year … where you get concerns is if someone is going every week to the corporate box"* (MP-C2). He explained that he accepted the invitations because he was interested in the business in question: *"You get a chance to have a genuine discussion with people there from other organisations … it helps me make better decisions"* (MP-C2).

However, interviewees were not always able to draw a clear line between acceptable and unacceptable hospitality. One MP suggested: *"You know it when you see it"* (MP-C12). An ex-ministerial staffer similarly explained that *"some people would never attend anything put on by lobbyists. You have to make your own judgement – and also be subject to the judgement of colleagues. I know where my values sit and I am confident that I can manage those situations and can see things for what they are"* (MS5). These comments suggest that hospitality is often governed less by formal rules than by personal judgement, professional norms and perceptions of appropriateness.

A recurring concern was whether hospitality creates a sense of obligation. We were told that *"you know they want something"* by one interviewee (MP-C11) and that accepting gifts or hospitality means *"you feel like you owe people something"* by another (MP-C12). One MP described refusing an upcoming event invitation for this reason: *"I'll be declining that. I don't tend to go. I've learned that putting on these events and showing hospitality means that later on, when they ask for a meeting, you feel like you have to meet"* (MP-C9). Others rejected the idea that hospitality necessarily creates obligation, while acknowledging that its purpose is understood. As one MP put it: *"People giving know what they are doing – and I think we both know what transaction is occurring"* (MP-C1).

180 Section 2.8 of the Cabinet Manual requires MPs to disclose to the Register of Pecuniary and Other Specified Interests of Members of Parliament any gift received with an estimated value of more than "a prescribed amount". This includes hospitality.

Several interviewees described social events as a pathway to further access. Requests for meetings were said to be a frequent outcome of encounters at hospitality events. One ex-MP explained: *"If you are feeling more comfortable and relaxed, you are more receptive to the* [lobbyists'] *message. And you get that message again, and again, and again: 'We would love to have the chance to meet'"* (MP-E1). Some interviewees also noted that such interactions may serve a performative function for lobbyists. One ex-ministerial staffer explained: *"On the lobbying side, they log that interaction, because when they meet with clients they want all those interactions recorded so they can say how many Ministers they have met with"* (MS7). Another said that *"the decision to take the meeting was less about taking the topic seriously but more about letting the lobbyist have a win for their client – listening even though we knew it wasn't going to go anywhere"* (MS6). A further ex-ministerial staffer noted: *"People like to say that they had a senior adviser to the Minister there* [at a sports event]" (MS2).

Most interviewees did not view modest hospitality as likely to change decisions directly. One MP stated: *"I am sceptical that someone saying something once would influence quite strong-minded people in this place to change their mind or their tack. Successful lobbying is more through sustained, relentless pressure to bring about change"* (MP-C1). Nevertheless, others identified a subtler concern: hospitality may not purchase agreement, but it may help secure a favourable hearing. As one MP put it, *"You will be feeling uneasy about the implicit assumption about the drink / dinner / soirée – that you will give them a good hearing at least"* (MP-C12).

Hospitality was also described as a way for Ministers and staff to meet people they might need to engage with in any event, while participating in something more enjoyable than a formal meeting. One ex-MP explained: *"The lobbying isn't heavy. It's more about relationship-building, beginning to set and settle some narrative"* (MP-E1). However, the informality of hospitality could also make its purpose feel disproportionate or uncomfortable. One MP described groups that *"generally want to do dinner – somewhere really nice – they don't want to have a meeting";* after one dinner, the MP *"felt slightly uncomfortable about it. During it, I thought there was nothing that couldn't be done in a 30-minute conversation in my office"* (MP-C5).

Interviewees were generally less concerned about large, public functions held at Parliament by well-known organisations. Some regarded these as routine and low-risk because they *"are very public events. Everyone knows they are on. Everyone turns up for a free feed and a drink. Can you buy influence like that? No"* (MP-C2). An ex-ministerial staffer similarly advised that *"being provided drinks and nibbles is not going to impact on decisions being made"* (MS7). Most interviewees also saw little issue with modest gifts from large organisations, such as fruit at Christmas. These accounts suggest the perceived risk of hospitality depends not only on value but also on context, privacy, repetition and the extent to which it creates privileged access.

At the same time, even hospitality that was regarded as "ineffectual" could contribute to relationship-building and low-level information exchange. One ex-ministerial staffer advised: *"A lot of it was pretty ineffectual through lobbying firms – and that was a lot of very clear relationship-building, making you feel good, inviting you out for drinks, big parties with free booze. And then calling you up asking for little bits of information about what's going on. Or, 'This is what my company wants and here is a pamphlet'"* (MS8).

Overall, the interview data suggests that hospitality is rarely understood as a simple exchange of gifts for policy outcomes. Its significance lies instead in its capacity to secure time, create expectations of access, make conversations less formal, and contribute to the longer-term relationship-building through which lobbying influence may operate. This socialisation can be a powerful force, shaping how individuals internalise and replicate the "rules of the game".

Relationships

Relationship-building was a recurring theme in the interviews. Interviewees did not always describe these relationships as leading directly to distorted decisions. Rather, the concern was that lobbying can create familiarity, social obligation and continuing access that may become valuable over time. One ex-ministerial staffer told us: *"I didn't see many examples of decision-making processes being distorted, as much as I saw examples of big, high-spending events being used to demonstrate 'we are friends'"* (MS12). Similarly, some interviewees regarded relationship-building as an ordinary and expected part of lobbying. As one put it, *"When it is done well, it is like any sales job, it is building a rapport. Part of that means engaging with the Member of Parliament and what their background is"* (MC4). Lobbying organisations hosting drinks for ministerial staffers were similarly described by an ex-ministerial staffer as *"not direct lobbying – but building those social connections"* (MS12).

Several interviewees nevertheless emphasised that relationships can be used strategically. One MP recalled being approached, when he was newly elected, by a lobbyist who invited him for drinks and then dinner: "*He would give you a little bit of information that was of use to you as a way to start – sort of a favour for a favour. I eventually twigged that he was telling me something someone had told him in confidence that he was using at leverage. … At the end of the day they are not your mates"* (MP-C9). This account captures the ambiguity of relationship-based lobbying: information may be offered as assistance, but it may also create reciprocity, dependence or leverage.

The value of prior relationships was also evident in comments about lobbying firms that employ former political staffers. One MP told us he preferred to meet directly with industry rather than through intermediaries acting on clients' behalf: *"Quite often those agencies hire former staffers – which is the [whole] point, because you have an existing relationship with them. Initially I felt obligated to meet them. Now I don't, because I'm more experienced and I can say, 'No, this is not portfolio-related.' I'm getting that a lot now because I am [party spokesperson on X] so I'm getting a lot of organisations wanting to talk about [X]"* (MP-C9). Here, experience altered the MP's willingness to accept meetings, but the comment also shows how prior relationships may create an initial sense of obligation or ease of access.

The small scale of New Zealand's political environment appears to intensify these dynamics. As one ex-ministerial staffer explained:

> *"New Zealand is a small place, so lobbying is very relationship-based … One of the things I found challenging was [that] the line between non-lobbying relations and relationships was pretty blurred. Sometimes you have people who are giving you a heads-up about an issue and it is difficult to know if that comes with an agenda and it is not always easy to call that out. Are you being assisted or lobbied? Sometimes assistance is offered with the purpose of building a relationship that can later be used for lobbying purposes"* (MS5).

This blurring matters because relationship-based contact may not always be recognisable as lobbying at the moment it occurs. Assistance, advice or informal information-sharing may later become part of a broader influence strategy.

