

**Lifting the lid on lobbying in New Zealand:
An investigation into how these political
players avoid being labelled lobbyists**

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Abstract

This research project examines the lack of transparency of the lobbying industry in New Zealand and the implications for media. This is illustrated through a long-form journalism article involving interviews with high profile lobbyists and some of the politicians who have encountered their tactics. The interviews conducted for the news feature revealed that lobbyists were often able to undertake their activities without media scrutiny. Unlike some other Western democracies, a lack of legislation in New Zealand requiring transparency around lobbying allows their activities and tactics to be kept hidden from public scrutiny. Lobbyists defend this secrecy by saying it is the media's role to question their activities. However, instead of exposing this, the media are helping to keep the public unaware of lobbyists by failing to identify which groups are lobbying organisations and which are not. The activities of lobbyists have implications for democracy, as the public may not always be aware of who is influencing decision makers. This is particularly pertinent when some lobbyists utilise ethically questionable tactics. Subsequent research for this project found that media frequently do not identify that some newsmaking organisations are in reality lobby groups.

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Introduction

This research project has two parts. The first is a news feature investigating how lobbyists influence decision-makers and how their activities are kept undercover. The second part is an academic research project investigating how the New Zealand media frame lobbyists in their reporting. New Zealand has no legislation requiring lobbyists to be registered, nor that their activities be publicly recorded. It is therefore difficult to quantify the number of people involved in this activity and the influence that they have on legislation and regulation. An effort to improve transparency was made in 2012 through a legislative change, however, strong opposition saw it defeated (Government Administration Select Committee, 2013). This is contrary to some other Western nations, such as the United States of America (USA), Canada and Australia. This research project aimed to shed some light on this often-secretive activity and examine whether the media, in its role as a watchdog for the public, was doing enough to inform citizens about who was trying to influence lawmakers and how they achieve this. After almost 15 years working in journalism, and journalism education, I have observed a trend of down-sized newsrooms and more commercial imperatives for news organisations. This, combined with an apparent growth in lobbying, led me to question whether the media were paying enough attention to the activities of these political players. Through the long-form journalism feature article I examine some of the tactics used by lobbyists by interviewing those who are at the top of this field and also some of the politicians who are the targets of their activities. The article also examines the lobbyists' views on whether the media is doing enough to keep citizens informed about lobbying. Informed by this, a content analysis of New Zealand newspapers over a three-month period examined whether media are labelling lobby groups. The findings showed that descriptors identifying groups as lobbying organisations were noticeably absent. The result is that New Zealand audiences are being kept in the dark, firstly by the media who are not identifying which groups are lobbyists, and secondly by lobbyists who do not identify that some apparently innocent activities are, in fact, part of larger lobbying efforts.

Feature story: Shining a light into the dark world of lobbying

Lobbyist is a word that evokes images of smoke-filled rooms where shady deals are secretly reached with politicians for the benefit of wealthy clients, and to the detriment of everyone else. Unlike many other Western democracies, New Zealand has no laws requiring the reporting of lobbyists' activities and critics say this is leaving us in the dark about what is going on behind closed doors. Fran Tyler takes the covers off this sometimes-secretive industry to reveal some of the tricks of the trade.

It has been two years since MPs closed the book on a plan to introduce legislation requiring lobbyists to disclose which MPs they met with.

The Lobbying Disclosure Bill would have required those in the industry to register and abide by a code of conduct. It also would have forced lobbyists to file an annual return with the Auditor-General.

Critics argued the proposed legislation would have captured not just professional lobbyists, but also other groups and individuals wanting to meet with MPs. The select committee agreed.

The biggest hitch was defining what a lobbyist is, and that is no easy task. Lobbyists come in many forms - paid professional consultants, lawyers, and even accountants. They can be hired by firms as in-house lobbyists, sometimes called government relations specialists, or work as volunteers. The groups they represent range from big business such as alcohol, tobacco and farming to environmental and social groups, unions and even small single-issue groups like those who oppose same-sex marriage or the Trans Pacific Partnership Agreement.

But all have the same role to influence government to make laws that favour their cause.

Green Party MP Sue Kedgley was the author of the bill and, with the benefit of hindsight, she now agrees it failed because it was too wide-ranging.

Had it passed, she says, the bill would have given MPs and the public an insight into who was lobbying MPs before legislation was debated and whether both sides of a debate were given equal opportunity to state their cases.

“Because it all happens in secret, people are completely unaware and oblivious,” she says.

Kedgley, herself a lobbyist for animal welfare and safe food and now a Greater Wellington regional councillor, says the bill was born from her frustration at observing how things in Parliament really worked.

“I just became more and more aware of just how much so many issues in Parliament were being shaped, effectively, by lobbyists.”

Kedgley says some lobby groups wield enough power to set the agenda of Parliament, particularly those representing big business. Because MPs do not want to get offside with these groups, opposition from them can stop proposed legislation in its tracks. She cites organisations like Federated Farmers and Business New Zealand as being particularly influential. MPs will simply avoid backing issues that they know these groups are going to oppose.

“Governments have a limited amount of political capital and you can only expend it on items that are going to bring you votes. The main political parties are risk averse and they’re not prepared to get offside with key lobbyists.”

Kedgley says this was illustrated for her in 2007 when trying to get support for her Flexible Working Arrangement’s Bill, which aimed to encourage employers to allow staff to negotiate work hours to meet their childcare and other personal needs.

“With my flexible working hours bill, Business New Zealand opposed it. Labour’s women members wanted to support the bill, but they weren’t going to waste political capital when it was up against all this opposition from business lobbying.

“And I think that’s where I sort of got this message that the Labour Government were not going to get offside with business on an issue.”

Kedgley says organised opposition to the bill was orchestrated by a number of business lobbying organisations, “speaking with a united voice saying it’s going to destroy business in New Zealand”.

As well as organising a text message campaign opposing the bill, some groups arranged for their members to speak against it at its hearing in the Transport and Industrial Relations Select Committee.

“One after the other they turned up in the select committee. I remember one business turning up and saying we’ve got 7000 employees, or something, and we will definitely have to relocate our business offshore if this bill goes through.”

Kedgley says the campaign against the bill was so successful that even her stepson complained to her that it would destroy his business.

For an MP trying to guide her first bill along the perilous path to it becoming law, it was a tough lesson on the tricks used by lobbyists.

Kedgley had to resort to undertaking her own lobbying among MPs for support, and despite opposition from National and Act, managed to get the bill passed.

The “implacable opposition” to the bill was completely unwarranted, Kedgley says. The flexible working hours changes have since been deemed to be a huge success by businesses and “now the National Party has extended it to all employees in New Zealand”.

In the area of animal welfare, Kedgley says overwhelming opposition from Federated Farmers against plans to improve the way we treat our farm animals kept the issue “completely off the agenda”.

This was not a surprise with a National government, as farmers traditionally support the party. However, Labour too were unwilling to get behind some issues, such as a ban on the controversial use of sow crates, because they did not want to get offside with Federated Farmers.

“For them it was just too big a political risk.”

But it was not just the tactics used to oppose proposed legislation that made Kedgley aware of the incredible power of lobbying. She also discovered that some lobbyists were actually writing it.

Kedgley says she was shocked when one lobbyist phoned her and said they had written a Private Member’s Bill and wanted her to introduce it to the ballot.

They were both working on the same issue and the lobbyist would send her written questions suggesting she pose them to the government in the House. She did not do this.

Soon after, the lobbyist contacted her and said, “Oh, well, I happen to have just written a Private Member’s Bill that you might like to use”.

“It sort of made me realise that this was considered quite normal and it made me think how many other Private Member’s Bills were like that.”

The way it was presented was that this was quite a routine thing, that lobbyists would write questions and draft legislation to *help* MPs.

“To me that’s crossing the line.”

It was important to have more transparency around what lobbyists want and what MPs do so that people, and journalists, could start to see the connections between them, she says.

Despite her concern over their activities, Kedgley says, she did work with some lobby groups, such as Save Animals From Exploitation, and saw how lobbyists could be helpful.

“Let’s face it, a lot of MPs are very short-staffed, don’t have their own researchers and so they like it if they can get someone who will draft them legislation and write their questions for them. I can see the temptation to take up those offers.”

Kedgley says she is also concerned about the privileged access some wealthier individuals have to lobby ministers and MPs through so-called donor clubs.

Both major political parties have been implicated in these cash-for-access arrangements whereby individuals pay for a seat at a dinner or meeting with the parties’ MPs or ministers.

What this is doing is effectively selling access to ministers. They get privileged access, get the ear of the minister and make their presentations. It is “completely skewing the playing field in favour of people who have money” and giving them undue influence on Parliament.

For ordinary New Zealanders it is much more difficult to access MPs, she says.

“It is true that you can make a fuss; you can be imaginative; you can hold a protest; so there are routes, particularly in New Zealand.

“But we have these quiet channels accessing ministers and government like a big pipeline effectively providing automatic access to government by people who

can afford it, whereas the unfunded and those who can't afford it are left to jump up and down on the sidelines in frustration.”

The result is that “vested interests, rather than the public interest, starts to shape a great deal of what happens in Parliament”, she says.

One prominent and successful lobbyist for hire is Barry Saunders and, not surprisingly, he has a very different view on lobbying.

Sitting at the head of a highly-polished wooden conference table in The Terrace offices of Wellington-based firm Saunders Unsworth, Saunders, speaks with obvious pride of the almost 25 year-long career he retired from in March this year.

Like many lobbyists, Saunders began his career in the media. He moved into the political arena working as a press secretary for Prime Minister Bill Rowling and then into lobbying in 1990 as a consultant with the Business Roundtable as his main client. He formed lobbying firm Saunders Unsworth in 1994.

“Basically we are advocates. We're either trying to get the government to do something or not do something.”

However, the most important thing lobbyists do is lower transaction costs for the government, he says, and without them the democratic process would not work “nearly as well”.

This is because lobbyists narrow down their members or clients' wants to those that are achievable.

They sift through them, discard those that are unworkable and keep those that have merit and push them forward, he says.

For government officials, ministers or MPs on a select committee it is efficient to deal with lobby groups because they will have written well-formulated arguments and the MPs and officials are “not dealing with a whole lot of hair-brained ideas - well not too many anyway”.

“So instead of being seen as a negative, they should be seen as something very positive, helping Parliament and government departments work much better,” says Saunders.

Effective lobbying is not just about getting access to MPs and officials, it is also about understanding how Government works, he says. And this is not only the people who sit in The Beehive, but from the policy analyst level up.

Saunders disagrees that tighter measures for monitoring lobbyists’ activities are needed. In New Zealand, the transparency and integrity of the political system is far ahead of many other countries, he says.

“If people are unethical it tends to get exposed sooner or later in New Zealand.”

To defend his view, Saunders points to the US political system, which he describes as “corrupt in a sort of open kind of way”.

Saunders spent three-and-a-half years in New York as the New Zealand Meat Board’s North American director, and got to see, up close, the wheelings and dealings of lobbyists there.

“Washington DC works in a quite different way from New Zealand. In Washington if you have heaps of money and you make big donations to political action committees of political parties, you will in all likelihood get policies that you will find agreeable.”

In New Zealand, political donations are quite open and do not guarantee any special treatment, he says.

“I think the best thing that any wealthy (donor) individual can expect is that at least someone will answer the telephone. But you can get ministers to answer the telephone to all sorts of people.”

Saunders acknowledges that at times his industry suffers from a bad reputation, but he says it is not deserved and he lays blame for this squarely on the media.

“I think it’s low-quality journalism, quite frankly.”

Media often approach the topic of lobbying with “preconceptions”.

“I hardly speak to journalists because they don’t call me and I don’t especially call them. The press gallery does not call, because they are more interested in the game of politics than heavy-duty public policy. I could bore them absolutely rigid on section six of the Resource Management Act, or the treatment of capital dredging for port companies, so I don’t do all that much that is what you would call politically sexy. Some of it is controversial, like the Resource Management Act, but not easy, sexy stuff.

“Other consultants, and some of my partners, do things that are much more right up there in the headlines of the moment, or they might be in the headlines if they (the media) knew about it, but they don’t.”

One aspect of lobbying that has made headlines is the controversy surrounding the granting of hallowed security swipe cards allowing certain powerful lobbyists free access to Parliament buildings.

Saunders says the swipe card access debate “is one of the most absurdly written about things of all time”.

His swipe card allows him to avoid the x-ray machine at the front, he says.

“And that is it.

“When I get to the other side of the x-ray machine, if I want to go and see a minister I still have to go up to the desk and say I want to see this minister and they ring up someone and then they give me a new card which gets me up to that floor. Any member of the public can get through the x-ray machine and get to the other side. So most of the articles that have been written about it are just B.S.”

Saunders says having a greater access to MPs is “not because of swipe cards. Whatever access you have depends on how well you do your job.”

Another lobbyist who holds a hallowed swipe card is former ACT MP Stephen Franks, who says his card also grants him the right to go to Parliament’s restaurant Bellamy’s and to sit in a non-public area of the debating chamber.

Franks is one of a newer breed of lobbyist, lawyers who have expanded their work into the lobbying arena, and like Saunders, he is bemused by the furore around the swipe card access, although his is granted in his role as former MP.