Indeed, several interviewees emphasised the long-term horizon of professional lobbyists and large corporate actors. One ex-ministerial staffer described this as *"covering bases",* explaining that lobbyists brief the opposition as well as the government: *"The larger corporates in New Zealand probably have a longer horizon than politicians do. They look through the electoral cycle and plan for a change of government"* (MS4). Another ex-ministerial staffer described the lobbying they received while working in opposition: *"Smart lobbyists are seeking to build relations with members of Parliament with a view that they might be in Cabinet"* (MS9). MPs made similar observations about the increasingly strategic nature of lobbying relationships: *"I've seen an increasing number of lobbyists. This has evolved over time from basic connection and meetings to more focused objectives. Connecting people who might want to talk to you – longer term objectives of keeping the interests of an industry front of mind"* (MP-C14). This suggests that relationship-building is not simply about immediate influence, but about maintaining visibility, familiarity and access across electoral cycles.

The potential risks of relationship-based lobbying were clearest where interviewees described attempts to obtain confidential information. Several ex-ministerial staffers told us that lobbyists sometimes sought to exploit existing relationships with them. One explained:

> *"What I didn't enjoy – and actively shut down – was the more explicit phone calls directly from those who were what I would call professional lobbyists … It was always the same thing. E.g. if there was an issue they were pushing for a client [they would ask], 'Would their issue be at Cabinet on Monday?' I really struggled with that. Some were people I had known for a long time. … That – people wanting confidential information – is what is bad. You think you can get it because you have relationships and it is not information that anyone else can get"* (MS3).

In this context, the problem is not merely access, but unequal access to information that may give one actor a strategic advantage over others.

A further example involved an MP-turned-lobbyist, whose meetings with current ministers were described thusly by an ex-ministerial staffer: *"There was an existing relationship being leveraged and the focus of the conversation was, 'This is going to bring in revenue, create jobs, this is a story you can talk about and the community will appreciate it.' And the ability to provide information free from much scrutiny is a bit borderline"* (MS4). The same ex-ministerial staffer described how this lobbyist would provide policy suggestions in hard copy rather than email, and without their name on it, as a way to try to avoid transparency. Their approach was: *"I'm going to leave this piece of paper here with [policy] information – [but] without identifying information – designed to avoid the OIA"* (MS4). While our interviewee claimed to have shut down this behaviour, this does not change the fact that, first, such strategies are deployed, and second, the system relies on such individual ethical decisions to ensure that no advantage is gained.

In short, our interviews suggest that relationships are one of the principal mechanisms through which lobbying influence operates. They may not directly determine decisions, but they can create familiarity, obligation, trust, access to informal channels, and opportunities to provide information or seek information away from public scrutiny.

The revolving door

The revolving door between government and lobbying was a recurring concern in the interviews. The issue was not simply that former Ministers, MPs, advisers or officials may later work in lobbying or government relations, but that they may carry with them privileged information, personal relationships and an understanding of government processes that are not equally available to others. One MP told us: *"Half to two-thirds of paid lobbyists have served in this place at some point, in one capacity or another. Some might say that is a good thing – some might say it isn't"* (MP-C1). An MP described the attraction of former insiders more directly: *"The reason they [lobbying organisations] want you is because you can get into the office – your relationships"* (MP-C12).

Interviewees did not unanimously believe the revolving door benefits lobbying firms or their clients immediately. One contrasting view was that employing former staffers could, in some circumstances, make decision-makers less willing to meet, at least for a period of time. As an ex-ministerial staffer explained: *"It probably acts against people's interests to immediately go into lobbying, although they might be able to provide better information to the party they are in. Where someone had directly transitioned out, most Ministers would have said no to a meeting in the immediate period after, as it would look inappropriate*" (MS7). This suggests the reputational risk of being seen to rely on recent insiders may sometimes constrain access, even if those insiders retain valuable knowledge and networks.

Nevertheless, both MPs and ex-ministerial staffers expressed concern about the speed with which people can move from roles inside government to lobbying roles outside it. The concern was particularly acute where the transition occurred quickly. An ex-ministerial staffer gave a vivid example: *"Previous ministerial advisory colleagues would be down the corridor one week and two weeks later be calling on behalf of a client. Sometimes the Minister didn't even realise they had left and were lobbying. So when he picked up the phone it took him a moment to realise [the caller] was calling on behalf of a client and not on behalf of a Minister"* (MS6).

This example illustrates how the revolving door can blur the boundary between internal government communication and external advocacy, particularly where former colleagues retain direct access to Ministers or staff. Concern about the revolving door was one of the subjects where our interviewees came closest to having a unanimous view, certainly as regards former Ministers; essentially no-one was willing to defend rapid shifts from Cabinet Minister to private lobbyist. We return to this issue in the discussion of potential solutions below.

The most susceptible parts of the policy process

One MP told us bluntly: *"Astute long-term lobbyists will work at every level"* (MC14). Nor were they the only interviewee to hold this view. Within that general framing, however, there were some parts of the process thought to be more susceptible to lobbying than others.

We heard instances of problematic lobbying occurring right up until the last minute. One interviewee said "one of the most direct examples of lobbying I have ever seen" occurred at the tail end of the 2017-20 Labour-led government's reforms to vaping laws. "There were things that were conceded and it is pretty well understood where the requests were coming from," the interviewee added. "Right up until the night the bill passed, there were active discussions going on" (MS3).

However, interviewees generally agreed that lobbying is most influential before policy becomes publicly visible. The stages identified as most susceptible included: the beginning of the policy process, government agency-led consultation, Cabinet decision-making and, in some cases, the final moments before policy is settled. Ex-ministerial staffers captured this temporal pattern by describing lobbying as occurring *"at the start, saying something has to happen – and then at the end, saying something has to change"* (MS3), and by observing: *"If the lobby group can get something on the agenda that wasn't previously – and get something on the table, that is really impactful. Or at the end of the process as well"* (MS5).

Many interviewees – including current MPs, one ex-MP and several ex-ministerial staffers – emphasised that effective lobbying usually occurs while policy is still being developed, rather than after a Bill has entered the formal parliamentary process. The two could, however, work in concert. As one MP explained:

> *"By the time it gets to first or second reading, it has kind of escaped. But there is a lot of lobbying as it goes through Select Committee, as you would expect. That's good because you see who the submitters are … But it is definitely lobbying top-down, with Ministers. It is just evident. You can't escape it. … To me those are the two main parts of the processes – power to make a decision at the top and Select Committee. At the top – that is before the Bill is drafted"* (MP-C12).

An ex-ministerial staffer similarly told us: *"It depends on the policy problem, but if we think about legislation, the most important time for lobbying is probably the three months before a Bill is introduced to the house. That is when it is going through drafting, political consultation, agency consultation, the sharp end of policy formation"* (MS12). Another ex-ministerial staffer put the point more starkly: *"If you are not involved from the point of public consultation onwards, you are missing a big opportunity. Public consultation is initial thinking. If you can get in before that, it is helpful – if you know it is going on. When the Bill is introduced, the train has left the station"* (MS9). This relates to the point (canvassed above) about professional lobbyists seeking confidential information about what issues politicians were considering and when they might reach Cabinet. If lobbying early in the process is especially effective, possessing that information can lend lobbyists an advantage over others.

This early-stage influence is especially important because lobbyists may help define whether an issue becomes a policy problem at all. One ex-ministerial staffer explained that lobbyists could spur the creation of entire policy processes by *"saying there is something that needs to be looked at – where they have identified there is a problem to be fixed. That creates a work-stream"* (MS3). Similarly, an MP told us industry can be influential at the agenda-setting stage by *"dominating the call for certain types of solutions"* (MP-C15).

An ex-ministerial staffer made the same point in more concrete terms, explaining that lobbyists are *"most effective when they are bringing you a solution when you didn't even know there was a problem. The department may not have raised it. Then it kick-starts the department [into asking], what is the thinking on this? … It gets the ball rolling on whether it is a problem and do we need a solution?"* (MS6). The same ex-ministerial staffer added that it can be easy to *"lift and shift"* from a lobbyist's prepared policy paper when a proposal is already packaged: *"You can solve the problem and not use a lot of resources to get the solution in place"* (MS6).