“All it means is that when you go through security you are normally inspected ... but I’m instead welcomed as a known person in the way that an MP is welcomed. It’s sort of a minor residual respect I think.”

Franks is one of a number of MPs that have moved into lobbying following their time in Parliament.

“A number have sort of done it part time” or taken a role in which lobbying is a component.

“Most of them end up taking a job with someone who has a particular cause” working as an in-house lobbyist, rather than for a professional lobbying company or law firm that specialises in lobbying.

This list includes former Prime Minister Geoffrey Palmer, who founded public law firm Chen Palmer; former National Party MP Katherine Rich, who heads the New Zealand Food and Grocery Council; former National Party MP Roger Sowry, who works for Saunders Unsworth; and former Labour and ACT MP Ken Shirley, now executive director of the Road Transport Forum.

Franks says he has noted an increase in the number of law firms working in the lobbying arena.

Asked why he believes this trend has developed, Franks says, dealing with Government has become more complicated and people have become more nervous about working without lawyers, on both sides.

“If they are going to get knocked out on a technical foul then it’s hard to avoid lawyering up.”

Franks agrees that lobbying suffers from an image problem.

“It’s automatically pejorative. Lobbying is a pejorative word.”

This is a view that is quite commonly held, certainly in the English-speaking world, Franks says.

And, like Saunders, he blames the media, saying there is “a quality of journalism issue”.

While media coverage of politics used to focus on the relative merits of arguments he likens modern reporting to coverage of a sports match – “who just scored a goal, who’s got the troops deployed at silly mid-on nicely and who’s ready to catch the one that glances off the pads”.

Even the Prime Minister escapes a lot of scrutiny on issues, as the media “are always trying to catch him out on some procedural issue or some etiquette fault”.

Lobbyists are not just targeting politicians directly, another tactic is to target the media.

Unlike Saunders, Franks says he has a close relationship with the media and he believes that influencing public opinion through the media is important way to persuade decision-makers.

Franks says he spends as much time helping clients be noticed and understandable to the media, as he does with officials.

“My address book of journalists is much more important than my address book of MPs.”

However, he acknowledges that gaining attention and support from the media is not easy.

The media are “looking for this tournament model of public affairs” where there are good guys and bad guys and if you happen to be the one deemed to be the bad guy the cards are really stacked against you.

“They are looking for stories that confirm the Punch and Judy depiction of things and they all want to see Punch go down.”

In order to gain momentum, and hopefully media attention and support, social media such as Facebook and Twitter are also important tools, as are prominent blog sites like those run by David Farrar and Cameron Slater aka Whale Oil.

Franks says he does not ask them to post his work as their own.

“I usually post stuff on my blog, and then I will say to them, ‘I don’t know whether you are interested in this, but you are welcome to re-use it’.”

Deliberately provoking controversy on these sites can also help promote a particular cause, he says. He admits he has baited bloggers to lash out against an issue in the hope that the furore will promote attention.

Stirring up a blogger, Franks says, can trigger a positive response from the people who he wants to influence.

“It’s that old thing about oxygen, if he takes a position against me or my client at least it’s attention.”

Franks reveals some of the tactics he uses to get favourable media coverage.

One of the keys to getting good attention from the media for an issue is to have a simple message and a good story, Franks says.

“You need a revealing story, you just need something that illustrates things in ways that people immediately identify with. Pick one story and run with that,” Franks says.

Sometimes the media will ignore an issue or do not publish all the sides of an argument and if this happens lobbyists can arm the decision-makers with the other side of the story, he says.

People wanting the help of lobbyists “nearly always” say they are being ignored or are saying the media have got the wrong end of the stick, “so it’s an equaliser in most circumstances”.

Asked if there were some causes he would not take up, Franks says, there are some he does not share, but he does not regard them as pernicious.

“If someone with whom I had no sympathy approached us, I would probably take on the job if we had the capacity, but I’d be very happy if I looked around the room and said ‘hey we’re too busy to do this’. That’s the rule. Essentially you’re

supposed to take on work if you can, if you've got the capacity and they are willing to pay. Most of them are people that I am happy and proud to be working for."

One of the most controversial tactics employed by some lobbyists is hiding behind apparent grass roots groups. These groups are sometimes described as front groups or astroturf groups. They are organisations set up by companies, lobby groups or their public relations firms and are designed to appear to be independent community-led public support for a particular cause. The aim of astroturf groups is to muster public support for a cause and sway lawmakers to a particular point of view.

Astroturf groups are a relatively rare tactic in New Zealand, being more commonly used in the USA. However, in 2010, the Association of Community Retailers, a group claiming to represent small New Zealand retailers protesting against tobacco price hikes, was exposed as a front group being operated by a public relations firm on behalf of Imperial Tobacco.

While the tactic has been criticised as unethical by many in the public relations industry, both Saunders and Franks say they have no problem with the practice.

Asked if he believed organisations should disclose that they are the ones behind these astroturf groups, Saunders says, "it's up to journalists to ask them the question".

Franks agrees that it is fine for lobbyists to keep mum about their involvement in astroturfing.

"I regard it then as the responsibility of the media to test and challenge how many (these groups) actually speak for and how representative they are."

If it remains feasible to establish a body that represents a cause without risking it collapsing and being ridiculed that is "perfectly legitimate", he says

But equally, he says, it is perfectly reasonable for the media to say “what’s your membership and what are your links with the industry and how much under their thumb or influence are you?”

Franks says he defends this position because the media often ignores an issue if it does not fit the “Punch and Judy model” or will ignore one side of the argument if there is not a spokesperson for that side.

“I see nothing reprehensible about making sure that there is that mouthpiece, partly because, again on the Punch and Judy model, if you’re the guy in the black hat your stuff doesn’t get reported anyway. So you really want a fresh voice offer just to get the arguments heard.”

In the past, few of those who are the targets of lobbyists’ pressure, MPs themselves, have spoken publicly about lobbying.

One exception is Labour MP Trevor Mallard who, in 2003, described a marked increase in the number of lobbyists in the nine years since he entered Parliament in 1984.

Now, 12 years on, Mallard says he has seen that growth continue.

There are still a growing number of the firms that directly lobby and also an increase in PR firms, “but within most major companies and within quite a few of the law firms there are people who I would say should properly be classed as lobbyists”.

Another MP who has had more than his fair share of experience dealing with lobbyists is United Future leader Peter Dunne, who currently holds the Internal Affairs and Associate Health portfolios.

At 61 years of age, Dunne has had a Parliamentary career spanning more than 30 years and has held ministerial roles under both National and Labour governments.

Unlike Mallard, Dunne says he believes the amount of lobbying had decreased, however, the nature of it has changed since the government has become less regulated. In the past lobbying was what he described as “crass”.

“I can remember one lobbyist, and I should make a point that this is many, many years ago and not current, who would walk into my office and sit down and immediately burrow into his bag and hand over a brown paper bag, which was always a bottle of whiskey, and put that on the table and say, ‘I’ll just get that out of the way, now what I want to talk about is such and such’.

“Those days have long since gone.”

Lobbyists now no longer arrive bearing whiskey bottles, instead they ply MPs with ‘helpful’ information aimed at guiding lawmakers to make a decision that is favourable to the cause being promoted.

Dunne concurs that the new information as a commodity style of lobbying outlined by Saunders and Franks can be influential. However, he admits some lobbyists are getting it wrong, thereby leaving MPs frustrated.

Like Saunders and Franks, Dunne says for lobbying to be effective it needs to include a persuasive argument.

It is all very well for lobbyists to come in and tell MPs they’ve got to vote for this or vote against that, but MPs need a reason.

“And a reason is not because we will vote against you if you don’t support us – if you believe that every time, you would never do anything.

“The reason has got to be ‘this is the story, this is what we believe, this is what our company is about, this is what the impact of what you are going to do is going to be’. That to me is persuasive. Three or four key points as to why this a bad thing or a good thing, or what this will mean for us.”

Dunne says good lobbying also provides MPs with ideas for how things can be improved on a practical level.

“But the funny thing is, when you talk to groups about that, quite a lot of them say ‘well, um, we’re not sure we can provide that’ or ‘we don’t really know that enough’ or ‘is that our role?’”

However, Dunne says, some less-experienced lobby groups do not understand how they should approach MPs and use tactics that are frustrating and ineffective. Included among those are email bombs, which clog up in-boxes with streams of repetitious messages imploring MPs to get behind a cause.

“When I first came here there were no faxes, there were no emails, nothing of that nature, so every letter you got you took seriously because someone had actually written it.”

Many MPs would, in fact, take the time to respond to each one individually. He says, for someone to make the effort to write a letter was a sign of the depth of feeling on the issue.

“Then faxes arrived and it was much easier to have the fax-attack – ‘don’t vote for this’, or, ‘vote for that’. The volume increased hugely and in those days it became almost impossible to reply to each one individually because you didn’t have the mechanism for doing so. I think after the initial impact wore off those things started to lose their value.”

Dunne reveals how MPs deal with the frustration of the email bomb campaign.

“The delete button gets pushed a hell of a lot when you are getting hundreds and hundreds of things coming in every hour. They’ve all got the same standard message, just delete.”

Another frustration is in the area of face-to-face lobbying. A lot of groups feel that because they are coming to Parliament they need to bring out the “big guns” - their lawyers or their PR people.

“The ‘what my client believes’ line isn’t really that credible.”

Dunn says MPs feel that if the client believes in the cause then they should go to Parliament and put their case personally.

“I think we are seeing a bit more of that ... But what I actually find is much better is if I can see someone and say ‘just take me through why this won’t work’ or ‘take me through what this means for your business or your cause’.”

So how much influence does public opinion have on MPs?

“In short a lot, but I think it depends on the issue. Obviously on things like ... save the whales or those sorts of environmental things, there’s very strong public support and that does have an impact. You see that reflected quite often in policy.”

While most people see lobbying as an external activity, Dunne says there is also a lot happening within government departments by officials who are supposed to provide MPs with objective advice.

“And that’s at two levels, your own department lobbying you over its pet projects, but also where your department’s stuff comes up against some other’s you get caught in departments lobbying.”

This issue usually arises when departments are vying over which one is going to take the lead in a project or when seeking contested funding in Budget bids.

There are also times when what the lobbyists tell you conflicts with the advice from officials and in that case “you would usually err on the side of the officials”.

However, there are occasions where this may not be the right move.

“I had a case a couple of years ago where my vote was critical and what everyone was saying seemed on the face of it to make a lot of sense to me.”

However, the advice from the officials contradicted this. Dunne says he requested a meeting with the two departmental advisors concerned and after questioning them it became apparent that they were personally keen to keep the status quo.

This was because each had been working in the area for many years and were considered to be experts. In addition, each year one went to an international conference on the subject in some “exotic” location and the other went the next.

“It was a nice cushy wee set up and essentially the change would upset that apple cart. I’m putting it a bit bluntly, but that’s what it came down to, that this was about protecting very narrow vested interests - basically these two guys.”

Dunne says the legislation was eventually passed with some amendments that satisfied all concerned.

“That’s not common, but it does happen.

“It is a bit *Yes Minister* here, not to that extreme, but you do have that sort of thing. You do have those bureaucratic interests that are seeking to protect a part of their world.”

Ministers are often not aware if lobbyists are talking directly to departmental or ministerial officials, but he says, he does not have a problem with that as long as they are providing them with good information.

“In fact, on occasions, I have said to various groups ‘you need to go and talk to the officials about this because that’s not their world view. If they’ve got it hopelessly wrong, you need to go and put them right.’”

However, sometimes it was more subversive as lobbyists fight “a rear guard action” through the officials.

“I suppose you just factor that in as being another reason for either sticking to your guns or not being too persuaded by them.”

In his portfolio roles Dunne is in the unique position of dealing with competing lobbyists from both sides of the gambling issue. As Minister of Internal Affairs he meets with those involved with pokie machines, and as Associate Health Minister with those trying to reduce gambling harm.

“I’m sort of on both sides of the fence.”

His work with these groups has revealed an unusual paradigm. It is expected that the pokie machine industry and the gambling harm reduction groups will lobby against each other, but, Dunne has also found that the charitable trusts, which operate the pokie machines, will also attempt to undermine each other.

“These groups tend to lobby against each other saying things like *we are doing this right, but these others are not.*”

In the health area, the groups are lobbying for measures to reduce gambling harm, such as whether to put in more regulations or blocks on machines to prevent problem gamblers from using them.

Dunne says it is interesting to see both sides of an issue and usually finds they are poles apart. The industry groups are focused solely on a product, the health groups are focused purely on their clients and there is not a great deal of overlap between the two. One is selling a product and professing some concern about the health impacts, but that is a secondary consideration. The other is dealing with adverse impacts but is not really thinking about the trusts needing to make a profit.

“It’s quite an interesting sort of delineation.”

Despite his 31 years of being lobbied by all and sundry Dunne is actually against tighter controls and says he believes the current legislation is probably enough.

“I’m not adverse to looking at going further but I’m just not convinced that it is necessary at this point. I think that ultimately this is still a very small place and if there was something seriously improper going on in this institution you’d find out about it pretty quick.”

The current system appears to “self-regulate” itself because if you step outside what’s accepted you are going to get caught in a small community, he says.

“It’s the front page of the paper test.”

Despite Dunne’s confidence, lobbying remains off the front page; in fact, out of the spotlight entirely.