As an example of lobbying's impacts, one interviewee said a prime minister had once announced contingency funding for a programme after lobbyists had gone over the heads of officials and approached the prime minister directly, knowing this particular issue was *"a hot pressure point"* where the government needed to show progress. *"Pressure was put on by lobbyists to make that happen."* Once the minister's office had to implement the programme, they found it was *"a bit of a hot mess"*: the supporting information wasn't correct, fewer companies were on board than the lobbyists had claimed, and other components of the programmes *"didn't stack up"* (MS6). Another interviewee said of the same programme that there had been *"cherry-picking of funding decisions based on lobbying"* (MP-C7).

Interviewees also identified election manifestos and coalition negotiations as particularly susceptible points of influence. These processes occur largely outside formal policy consultation and can determine the priorities an ensuing government is required to pursue. One ex-ministerial staffer described this as *"agenda setting – which issues get put on to the agenda. It is much less direct, and done within closed doors, party manifesto-setting rather than anywhere else. That is probably most susceptible to direct lobbying"* (MS4). Another interviewee suggested influence is *"most likely to be in the direct lobbying of MPs for going into election manifestos. This is where you would have most influence in terms of when a government is being formed … Also targeting of coalition partners in minor parties – this is also significant. If you can persuade someone that something is a red line in a cross-party negotiation, then that can influence the policy process"* (MS7). An MP made a similar point, observing: *"In the last few coalitions the manifestos have ended up determining a lot of the priorities – both with Labour and National. They end up taking precedence over the main / larger parties priorities because they have to do what is in the manifestos"* (MP-C15).

The significance of these early policy-formation stages is heightened by their limited visibility. One ex-ministerial staffer told us that the most concerning lobbying occurs *"long before it gets to officialdom",* adding: *"Everything problematic happens long before anyone gets into the Beehive"* (MS10). Neither discussions about party manifestos nor coalition negotiations are subject to the Official Information Act (OIA). This is because political parties are civil society, non-governmental organisations, and so do not fall under the umbrella of being "official" bodies.

All this suggests that actors with political connections, or access to intermediaries who understand party and government priorities, may be better placed to anticipate what kinds of proposals are likely to gain traction. The democratic concern is that some forms of influence occur before ordinary transparency mechanisms apply and before less-resourced groups are aware that a policy process is underway.

Some interviewees were also concerned that commercial interests were involved at inappropriate parts of the policy process. Several interviewees described situations in which industry was kept close during policy development for strategic reasons. In one example, an ex-ministerial staffer explained that a particular industry *"spent a lot of time trying to get meetings with us. They certainly had the ear of officials, and we allowed them to co-develop part of the policy as a way of keeping them in the tent. I thought they could be a really effective voice if they were publicly against it – and we got them to not do that by keeping them in the tent. There was probably a trade-off there"* (MS8). In this case, industry was involved in design and implementation not only because of its expertise but because excluding it might have created public opposition. The example illustrates how policy co-development can be used to manage political risk, while also giving industry a privileged role in shaping the substance of reform.

The problem with this approach, however, was highlighted by the same ex-ministerial staffer, who described *"unquestioning advice that this is a good thing to do from officials – that if you involve the sector they will come up with a workable policy. There was no discussion that they might use this to play for time, or design a model that suits incumbents and doesn't allow for disruption of [the industry]"* (MS8).

The above suggests lobbying is most consequential when it shapes the framing, timing and architecture of policy before public scrutiny begins. Select Committee processes may provide visible opportunities for participation, but interviewees repeatedly suggested that the most significant influence often occurs earlier: when problems are defined, solutions are packaged, manifesto commitments are formed, coalition priorities are negotiated, and Cabinet or Ministerial decisions are being prepared.

The conditions that enable capture

We can draw the above threads together in order to make conclusions about when policy capture is and is not likely. Our interviewees did not argue that concerted lobbying efforts meant policy capture was widespread let alone inevitable (though we note that some commentators outside of government would disagree). Rather, our interviewees – those, that is, who acknowledged a problem at all – seemed to feel that capture was more likely in specific conditions. While no individual participant articulated a clear set of criteria, we drew the following conclusions from their combined testimony. (Unsurprisingly, these conclusions are very much in line with the OECD arguments outlined earlier about capture-promoting factors.)

Overall, interviewees thought most government decisions were made with a reasonable degree of integrity, and were informed by different views and a range of evidence. Where decisions did not have those characteristics, and went against the public interest, this was not necessarily a result of lobbying, in the sense of direct contacts with decision-makers. It was just as likely to reflect public opinion and media pressure (though that could in turn reflect indirect lobbying via public campaigns), ministers' pre-existing worldviews and commitments, or other factors.

In some situations, however, vested-interest lobbying could have a malign influence by swaying decisions against the public interest. A non-exhaustive list of those conditions included:

- Absence of countervailing public opinion. More than one interviewee noted that the tech 'giants' (Meta, Google, et al.) were amongst the most sophisticated and well-resourced lobbyists. However, the force of public opinion in favour of a social media ban (something the tech firms fervently opposed) meant those firms were, in our interviewees' opinion, unlikely to get their way.
- Lack of public knowledge. Conversely, policy capture was much more likely on issues where there was little public concern or indeed knowledge of the issue. Highly technical issues were thus ripe for capture.
- Strong vested interests. It barely needs stating that capture is more likely when commercial interests (in particular) have much to gain or lose from a particular decision. Taken together, the above points reflect the general problem that capture is likely when there are concentrated benefits or losses to a particular actor (or small group of actors), and corresponding dispersed losses or benefits to the public at large.
- High-volume, well-resourced lobbying. Vested interests stood a greater chance of success if they could deploy lobbying at multiple points in the process, something that required a degree of resources.
- Influence brought to bear at the right moment. If vested-interest lobbyists were able to get their issue on the agenda in the first place, or close off options before an issue made it into the public domain, they were much more likely to capture the process than if they just made a submission at the same time as everyone else. In part this influence was exerted at moments when there is little scrutiny on the policy process, e.g. during manifesto and coalition formation.
- Pre-existing relationships. Many vested-interest lobbyists had built relationships over a long period. That investment could 'pay off' if the above conditions aligned and a pre-existing relationship with a minister meant they would be particularly receptive to lobbying.
- Lack of public-sector capacity. Finally, vested-interest lobbying was more likely to succeed if, in addition to the above factors, the public sector was relatively unable to counterbalance the lobbyists' views. This could be because the subject was especially technical, the agency had not maintained specialist capacity, or the agency had itself become captured by the industry in question.

Potential solutions

During our interviews, we asked participants for their views on potential regulatory responses to lobbying. These included training for political actors on how to handle lobbying, an intervention that could be seen as relatively 'unobtrusive'. We also elicited views on the regulations most common overseas, including lobbying registers and stand-down periods for former political actors. (These regulations were canvassed in an earlier chapter, 'Lobbying regulation in the OECD'.) Finally, we invited interviewees to suggest other possible responses; the latter tended to focus on strengthening other sources of advice and information.

Training

We asked interviewees whether they had received training on how to manage lobbying. Almost all said they had received none, while a small number could not recall. One recalled an online course on conflicts of interests, but it was possible to "click through" the course without reading anything. None of the interviewees, in short, could recall any meaningful training in this area.

Views on the value of introducing training were mixed. Around half thought it would be useful, while others were sceptical that it could meaningfully prepare MPs, officials or political staffers for the range of situations they might encounter.