For Kedgley, the front page of the paper test is no consolation and she laments that lobbying still remains “completely secretive”.

And if Saunders and Franks’ estimation of the prowess of New Zealand’s media is to be believed, it is unlikely lobbyists will be featuring on the front pages of any newspapers in the near future.

The research project

A lack of academic research into lobbying in New Zealand meant that previous news stories and a handful of books formed the basis for some of the research for this project. Many of the news stories were found to focus on one-off examples, such as where MPs had been found to have accepted perks from lobbyists, like tickets to Rugby World Cup games. There were several other stories relating to the controversy surrounding the issuing of Parliamentary access swipe cards to lobbyists. Due to the secretive nature of lobbying, the majority of the information for the feature was gained from the interview subjects.

In August 2014 investigative journalist Nicky Hager published his book *Dirty Politics* (Hager, 2014). Based on a series of leaked emails, the book describes a relationship between lobbyists and prominent right-wing bloggers. The information in this book encouraged me to direct some questions to interview subjects on their activities in social media.

The feature aimed to provide the personal perspectives from those ‘in-the-know’, therefore the interview subjects were chosen for their broad inside knowledge and experience in the field. Barry Saunders is considered one of the top lobbyists in New Zealand and having also worked as a journalist could provide a perspective on the media’s understanding and treatment of lobbying. Another noted lobbyist, Stephen Franks, had also been an MP so could comment on both roles. Former MP Sue Kedgley was the author of a bill, which would have limited the ability of lobbyists to conduct their activities in secret. She described some of the lobbying tactics that prompted her to try to increase transparency. In 2003, long-serving MP Trevor Mallard spoke publicly about the growth in lobbying in New Zealand and in the feature confirmed that this growth had continued. Peter Dunne, having worked in Parliament for more than 30 years, had been a minister under both National and Labour governments and could add perspective on the changes that had happened in lobbying during that time and was willing to share some of the lobbying tactics he had encountered. Both

Saunders and Franks agreed that there has been a trend in political journalism away from in-depth reporting of issues to reporting of politics as a game. The literature offered some rationale for this. The lobbyists also confirmed predictions in the literature that this trend would lead to less scrutiny of lobbyists' activities.

Literature Review

Introduction

The art of persuasion is a major industry (Pearson & Turner, 1965), which includes advertising, public relations and marketing. One branch of these industries, political lobbying, relies heavily on the persuasion of legislators to adopt a certain point of view. Political lobbying is a powerful tool that can encourage decision-makers to adopt a stance on issues that may affect the lives of all members of a society (Kollman, 1998). This lobbying takes many forms. Traditionally considered an activity that happened behind closed doors where proponents met face-to-face with decision-makers to encourage support for a position, lobbying has been redefined by some as a much broader activity, aimed at influencing the public and the media to apply pressure to decision makers (Harris, 2002). When lobbyists persuade the media to frame an issue in a light that encourages the public to form a positive opinion about it, pressure can be said to, thereby, be indirectly applied to decision-makers (Thomson & John, 2007). The recent trend toward commercialisation of the media and the resultant downsizing of newsroom staff has allowed lobbyists to take advantage of the theory of media logic (Stromback, 2008) and thus avoid some of the media scrutiny they once would have encountered. In some cases media and political actors may not even be aware that some so-called grassroots campaigns are the result of careful planning by lobbyists. A large amount of academic literature is devoted to lobbying, mostly in the USA, Europe and the United Kingdom (UK), and mainly relating to ethics, practices and regulation. A small amount of research examines lobbying as political marketing where the aim is the mobilisation of public opinion (Harris and McGrath, 2012). Academic research

and literature on lobbying in New Zealand is scarce, and empirical research even scarcer. MP Trevor Mallard (2003), more than 10 years ago, described seeing a growing use of lobbying in Parliament. While Mallard confirmed he has seen this trend continue another long-serving MP, Peter Dunne, believes that it has reduced. However, both agree that the nature of lobbying has changed. Media have published a small number of stories on lobbying and there are a few published guidebooks (Kent 1998; Young, 2003) but these are more than 10 years old. This lack of solid research highlighted a need for an examination of media framing of lobbying. This research project addressed that need. This was achieved through a content analysis of newspaper stories published on New Zealand's two largest news websites over a three-month period starting from January 1, 2015. The findings showed media infrequently labelled lobbying groups as such.

Defining lobbying

The umbrella organisation for the public relations and lobbying industry in the UK, the Public Affairs Council (UKPAC), defines lobbying as “in a professional capacity, attempting to influence, or advising those who wish to influence, the UK Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence” (United Kingdom Public Affairs Council, 2014). New Zealand's Parliament does not have an official definition. The Kent handbook to lobbying in New Zealand (1998) describes it as: “the modern communication art of ensuring your opinions are heard by decision makers” (p. 6). It is not surprising that these definitions are so varied as, according to Zetter (2008), “no definitive definition of lobbying has ever been agreed upon” (p. 3).

Debate remains as to where lobbying fits in the communications' paradigm. Lobbying is frequently described as a subset of public relations (Wise, 2007; Berg, 2012; Vercic and Vercic, 2012). This is apparent in New Zealand where lobbying is often practiced by public relations professionals (Young, 2003; Hager 2012). Others argue that lobbying is further removed from public relations,

falling under public affairs, which itself is a subset of public relations (Thompson & John, 2007). They state that public affairs workers not only undertake lobbying activities, but also traditional public relations practices; image management, media relations, corporate social responsibility programmes and, if needed, crisis response management (Thompson & John 2007). Others describe lobbying as being underpinned or informed by political marketing (Harris & McGrath, 2012). While political marketing normally relates to electoral campaigning, lobbying is a more subtle form of this (Harris, 2002). Both activities involve applying “marketing techniques to the political decision-making process to achieve a strategic advantage or gain” (Harris, 2002, p. 987).

What was once an area historically based around who you knew and privileged access to decision makers has become an industry encompassing social-responsibility programmes, pressure- and interest-group activity, stakeholder analysis, policy advice, and of course, political lobbying and public affairs work to achieve strategic means and ends (p. 987).

According to Harris (2002) the objective of lobbying is mobilising public opinion to create pressure on decision makers for competitive advantage or commercial gain.