Those who supported training tended to frame it as a way of making people more conscious of the democratic risks and institutional dynamics associated with lobbying. As one ex-MP put it: "*Training would definitely achieve something. There obviously are risks to the integrity of the democratic process [with lobbying]. It could be useful to sketch out the bigger picture of how this works. Having people be aware of where they are in that ecosystem would be useful"* (MP-E1). In this view, training would not necessarily prescribe fixed answers for every situation, but would help decision-makers understand the wider lobbying environment in which they operate.

Interviewees who favoured training generally thought it should begin at induction. One MP said: *"When they induct you – that is the time. Right there – at the beginning. Because you will be lobbied"* (MP-C12). This was seen as especially important for new MPs, for whom lobbying may be sudden and intense: *"It comes at you like an avalanche sometimes – depending on the issue, and particularly if it is a sensitive issue. Like a tsunami"* (MP-C12). Similar issues arise for new officials and political staff. One ex-ministerial staffer described encountering *"the big end of town, banks, investment firms, all wanting to wine and dine. That was overwhelming and I didn't necessarily have the skillset to deal with that and there was no guidance from colleagues" (*MS2).

Several interviewees thought training should be recurrent. One MP told us: *"It should be something that isn't a one-off, so you revisit those things through your career"* (MP-C13). Another noted that while there are rules around gifts, *"All that stuff flies by you so fast when you are inducted, you make mistakes almost straight away"* (MP-C12). Some MPs described learning to manage lobbying largely through experience: *"I have figured this out myself eventually. [Lobbyist X] was straight on to me"* (MP-C9). Ex-ministerial staffers made a similar point, one noting: *"As a general rule for political staff, your training is really on the job"* (MS7). For those who supported training, its value would be in identifying common risks and practical warning signs: *"It could say, 'Here are the pitfalls, watch out for this. Just be aware you are going to get approached; things you might want to consider'"* (MP-C2).

In terms of who should deliver the training, several interviewees expressed strong views that it should not be Ministerial Services, whom they regarded as insufficiently savvy when it came to such political matters. In the view of these interviewees, training would be better delivered by former MPs, staffers and public servants, who could speak from experience.

Many interviewees also said they became better equipped to handle lobbying only after repeated exposure. As one MP explained, *"The longer you are here, the more discerning you are about where you are going to get information from. If I want information I [now] know I can call people directly"* (MP-C11). This suggests that experience matters, but also that the absence of early guidance may leave new MPs, officials and staff more reliant on those who approach them first, or those who present information most confidently.

Conversely, those who were sceptical of training tended to emphasise the difficulty of codifying political judgement. One MP argued: *"There are people always wanting to codify the activity of Members of Parliament … You can't protect everybody from the stupid. Most MPs are not stupid – they work out what they should or shouldn't be accepting. … You also have to be aware of who is after government support … I don't think you could write a rule book on what you should and shouldn't do"* (MP-C11). From this perspective, lobbying cannot be managed through rigid rules alone; context, purpose and judgement matter.

Others framed the issue as less a training problem and more a matter of personal integrity and prior capability. One MP told us that people in roles exposed to lobbying should already have the skills to manage those interactions: "[People] *shouldn't be here if they don't have the basic knowledge … It comes down to individuals and their approach to life. You should always be asking why. Why is someone here? Why does someone want to see me? Why does someone want to tell me this? You have to be able to answer that. It's about integrity and personal judgement"* (MP-C14).

Taken together, the above views suggest that training is unlikely to remove the need for judgement. However, it may still help by making the lobbying environment more visible, identifying common risks, and giving newer MPs, officials and political staff a clearer framework for assessing access, information, hospitality and relationships.

Transparency

Transparency was one of the most frequently raised concerns in the interviews. Eighteen interviewees identified the lack of visibility around lobbying as a problem, albeit they emphasised different dimensions. Some were concerned about transparency over who is being lobbied; one ex-MP told us the problem was *"much more around lobbying of departments and senior officials"* than lobbying of MPs (MP-E3). Others wanted transparency over who is doing the lobbying and on whose behalf. This issue was particularly acute in relation to law firms. One MP argued:

> *"What struck me was that 70% of the opposition submissions were in the name of law firms – and big law firms. And there was no indication in the presentation, or from the official presenting, [as to] who they represented. You could make an assumption about some and get a sense about who was pushing for what – but it was pretty opaque about who was impacting on the changes to the legislation (if we agreed). No-one was suggesting that this was a team of philanthropic law firms who pro bono, off their own bat, had decided to push for the public good. It definitely wasn't that"* (MP-C5).

A related concern was the limited transparency that arises when third parties advocate on behalf of sectors, organisations or potentially foreign interests. The difficulty is not only that the identity of the client may be unclear, but also that representatives may claim to speak for a wider constituency than they actually represent. As one MP explained: *"Sometimes some of the people who come to me, claiming to speak on behalf of other parts of the industry, are contradicted by the direct parties involved. So I sometimes get quite different messaging"* (MP-C5).

Several interviewees therefore distinguished between organisations advocating openly on their own behalf and government relations firms acting for clients. An ex-ministerial staffer told us:

> *"The challenge is the line between government relations people who are working for hire and lobbying by organisations on their own behalf. … We need to deal with the government relations people – for hire – as the primary area of risk because the lack of transparency of who they may be working for, [the] potential information asymmetries, etc., are risky. It is less of a risk when people or organisations are advocating for themselves"* (MS11).

Another ex-ministerial staffer, however, suggested that overtly political relationships may be easier to manage precisely because they are visible:

> *"There were a few lobbyists who are closely affiliated to parties and individuals with[in] them. I had [lobbyist X] on me from the minute I started. When you have that dynamic at play you can only engage with it in a way you feel comfortable with and keep yourself safe. Because it is so overt – it is less risky in a way. The risk [occurs when] you don't know what is happening and you risk saying too much and compromising yourself. But when it is overt, at least you know about it"* (MS5).

We were also told that lobbying firms will usually state their client *"but not always. The line between political chit-chat and giving a line from a client is not always clear"* (MS11).

Not all interviewees thought the existing level of transparency was inadequate. One MP told us: *"I am pretty comfortable with how it operates – the transparency of it. And people are pretty up-front about what they are doing. So, it's not cloak and dagger, it's pretty open that people are there, employed by someone, to talk to you about something specific. That's helpful"* (MP-C5). Another MP expressed a similar view: *"You get into more sophisticated operations, large corporations, unions, government consulting, and they have a particular policy issue they are trying to resolve. As long as there is transparency around who people are meeting with – and people aren't accepting bribes and other things, which I think is totally inappropriate – then I'm comfortable with where things are at"* (MP-C3).

These views suggest that there was little disagreement about the principle of transparency. The disagreement concerned how much transparency is necessary, what should be disclosed, and whether disclosure might impose costs or distort ordinary democratic engagement.

One ex-ministerial staffer argued for

> *"stronger pro-active disclosures around the policy papers that led to the policy positions. The argument that politicians will make is the Select Committee is the public opportunity to have input. Everything before that is preamble. The thing that I am cynical about in relation to Select Committee is the decision-making on major changes sits with Cabinet … You have this apparent democratic process, but the real power lies elsewhere"* (MS12).

This concern links transparency directly to the earlier finding that lobbying is often most influential before public consultation or Select Committee scrutiny. The central issue is therefore not only whether lobbying occurs, but whether the public can see who has contributed to policy development, when they did so, and whose interests were represented.

A lobbying register

One possible transparency mechanism raised by interviewees was a register in which lobbyists would have to publicly disclose their contacts with decision-makers. Just over half (19/36 or 53%) of our interviewees responded to a query about the benefit of a lobbying register, with 12 of the 19 (63%) agreeing that this would be beneficial. The remainder either did not have a view (4 interviewees) or did not agree that it would be helpful (3). A later section of this report considers what a lobbying register might look like; here, the issue is whether disclosure of lobbying activity would help address the risks identified above.