The lobbying industry receives a significant amount of unfavourable press, this is partly due to the tactics that it employs and partly through spin aimed at discrediting it (Thomson & John, 2007). The behaviour of some lobbyists has been questionable (Zetter, 2008). Some of the least ethical campaigns have been utilised by big business, most notably tobacco companies (Lopipero and Bero, 2006; Smith, Savell and Gilmore, 2013; World Health Organisation, 2008; Apollonio and Bero, 2007). This has led to significant debate about the ethics of lobbying, despite it being a legitimate and legal practice (Berg, 2012). Thomson and John (2007) identify that lobbyists are generally mistrusted by the public and that there is a view that they “in some way distort the political process” (p. 4). As a result many political actors and public servants are reluctant to admit

that they have contact with lobbyists or that they receive valuable and useful advice and briefings from them (Thomson & John, 2007). While lobbyists play an important role in the decision-making process they “carry a negative connotation in the public” (Greisser, 2013, p. 36). In an analysis of lobbyists in Brussels, Greisser (2013) found the misconduct of a few lobbyists reflected badly on the whole industry. To counter this, transparency in the process would “decrease the room for manoeuvre for corrupt lobbyists and decision makers” (Greisser, 2013, p. 38). Some academics identify the concept of persuasion as being the crux of lobbying’s reputation problems (Berg, 2012). Persuasion is “a concept that can trigger an instinctive negative reaction” (Harris & McGrath, 2012, p. 86). Similarly Parsons (2004) also identifies persuasion as the culprit, stating that Edward L Bernays’ description of persuasion as the ‘engineering of public consent’ had caused people to misunderstand public relations’ advocacy role. In his defence, Bernays’ use of this description stemmed from the concept of propaganda, which he described in a 1936 speech as “the voice of the people in the democracy of today” (Bernays, 1936, p. 744). It was this that he named ‘the engineering of consent’ (Bernays, 1947). It must, of course be remembered that prior to World War II the word propaganda did not have the same negative connotation that it developed following its association with the Nazi regime. From Bernays’ description it could be inferred that he intended propaganda and persuasion to be tools to be utilised to give people a voice.

Transparency in New Zealand

Unlike a number of other Western democracies, such as Australia, Canada, Germany, and USA, New Zealand has no formal register of lobbyists (Malone, 2004). Noting the lack of transparency around lobbying activities in New Zealand Political journalist Tracey Watkins reported that it was easier to find out which New Zealand lobbyists were actively working in Washington than working in Wellington (Watkins, 2011). An attempt to develop a register and improve transparency was recently made in a Private Member’s Bill, the Lobbying Disclosure Bill, sponsored by the Green Party. The general policy statement of the Lobbying Disclosure Bill (2012) outlines the current situation in this way:

There is no public scrutiny of the activities of people who are paid to lobby parliamentarians, their staff, or public servants. Nor is there any code of ethics. This means there is no way of knowing who is engaged in the lobbying process, who is lobbying whom, and for what purpose (p. 1).

The bill would have established a register of lobbyists and required them to comply with a code of conduct. It also would have required them to file annual returns with the Auditor-General. But the bill was rejected by the Government Administration Committee in August 2013 (Government Administration Select Committee, 2013). According to a public law expert the main reason for the bill's failure was the difficulty in defining what a lobbyist was (Crang, 2013). According to Crang (2013) as drafted, the Bill would have captured not just professional lobbyists, but anyone wanting to contact their MP about any issue.

There are several different types of lobbyist; consultants, in-house lobbyists and volunteers. They are defined by how they work.

Consultants are hired to lobby on behalf of paying clients (Thomson & John, 2007). According to Young (2003), in New Zealand consultants include public relations practitioners, accountants and lawyers. Many public relations companies advertise specialist areas of government relations and lobbying. For example see Four Winds Communications, which boasts its three senior staff members have experience at parliamentary and political levels (Four Winds Communications, 2014). Many of the lobbyists working as consultants in the UK have worked previously in the civil service, one of the two Houses of Parliament or for political parties (Zetter, 2008). This trend is apparent in New Zealand where high profile political figures such as former Prime Minister Helen Clark's chief press secretary Mike Munro (Businesswire, 2009), former National Party president Michelle Boag (Boag, 2014) and former MP Katherine Rich (Food and Grocery Council, 2014) all moved into roles involving some lobbying.

In-house lobbyists are employed by organisations and may be described as public affairs or government relations' officers (Thompson & John, 2007). Often these lobbyists have been hired by organisations after working for consultancies (Zetter, 2008). In-house lobbyists may work for commercial organisations or for Non-Governmental Organisations (NGOs).

Volunteers make up the third type of lobbyists (Young, 2003). These lobbyists provide their time and skills free of charge to work for organisations or causes they feel strongly about (Young, 2003).

This review focuses on the first two of these types of lobbyists.

Without mandatory registration it is difficult to easily discover who is actively involved in lobbying MPs. Some idea can be gleaned from the 105 submissions to the Lobbying Disclosure Bill (2012). Among the industries represented in submissions were; advertising, brewing, energy, farming, financial services, banking, horticulture, hospitality, tertiary education, fast food, meat, forestry, accounting, law, pork, retailers, winegrowers, newspaper publishing, fishing, retirement villages, unions and, not surprisingly, public relations. Almost all were opposed to the bill.

As well as not being able to easily identify who is lobbying MPs, it is also difficult to assess how many there are. A 2004 report on lobbying by the National University of Ireland's Institute of Public Administration found there was "very little literature on this subject in New Zealand at the moment" (Malone, 2004, p. 17). This lack of research makes it difficult to accurately assess the size of the industry. In a speech to public relations professionals, former Cabinet Minister Trevor Mallard stated that there was an increasing trend in organisations using lobbyists.

In the many years I have spent in Parliament I have noticed a growth in lobbying. This growth is likely to continue. Lobbying as a practice and a

discipline is going to get more sophisticated and more common (Mallard, 2003, §63).

This growth was evident 10 years later when the Government more than doubled, to 25, the number of lobbyists granted access cards to enter Parliament buildings (Young, 2013). An indication of the growth may be seen in the expansion of the closely-related public relations industry. Since the 1940s the number of public relations practitioners has increased markedly (Hager, 2012). There are now more than 1200 members of New Zealand's Public Relations Institute, however, many practitioners are not members (PRINZ, 2014). This number is similar to Comrie's (2002) estimate of around 1500, many being former journalists.

Another indication of the number of lobbyists is to look to other Western democracies. In 2008 the Australian Government introduced a Lobbying Code of Conduct and a register of lobbyists. As at September 2014 there were 578 registered lobbyists representing 1670 clients (Australian Government Department of Prime Minister and Cabinet, 2014). Lobbyists working for charities, religious groups and NGOs are not required to register so are not included in the figures. Fitzgerald (2006, cited in Hogan, Chari and Murphy, 2011) estimated there were more than 1000 active lobbyists in Canberra.

In the USA lobbyists are required to be registered. In 2013, the Center for Responsive Politics, calculated there were 12,353 registered lobbyists in the USA, up from 10,406 in 1998 (Center for Responsive Politics, 2014). The ratio of PR professionals to journalists in the USA has gone from 0.75 to one in 1960 to four to one in 2012 (McChesney, 2012).