Some interviewees thought a lobbying register was unnecessary or potentially counterproductive. One MP argued:

> *"We are a very open democracy. People should be able to balance the accessibility that we have to politicians in New Zealand with the right to have their advocacy done in a way that protects their own privacy. I don't know what we would gain by that – if we learned that XYZ company met with Ministers. There may be some things that are not appropriate for that broader information … Sometimes availability of information leads to misinformation as a consequence of that knowledge … It assumes there is some nefarious intent in the meeting. Honestly, some of the things people come to lobby you about are very banal"* (MP-C11).

Another MP similarly argued: *"Anyone can come up to me. If we get to the point where we have to take a note of the conversations you have with everybody, it would be a retrograde step for New Zealand's democracy" (*MP-C2). However, although this MP did not think a lobbying register was necessary, he also indicated it would not concern him if one were introduced.

Other interviewees thought a register could be useful, particularly if disclosure occurred quickly enough to be meaningful. One ex-ministerial staffer said: *"It's not [going to cover] every bit of information but it is something … it needs to be in the same [policy] cycle"* (MS3). *Another argued: "Having a disclosure registry helps with transparency. Keeps both Ministers and lobbyists accountable for who they are meeting and how often they are meeting. You can then follow a trail and connect some dots. Now it is all really behind the curtain – who is meeting who and how often"* (MS6). Interviewees also noted that a register might have unintended informational effects, because lobbyists themselves could use it to identify who others are meeting and predict forthcoming issues. For MPs in favour of a register, the main practical concern was where the line should be drawn for disclosure. One MP said: *"I wouldn't have a problem – as long as it didn't capture constituents. I have nothing to hide"* (MP-C1).

A more targeted alternative to a general lobbying register would be a legislative footprint. As one ex-MP noted, this approach, used in the European Union, would involve publishing a list of organisations consulted during the development of legislation. Such a mechanism may be particularly useful where the key concern is not every contact between lobbyists and decision-makers, but the visibility of inputs that helped shape specific legislative proposals.

Ministerial diary releases

Interviewees were generally positive about the release of ministerial diaries because they provide some visibility over who has access to Ministers. This same interviewee supported the disclosure *"because it is way easier to see who the Minister is meeting with and where the balance sits"* (MS2). A ex-senior ministerial staffer also described diary information as a tool for managing balance across stakeholders: *"When I would get a meeting request and I would see some from business interests, community groups, unions – and I would make sure we have met with some of each – I would try to make sure there was a balance. I'm not sure if all advisers would do that. Accepting diary requests is entirely at the discretion of the office. But it has to be like that"* (MS2). Diary disclosure can therefore support both public accountability and internal reflection on whose voices are being heard.

However, interviewees also identified important gaps in ministerial diary disclosure. One ex-ministerial staffer described political party engagements – which are exempted because the minister is deemed not to be acting in their ministerial capacity – as a *"massive black spot, in that you don't see what is happening on the party side"* (MS7). Another argued: *"Ministerial diary disclosure is a useful step. It is imperfect. But I think it is manipulated when Ministers claim to be using a different hat. That is a farce. They should be disclosing all their diary"* (MS9). Informal interactions were also seen as difficult to capture. We were told that telephone calls, dinners, and conversations in places such as the airport Koru Lounge were unlikely to appear in diaries. One interviewee told us: *"Probably the chats in the Koru Club are more influential than the formal dinners, but they aren't in diaries anywhere"* (MS10).

Views were mixed on the administrative burden of diary disclosure. One interviewee described it as *"an enormously time-taking exercise on staff and it is a massive pain to do";* the same interviewee, however, acknowledged that the administration "*varies from office to office. That is probably why you get varying quality of results"* (MS2). Conversely, some interviewees told us it did not take "too long" because *"it is categorised in advance"* (MS12). Other interviewees suggested the time taken depended on how well organised a Minister's office was.

Overall, these comments suggest ministerial diary releases are valuable but incomplete. They can show some patterns of access, but they do not necessarily reveal informal contact, party-political engagement, the substance of meetings, or the extent to which particular stakeholders influenced the development of policy.

Stand-down periods

Stand-down periods, which prevent former political actors from lobbying for a certain time after leaving public office, are used in other countries to mitigate the risks associated with the revolving door. Many interviewees agreed that some form of stand-down period would be appropriate for former Ministers in particular, largely because Ministers leave office with current information about Cabinet priorities, legislative programmes, relationships and political strategy. One MP told us: *"If you go from Cabinet to lobbying almost straightaway, you have got information. The perception isn't great";* they also thought stand-downs were appropriate because restraints of trade exist *"in all sorts of businesses"* (MP-C2).

An ex-ministerial staffer expressed a similar concern:

> *"I am uneasy seeing a Minister who leaves the job one day and within less than six months is in another position. They still know what is happening in the current legislative programme and Cabinet plans for the year. Information they have is valuable and timely. That will fade over time as things move on. So the intervention logic – the mechanics of a stand down period – are good to make sure there is free and equal access"* (MS4).

Another ex-ministerial staffer linked the issue directly to public confidence: *"It erodes people's trust in the institutions of government when there is a slippery slope from the Beehive into industry bodies/lobbying firms"* (MS5).

However, there was not unanimous support for stand-down periods. Some interviewees thought they were unnecessary because prior roles are already publicly known. One ex-ministerial staffer argued: *"Everyone knows where people have worked"* (MS10). An MP similarly suggested that restrictions may be ineffective because a former insider *"can just tell someone else who can use his contacts … at least if [person X] turns into a lobbyist, it is pretty obvious" (*MP-C14). These comments raise two distinct objections: first, that existing transparency may be sufficient to manage the risk; and second, that formal restrictions may be easy to circumvent if knowledge and relationships can be transferred indirectly.

Some also felt that a stand-down period was unreasonable as some political actors may struggle to obtain employment post-politics. While few interviewees were concerned about ex-Ministers' job prospects, this argument was made forcefully as regards ex-staffers:

> *"The group [of staffers] that came in in 2020, they did not work after [leaving politics], lots of them were unemployed for a year. Let's be realistic about the price people pay for being connected to a government that might have been kicked out, and the options available to them. If we are going to deal with people not doing this work, we are going to look at the other side of the equation – and compensating them for not being able to do lobbying. Could we have pathways for people to develop into careers that are not lobbying? Lobbying is just a low-hanging fruit for people who have connections"* (MP-C13).

The scope of any restriction, in other words, was contested. Some interviewees (notably, former ministerial staffers) suggested stand-down periods should apply only to Ministers and not to ministerial staffers. Several ex-ministerial staffers claimed it could be difficult to find work after a change of government. One told us: *"The only job I could get was as a PR consultant"* (MS2). Another ex-ministerial staffer suggested different roles may require different restrictions: *"For Ministers, a stand-down period would be good. People would have more public confidence. The same logic holds for ministerial advisers, but you have less access to information, so maybe the stand-down period doesn't have to be as long or as constraining as for Ministers"* (MS4). Taken together, these accounts suggest stand-down periods may help address concerns about privileged information, relationships and public trust, but their design might need to distinguish between roles, levels of access, employment consequences and the risk of circumvention.

Among those who supported stand-down periods, we heard a range of views on how long they should last. One ex-MP told us: *"Even within six months you haven't really got currency of information"* (MP-E3); another argued: *"Information is useful for a year at best"* (MP-E2). A year-long stand-down was also supported by a current MP (MP-C2).

Formal consultation periods

Some interviewees suggested that stronger consultation requirements could address at least some lobbying-related concerns. The issue was not only whether consultation occurs, but whether it is structured, sufficiently long, and inclusive of those who might otherwise lack access. One ex-ministerial staffer suggested that a minimum consultation period, such as the 12-week period used in the United Kingdom, *"would be useful – and being clear about who you have to consult with. For some legislation, you have to consult with certain groups with particular interests … That kind of structural consultation is useful but we are not holding the legislative process to the same standards" (*MS12). From this perspective, better consultation could reduce the advantage of actors who are able to gain early informal access.

Strengthening official advice

Interviewees also suggested that strengthening the policy arm of the public service would reduce reliance on external proposals or lobbyist-supplied alternatives. In part, this was about deepening the expertise of public servants and their ability to understand the relevant issues without (excessive) recourse to lobbyists (as per the above discussion of informational dependence).

Some interviewees also felt that public servants needed to better understand political processes and, without compromising their independence, be able to give advice that Ministers were able to more easily use. One ex-ministerial staffer told us: *"Departments are less flexible in terms of straying from what they feel is the best advice"* (MS6). While that advice should be proffered initially, departments did not always adapt quickly enough if a Minister expressed a preference for a different direction. That, in turn, *"allows a lobbyist to come in with a different proposal that might be more aligned with a Minister's goals"* (MS6). The same ex-ministerial staffer noted that, in some situations, this *"ends up with political staff rewriting Cabinet papers. So, there is opportunity for better engagement in the policy development, to get a product that a Minister is more likely to adopt on a first cut, rather than butting heads and seeing another option materialise through a lobbyist"* (MS6).

Taken together, the above views suggest that transparency and stand-down measures may be only one part of the required response. More structured consultation and stronger internal policy capacity may also be needed to reduce the influence of well-resourced actors who can provide ready-made policy solutions outside public view.

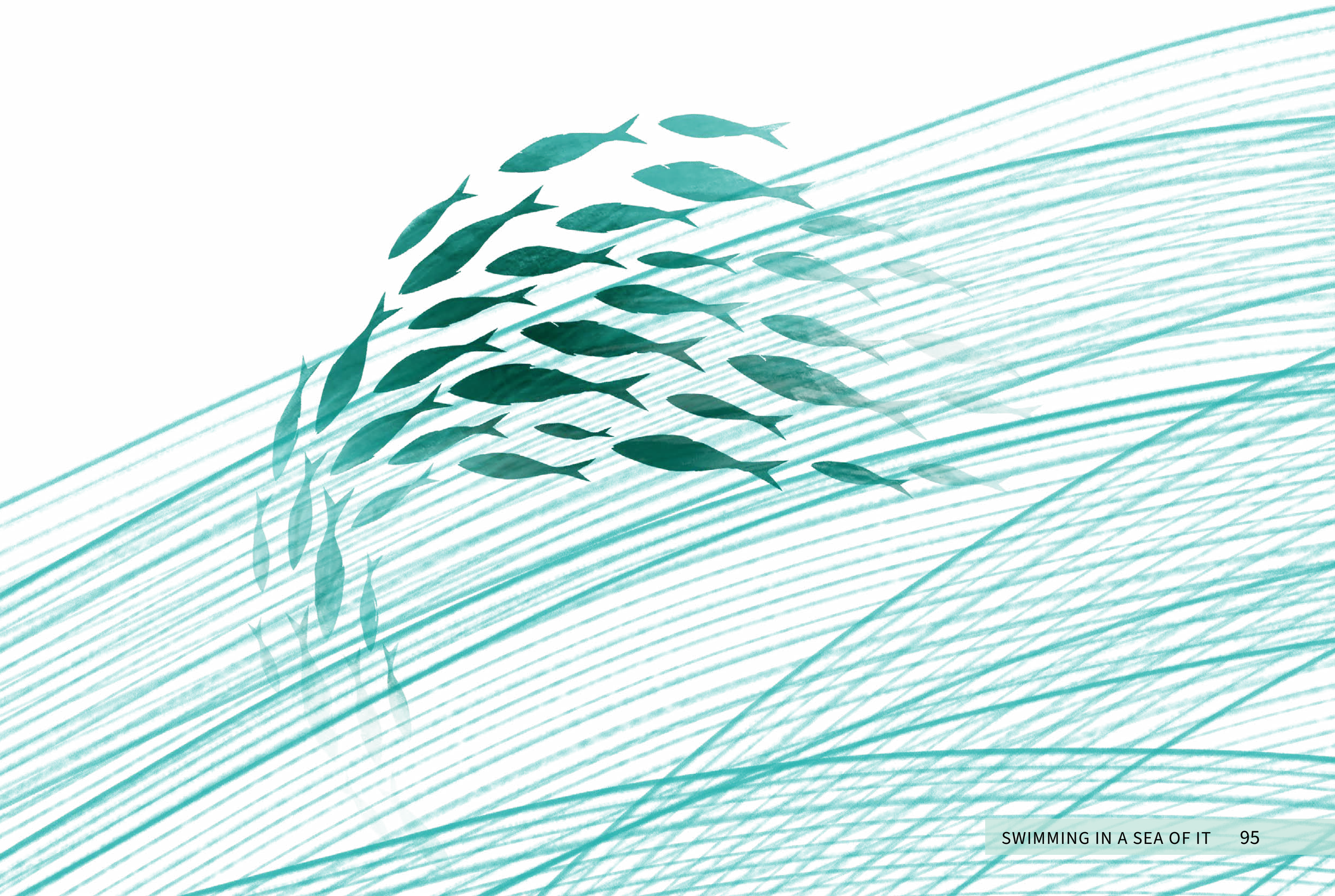
Summary

This section presents interview evidence from MPs, ex-MPs, officials, ministerial staff and ex-ministerial staff on lobbying in New Zealand. Interviewees generally accepted lobbying as a normal and often necessary part of democratic governance, with several emphasising that decision-makers need to hear from stakeholders, constituents, industry, advocacy groups and others in order to understand the practical implications of policy. This section, therefore, does not treat lobbying as inherently problematic; rather, it examines when lobbying is useful, when it creates risks, and how those risks are shaped by access, resources, relationships and transparency.

A central concern is imbalance in who is heard. While many MPs said they were willing to meet with anyone and actively sought a range of perspectives, the evidence suggests that access is uneven in practice. Well-resourced businesses, industry bodies and professional lobbyists are often better able to secure meetings, provide polished information, maintain ongoing relationships, and intervene at the right moment in the policy process. Smaller community groups, charities and ordinary members of the public may lack the time, expertise, confidence, networks or resources to participate on equal terms. This imbalance is especially significant because lobbying is seen as most influential early in the policy process, particularly during agenda-setting, manifesto development, policy design, ministerial consultation and Cabinet decision-making, before public scrutiny through Select Committee processes occurs.

The document also highlights the ambiguous value of lobbying. On the one hand, lobbyists can provide useful information, consolidate sector views, help stakeholders engage effectively, and reduce the burden on busy Ministers, MPs and officials by presenting clear problems and solutions. On the other hand, interviewees raised concerns about information asymmetry, informational dependence, industry influence, regulatory capture, hospitality, relationship-building and the revolving door between government and lobbying roles. These concerns are not necessarily about overt corruption but subtler forms of influence: repeated access, trusted relationships, professionalised messaging, confidential information flows, and the ability of well-connected actors to shape how problems and solutions are framed.

The final sections focus on possible safeguards. Interviewees were divided on the value of training, lobbying registers and stand-down periods, but there was broad support for greater transparency. Suggested reforms include clearer disclosure of who is lobbying whom and on whose behalf, stronger consultation processes, greater disclosure of policy development inputs, and possible “legislative footprints” showing who was consulted in developing legislation. Lobbying is a legitimate and often useful part of democratic decision-making, but its current operation creates risks where access, information and influence are unevenly distributed and insufficiently visible.