Lobbying tactics

Success in public relations and lobbying occurs when the public is not aware of it happening, or who is responsible for it. This is according to independent investigative journalist and author Nicky Hager who has written a number of

books about New Zealand politics where lobbyists played a part. Lobbyists have a large toolbox of tactics, some more public than others. The New Zealand *Public relations and communications management* textbook (Mersham, Theunissen, & Peart, 2009) splits these into two categories.

Direct lobbying:

- Meeting with ministers, advisers and officials
- Presenting submissions to select committees and advisory panels

Indirect lobbying, which involves persuasive publicity campaigns to influence public opinion. Tactics identified include:

- Advertising
- Publicity stunts
- Email and letter-writing campaigns
- Getting supporters to speak for the position
- Identifying key messages
- Printed literature such as pamphlets, posters, bumper stickers
- Identifying key supportive experts
- Petitions
- Encouraging opposition MPs to ask questions in the House
- Developing a website
- Encouraging supporters to speak out through news media
- Public rallies

Mersham, Theunissen and Peart (2009) recommend that if direct lobbying fails a combination of both might be more effective. The 14 tactics outlined above are well-known and well-accepted among lobbyists. However, another, more secretive tactic is astroturfing. This is a tactic which Hager (2012) describes as a “manipulative public relations” practice (p. 212). Astroturfing involves manufacturing campaigns supportive of the lobbyist’s position, including creating false community support groups, secret employment of apparently independent scientists, spying on opponents and attacking opposing experts (Hager, 2012). Astroturfing is a controversial tactic often used in the US, which aims to influence decision makers by making them believe there is

overwhelming public support for a particular position (Fitzpatrick & Palenchar, 2006). For example see Apollonio & Bero, (2007) who examine the case of the US tobacco lobby's creation of the apparently grassroots Get Government off Our Back campaign. According to Mersham, Theunissen and Peart (2009) astroturfing should be avoided. "It is deemed as highly unethical because it is misleading and thus little more than propaganda" (p. 184). In an investigation into public relations in the USA, Stauber and Rampton (2004) state that "even PR practitioners use the term (astroturfing) to deride their competitors' work" (p.79).

Despite the unethical nature of astroturfing at least two such campaigns have been identified in New Zealand. One was a political and media campaign aimed at promoting logging of native forests (Hager, 2102). This involved the manufacturing of a pro-logging campaign including the creation of a fake pro-logging community group. A number of so-called independent scientists were employed and secretly paid to support logging, while at the same time the campaign attacked opponents by employing spies to report on activists' activities and attack funding sources of the scientists opposed to logging (Hager 2012). All of this was aimed at getting favourable media coverage for logging and influencing public opinion. The other well-publicised example was the Association of Community Retailers. This group, which was in fact funded by Imperial Tobacco, protested tobacco-related legislation, apparently on behalf of small retailers (Ng, 2010).

Lobbying and the media

The media, for most citizens, is the primary channel for receiving information about decisions and decision makers (Stromback, 2008). But as Callaghan and Schnell (2001) state, the public is often "at the mercy of the media and other key political agents who meet as combatants in the policy arena and determine how issue debates and policy alternatives will be structured and defined" (p. 183). In determining what is newsworthy journalists have to sort through a large amount

of information (Louw, 2010). By doing this the media determine what is likely to be discussed by citizens (Louw, 2010). It is in the interest of lobbyists to attempt to influence what is being reported and how it is framed (Hager, 2012). Many public relations practitioners are skilled in media and understand how to frame issues to meet news values, (Comrie, 2002). Lobbyists may influence politicians by creating supportive public opinion through getting the media to report their issue the way they want it reported (Thompson and John, 2007). A significant example of the influence of public opinion on political actors in New Zealand is highlighted by health researchers Peter Adams and Fiona Rossen, who identified that in response to opposition from charities, schools, sports clubs and churches who were fearful of funding losses due to proposals to address problem gambling in planned legislation, the government allowed for a much watered-down Act to be passed (Adams & Rossen, 2012). However, the researchers did not identify whether any lobbyists actively promoted the opposition to the planned law changes.

A recent trend that is helping lobbyists push their messages is the commercialisation of the media. Commercialisation, private control of the news media where revenue is largely reliant on advertising, is what McChesney describes as “the great crisis in journalism today”, (2012, p. 683). The need for news organisations to make ever increasing profits to satisfy shareholders combined with ownership of media organisations shifting from a multitude of different companies to a handful of media corporations has seen a decline in both the quantity and quality of journalism (McChesney, 2012). In the period between 2000 and 2012, McChesney (2012) estimates the amount of both labour and resources going into producing new stories in the US had dropped by 30 percent. This was also partly due to the advent of the internet, which provided advertisers with new avenues for marketing their products and services away from newspapers and television (McChesney, 2012). The result of commercialisation is that the number of publications is decreasing, as are the number of reporters (McChesney, 2012). The watchdog role of media is being weakened and the decline in newsroom staff is also negatively impacting the investigation and generation of original news stories resulting in an increase in

“unfiltered public relations” being reported as news (McChesney, 2012. p. 686). Discussing Washington D.C.’s political media, McChesney stated commercialisation “has had devastating implications for political journalism” (2012, p. 685). Staff in Washington’s news bureaus have been “slashed to the bone” (2012, p. 685). He stated that without adequate number of journalists the illegal activities of lobbyists such as Jack Abramoff, who was sentenced to six years in prison for conspiracy to bribe public officials, mail fraud and tax evasion, would go undetected and unreported in future (McChesney, 2012).

In New Zealand public relations practitioners “far outnumber the news organisations and their shrinking staffs” (Hager, 2012, p. 212). Public relations practitioners are generally more experienced than their reporting counterparts (Comrie, 2002). As an example of the success of public relations practitioners to get their messages picked up by the media, research by Comrie in 1997 showed that of 66 press releases issued by two New Zealand Crown Health Enterprises, 54 were picked up by media and 97 stories resulted (Comrie, 1997). With commercialisation continuing further, research may show an even bleaker picture of the media’s reliance on public relations for news.

Mediatisation

The trends outlined above are described in the theory of mediatisation, a theory of media-related change (Couldry & Hepp, 2013), where political organisations change their messaging to meet the media’s needs. This transformation is seeing the media shift from being simple channels of communication to becoming organised players with common goals (Esser & Matthes, 2013). Mediatisation has two driving forces: the trend to commercialised media organisations and society’s adaption to the resultant media environment (Asp, 2014).

Debate continues as to the exact definition of mediatisation, however many academics agree that broadly: mediatisation is a long-term process where political actors have become increasingly dependent on the media while the media has become increasingly independent of them. This has resulted in political actors becoming attuned to media logic as opposed to political logic and

adapting their communications and actions to suit in order to get media attention, (Mazzoleni & Schulz, 1999; Strombach, 2008; Strombach & Van Aelst, 2013; Witschge, 2014).