Recommendations for reform

The material from our interviews, combined with past instances of policy capture, suggest a need to regulate lobbying more stringently in this country, and more generally strengthen the integrity of public policy-making. This would be in line with the evaluation and recommendations of bodies such as the OECD. In particular, New Zealand's total absence of lobbying regulation makes it an outlier among developed countries.

A possible reform agenda

The OECD outlines four broad sets of solutions to better regulate lobbying and ward off policy capture. The following is a lightly adapted version of that schema:

(1) Involving more people in decision-making

In other words, levelling the playing field so that stakeholders with diverse interests are involved in policy-making. This may include facilitation of collective action and new forms of political engagement based on deliberative and participatory democracy.

(2) Enhancing transparency and regulation of lobbying

This includes enforcing the right to know, which involves increased transparency and access to information. Specific instruments could include: a lobbying register; publicly available information on membership, agendas, minutes, participant submissions and other information relating to advisory groups; codes of conduct for lobbyists and officials; and provisions to control the 'revolving door'. In addition, governments should publish information on external stakeholder meetings, background studies, and evaluations.

(3) Strengthening regulators

Principally, this involves promoting accountability through competition authorities, regulatory agencies and 'supreme audit institutions' that can carry out audits looking for corruption. Supreme audit institutions can also assess if all relevant parties participated in the policy-making process and whether a detailed, evidence-based Regulatory Impact Statement accompanied all proposed changes or new regulations.

(4) Protecting state agencies' integrity

This requires identifying and mitigating capture risk through appropriate organisational integrity policies, including clear standards of conduct and ensuring a robust risk-management framework.[181] This could include better regulating public officials' conflicts of interest. It may also include political finance measures, such as banning certain donations, tighter spending limits, and transparency on political donors and their donations.

These areas for action cover most of the potential policies we discussed with our interviewees. However, based on those interviews, we would add a fifth area:

(5) Strengthening the public sector's capacity

This would, among other things, involve recruiting and retaining more public servants with specialist knowledge; greater professional development; more identification of talent and provision of clear career pathways; and maintaining adequate staffing in the public service.

181 OECD, n 6, p.10

What, then, might this agenda look like in New Zealand?

(1) Involving more people in decision-making

Policy-making processes should be open to the widest practical range of inputs, to guard against capture as well as for other standard reasons (e.g. improving decision-making quality and respecting democratic rights). In particular, we should enhance the access of those not currently well-involved in policy development and democratic decision-making. This could include:

- Deliberative (that is, discussion-based) processes like citizens' assemblies, in which a group of ordinary New Zealanders, selected at random and representative of the wider country, is tasked with coming together, hearing evidence and expertise on a major public issue, and developing common-ground solutions;
- Participatory processes like community-led budgeting, in which local councils put aside a proportion of their future infrastructure budget for the community to allocate itself after deep discussion amongst residents and careful evaluation of the options; and
- Crowd-sourced legislation processes that allow citizens to propose laws that, if receiving sufficient support from their fellow citizens, are put before Parliament in the same manner as Member's Bills.

In addition to discrete interventions like the above, policy-making processes could be reformed in the following general ways:

- A requirement for public agencies to gradually move their processes towards the more 'participatory' end of the IAP2 (International Association for Public Participation) spectrum, as suggested by the Public Service Commission in one of its long-term insights briefings;
- More generally, greater effort on the part of government agencies to reach out to communities that typically struggle to have their voices heard and get them involved in consultation and other processes;
- Mandatory periods for consultation on proposed laws, as per the 12-week minimum imposed in the UK;
- Facilitation of collective action (as per the OECD), potentially via resourcing NGOs or others to participate in policy-making processes, although this can be politically controversial. One example is the American National Association of Insurance Commissioners' Consumer Participation Programme. It reimburses 20-30 selected consumer representatives for expenses and research assistance, provides them with access to documents and public officials, and supports their training. These representatives can then publicly comment and present on issues, enhancing the prospects that rule-makers hear consumers' voices;[182]

182 Becher, n 108, p.17.

- As Becher has proposed, "pro-consumer entities" could have a procedural right to participate in the regulatory process. Such a right may include scrutinising draft laws and regulations and commenting on the advisability of proposed rules; and
- Again as per Becher, rule-making entities could introduce an official position of a "public advocate". An experienced and esteemed person would hold this position and represent the public's interest throughout the rule-making process.[183]

(2) Enhancing transparency and regulation of lobbying

In previous work for Health Coalition Aotearoa by one of this report's authors, the following mechanisms were proposed:

- a Regulation of Lobbying Act;
- an online and publicly accessible register in which lobbyists have to make quarterly returns detailing their contacts with designated public officials (DPOs);
- a stand-down period of 1-3 years in which former DPOs cannot lobby government on issues where they had official dealings;
- a statutory (mandatory) code of conduct for lobbyists, and lobbying-related provisions added to existing codes of conduct for DPOs; and
- the creation of an independent Crown Entity, either a narrowly focused Lobbying Commission or a more wide-ranging Integrity Commission, with the power to levy fines, prosecute law-breakers and generally enforce the above provisions.[184]

These measures were endorsed by a subsequent Helen Clark Foundation report, *Shining a Light,* and for the most part were supported in opposition by the National Party.[185] The Opportunity Party's 'Clean Up Politics' policy, released in August 2026, also endorses these measures.[186]

In this area, as in others, careful consideration must be given to obligations under Te Tiriti o Waitangi/The Treaty of Waitangi. Regulations must not unreasonably limit opportunities available to Māori working in and around government. In particular, we may need to differentiate between Māori groups acting as Treaty partners and as lobbyists.[187]

Other transparency measures might include:

- **Legislative footprints.** These involve officials publishing a list of the parties they have engaged with during the development of a particular proposal or law. This aims to reveal imbalances in access in specific key situations.

183 Ibid, p.16.
184 Rashbrooke, n 15.
185 Philippa Yasbek, *Shining a Light: Improving transparency in New Zealand's political and governance systems,* Helen Clark Foundation, 2024.
186 Opportunity Party, 'Clean Up Politics', August 2026, https://www.opportunity.org.nz/clean_up_politics (accessed 16 August 2026).
187 Mather Solutions, 'Māori perspectives on options for lobbying regulations', Health Coalition Aotearoa, 30 April 2024, https://www.healthcoalition.org.nz/wp-content/uploads/2024/06/Maori_Perspectives_on_Options_for_Lobbying_Regulations.pdf (accessed 19 August 2026).

- **Enhanced ministerial diary publication.** Even with a lobbying register, it would make sense to retain the publication of Ministerial diaries as a backstop. (Ireland, for instance, maintains both mechanisms.) The diaries should be strengthened and standardised, so that information is more consistently provided, as is more detail on attendees, and any exemptions for political party business are very narrow. Publication of the diaries should also be formalised in statute.
- **Proper enforcement of the Public Records Act (PRA).** As the Fonterra lobbying scandal has shown (see above), the PRA's legal requirement for proper record-keeping appears to be flouted, and former ministerial staffers have openly shown their contempt for it.[188] All government meetings should have formal minutes published (elements can be redacted if, for instance, sensitive corporate information is revealed).
- **Reform of the OIA.** While the OIA remains a vital transparency tool, multiple bodies have long called for an overhaul of the act to deal with issues like unwarranted delays in responses to requests for information, Ministerial office interference in responses, and the absence of meaningful penalties for non-compliance.
- **Reviewing policies on gifts.** The Register of Pecuniary and Other Interests requires MPs to disclose gifts worth over $500. It could be worth reviewing this system, whether that be to lower the threshold or to consider a wider disavowal of corporate hospitality, as practised by the Green Party. We have not, however, considered this issue in detail.

(3) Strengthening regulators

There are long-standing and widely expressed concerns that many of New Zealand's ostensible regulators are not properly regulating the industries over which they have oversight. These concerns relate to, among others, regional councils' failure to protect water quality and punish polluters, Worksafe's failure to reduce New Zealand's extremely high rates of workplace injury and death, the Commerce Commission's failure to break up oligopolies and tackle price-gouging, and the failure by various public bodies – including the Serious Fraud Office, the Electoral Commission and the Financial Markets Authority – to prevent various kinds of fraud. In some cases regulators have conflicts of interest that would not be allowed in other countries.[189] Commentators have argued that such bodies suffer from inadequate funding, insufficient legal powers, overly close relationships with the industries they regulate, and insufficiently strong conflict-of-interest policies.

While the policy solutions required are beyond the scope of this report, the above issues clearly need to be addressed if regulatory and policy capture is to be avoided. Reforms could be guided by some of the ideas set out by Justin Rex for ensuring regulatory agencies are more resistant to pressure from industry. This includes: sufficient funding, employment restrictions on the revolving door, wide consultation with the general public, diversification of expert advice, and empowering public and/or consumer advocates within the agency's decision-making processes.[190]

Consideration could also be given to a proposal, made in the US context by Senator Sheldon Whitehouse, for a Regulatory Capture Prevention Act. The act could empower or create a government agency capable of "investigating and reporting on regulatory capture across the entire regulatory bureaucracy," Whitehouse writes. "Such an office could prowl the far and overlooked corners of government, and it could develop methodologies for identifying and dealing with the threat of capture." In the New Zealand context, the Integrity Commission proposed above could carry out this work.[191]

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188 Ben Thomas, Annabelle Lee-Mather and Toby Manhire, 'Hardcore lobbying and the emotional senior staffer', Gone By Lunchtime, 5 June 2026, https://open.spotify.com/episode/3IDQg7BysrIgSM18vYap2g.

189 Post Editorial Leaders Team, 'The FMA needs less hygge and more steel', the *Post,* 15 August 2026, www.thepost.co.nz/business/361062962/fma-needs-less-hygge-and-more-steel (accessed 18 August 2026).

190 Rex, n 71, p.180.

191 Sheldon Whitehouse, 'How Government Can Root Out Regulatory Capture', *The Regulatory Review,* 15 June 2016, www.theregreview.org/2016/06/15/whitehouse-how-government-can-root-out-regulatory-capture/ (accessed 15 August 2026).

(4) Protecting state agencies' integrity

The urgency of reform in this area is underscored by a recent New Zealand anti-corruption taskforce, which found, among others things, that some government departments don't even have basic gift registers or proper procedures for monitoring corruption.[192] The taskforce's report noted the Public Service Commission was already "resetting" expected standards of integrity by:

- reissuing the Public Service Code of Conduct and implementing mandatory integrity training for all public servants;
- strengthening conflict-of-interest identification and management through the Integrity Champions network and the use of standardised conflict-of-interest management plans; and
- improving complaints and whistle-blowing processes within agencies.

In addition, the report noted that future reforms could include:

- introducing a mandatory reporting and compliance framework, including measurement of fraud and corruption controls;
- exploring improved reporting mechanisms for public sector employees to raise concerns anonymously; and
- system-wide adoption of a corruption risk assessment tool.

Two further issues relating to industry influence on decision-making should be addressed:

- The role of commercial interests on government advisory committees needs to be rethought, as the vested interests of firms sitting on those committees (e.g. in promoting sales of unhealthy food) may be in direct conflict with the aims of regulation (e.g. improving health and reducing sales of unhealthy food). This is not to say that commercial interests should be excluded from policy-formation altogether; decision-makers need to know how their policies will affect firms, and the latter may have important information that will affect how programmes or regulation work (or indeed do not work). It may be, for instance, that industry representatives should sit on committees tasked with working out how regulations will be applied – but not on the committees that decide those regulations in the first place. This is an area that needs further thought.

192 Radio New Zealand Parliamentary reporters, 'Internal fraud and corruption under-reported, new report shows', *RNZ,* 10 February 2026, www.rnz.co.nz/news/politics/586453/internal-fraud-and-corruption-under-reported-new-report-shows (accessed 19 August 2026).

- The regulations concerning people moving from commercial industries into public life also need scrutiny. One former Ministerial staffer told us that, when they moved to a government agency, their previous political role was deemed more of a potential conflict of interest than the prior commercial backgrounds of their colleagues. This was even though those colleagues could, as above, bring with them allegiances that would lead them to give their former industry greater access to decision-makers and bias their decisions. On similar lines, other interviewees argued that some agencies had been captured by recruiting too heavily from one industry. Conversely, interviewees did not argue that agencies should *never* recruit from a relevant industry; indeed at least one interviewee felt that their previous commercial background had made it easier for them to refute claims that regulation would harm the industry in question. Overall, the solution may involve stronger conflict-of-interest rules and policies about how much hiring from industry is appropriate. A paper by Marie Doole and Theo Stephens suggests "targeted, special training and oversight to build confidence that these employees are working for the regulator and the public interest by applying their industry subject matter knowledge in a regulatory context".[193] Again, this area would merit further thought.

Finally, when it comes to political donations, the writers of this report have previously advocated the following reforms to reduce the potential influence of donors and protect the integrity of public decision-making:

- donors' identities disclosed when they give over $1,500;
- an annual cap on donations at $15,000 per individual;
- donations allowed only from eligible voters, not organisations;
- stronger powers for the Electoral Commission to pursue donations fraud; and
- a system of state subsidies for small donations, democracy vouchers to allow voters to allocate state-provided campaign funds, and lump-sum payments to all parties.[194]

The above measures should be implemented as a high priority.

(5) Strengthening the public sector's capacity

As above, a recurrent theme of our interviews was the need to deepen the public sector's capacity to develop policy and advise Ministers, so as to leave less room for lobbyists to propose plausible-sounding but undesirable solutions. Rex likewise notes the need for greater professionalisation of the civil service to avoid over-reliance on industry influence.[195] The details of such reforms are again outside the scope of our report, but in broad terms might include:

- a rejection of the emphasis on generalists who can move from agency to agency, and a renewed focus on employing and developing public servants who are specialists in their field;
- related to that, greater professional development opportunities for public servants, and clearer nurturing of talented early-career staff;
- a rejection of calls to cut public servant numbers without any clear plan for how the quality of policy advice will be maintained; and a strengthening of policy functions, so that public servants are able to provide a wider range of innovative policy options and feel more confident in providing 'free and frank' advice to Ministers, but also work more closely with Ministers and their offices once a desired direction of travel has been established.

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193 Marie Doole and Theo Stephens, 'Drain the Swamp to Save the Swamp: Mitigating capture in environmental regulatory systems', *Policy Quarterly,* 2025, 21(1), pp.21-32.
194 Rashbrooke and Marriott, n 9, p.5.
195 Rex, n 71.

Appendix I: Interview questions

(1) What examples of lobbying have you seen?

(2) Is there an imbalance in the lobbying / those who are you hearing from?

(3) What training did you get to deal with lobbying?

(4) Where in the policy process is most susceptible to lobbying?

(5) How do you think the process could be improved?

These questions were used as an initial interview guide but, consistent with the semi-structured approach adopted in the research, we asked each participant follow-up questions that were relevant to that participant’s role, experiences and responses to our initial questions.

Appendix II: Current and ex-MP interview participants' political leaning

Current MPs	R / L / C (Right / Left / Centre)
MP-C1	R
MP-C2	R
MP-C3	R
MP-C4	R
MP-C5	L
MP-C6	R
MP-C7	L
MP-C8	L
MP-C9	L
MP-C10	L
MP-C11	R
MP-C12	C
MP-C13	L
MP-C14	L
MP-C15	L
MP-C16	R
MP-C17	R
Ex-MPs	
MP-E1	L
MP-E2	C
MP-E3	G
MP-E4	L
MP-E5	L