In analysing the mediatisation of politics, Stromback (2008) discussed the changes that have occurred over the past 50 years. While this is a dynamic process which fluctuates depending on a variety of factors including the political situation in any given country, the degree of state control or commercialisation of the media and other societal changes, it helps to quantify the limits on a political actor's ability to get their message across unfettered by media scrutiny and commentary (Stromback, 2008).

In Stromback's account, mediatisation entails four phases (2008): in the first the media are the main source of information about politics, in the second the media become independent from political institutions, in the third media logic increasingly governs political coverage and in the fourth political actors internalise media logic. In this phase media logic colonises politics (Meyer, 2002).

The consequences of the shift towards commercial considerations and the subsequent trend to media logic can be characterised in many ways. Maurer and Pfetsch (2014) describe a dumbing down of political news coverage.

Taken together, political news coverage that is characterized by media logic typically oversimplifies complex issues, focuses on trivial aspects of politics, frames politics negatively, emphasises political strategy over substance, stresses conflict rather than compromise among actors, and mixes up political news and entertainment, (p.341).

Louw (2010, p. 49) also identifies that commercial pressures are forcing contemporary media to favour "entertaining, titillating and sensational content" (p. 49). This favours reporting politics as a competitive sport with winners and losers and experts providing commentary. Furthermore, it is popular with

audiences and with commercialised media because fewer and less-skilled journalists are required to report this type of news (Louw, 2010). Trends toward journalists framing political processes as a strategic game or horse race are also identified by Meyen, Thieroff and Strenger (2014). Meyen, et al. also noted that a variety of storytelling techniques including personalisation and conflict are used. For lobbyists, this shift away from in-depth examination of issues to coverage of politics as a game, combined with shrinking newsrooms, provides a huge advantage for working behind the scenes without fear of media scrutiny. It also allows them to apply media logic to messages they want media support for and package them in a way that is more palatable for media and public consumption. Without this media scrutiny it is easier for lobbyists to reframe issues to suit their agenda.

Media framing

The words that media use to describe organisations, events and individuals can help frame understanding of the context of their inclusion in the story. Haskell (2011) states that in media frame theory, news stories give the public contextual clues to help them evaluate the subjects of the stories. The theory also states that by using these contextual clues, or frames, media can promote interpretations for the issues and events being covered and, thereby, influence public opinion (Haskell, 2011). According to Tankard (2001) media framing can have a negative effect by eliminating voices and weakening arguments. This allows the media to “frame issues in ways that favour a particular side without showing explicit bias”, (Tankard, 2001, p.95). The power of framing stems from the ability of the media to define a debate without the public realising they are being influenced (Tankard, 2001). An example was the framing around the reporting of the Watergate case, when public opinion shifted against Nixon after the media moved from describing it as the “Watergate caper” to a “national political scandal at the highest level”, (Tankard, 2001, p.97). In New Zealand, an example of media framing occurred in the reporting of the debate around legislation, which removed a defence of reasonable force for parents and caregivers charged with assaulting children in their care (Parliamentary Council Office, 2007). Opposition

to the Crimes (Substituted Section 59) Amendment Bill was fierce, and opponents dubbed it the anti-smacking bill, claiming it would prevent good parents from properly disciplining their children. By using the term anti-smacking, opponents whipped up fears that “by giving their child a light smack, a parent would be criminalised” (Austin, 2010, p.72). The media adopted the ‘anti-smacking’ description in their framing of the bill (NZ Herald, 2007). By doing so the media, effectively, took sides with the opponents and framed it in a negative manner. While framing is necessary in reporting, Haskell (2011) states these should be neutral. This includes the way the people in the story are described, as well as providing relevant background information, distinguishing fact from opinion and allowing those who are criticised the opportunity to respond (Haskell, 2011).

Measuring lobbying in the media

Political lobbying aims to persuade decision makers to a certain point of view. The resulting decisions can affect the lives of all members of society therefore the influence of lobbyists should not be ignored. While some lobbying happens behind closed doors, other activities involve encouraging the media to frame issues favourable and thereby sway public opinion. Some of these campaigns may be ethically questionable as it may not be obvious who is behind them. It is difficult to ascertain the exact nature of lobbying in New Zealand due to the lack of transparency. There is also a large gap in academic research on lobbying in New Zealand. The lack of research on lobbying in New Zealand hinders discussion on how lobbying is covered by the media. Internationally, some academic research has focussed on media framing of lobbyists. One that is particularly pertinent to this project is an examination of the media framing of the same-sex marriage debate in Canada, (Haskell, 2011). This significant body of research involved a content analysis of both newspaper and television reports over a two-year period. It found that, despite efforts by evangelical Christians to frame their opposition to same-sex marriage as not being based on their religion, the media most frequently reported that it was because of religious beliefs (Haskell, 2011). One of the main reasons proposed for this was that the

reporters' worldview was at odds with that of the evangelicals' (Haskell, 2011). The result was that the journalists, "for the most part, did not provide objective coverage of the evangelicals' involvement of the same-sex marriage debate" (Haskell, 2011, p 323). Given the impact on public awareness and attitudes to issues created by media framing, it is important to understand how, in New Zealand the media characterise lobbyists. In order to do this, I wanted to find out how frequently journalists used the terms lobby group or lobbyist when describing an organisation involved in lobbying activities. I also wanted to ascertain what descriptors they applied if they did not use the terms lobby group or lobbyist.

Research

Methodology

In order to provide a robust examination of the media framing of lobby groups this research was divided into two parts, both of which involved a content analysis of newspaper articles. These articles were published on the websites of the two largest newspaper organisations in New Zealand over a three-month period between January 1 and March 31, 2015. The research is based on the methodology used by Haskell (2011) in a content analysis of Canadian newspapers, "What we have here is a failure to communicate": Same-sex marriage, evangelicals, and the Canadian news media.

The sample articles were taken from the two main newspaper companies in New Zealand, which publish 96% (N = 21) of the country's daily newspapers. The full text of the articles to be analysed were sourced from Fairfax New Zealand's *Stuff* website and New Zealand Media and Entertainment's (NZME) *The New Zealand Herald's* website. The *Stuff* website draws mainly on news from Fairfax's seven daily newspapers; *The Dominion Post*, *The Press*, *Waikato Times*, *Taranaki Daily News*, *Manawatu Standard*, *The Nelson Mail* and *The Southland Times* as well as the weekend papers *Sunday Star Times* and *Sunday News*. It also publishes some

stories from Fairfax's other 65 regional and specialist newspapers. *The New Zealand Herald* website publishes stories from the company's flagship newspaper *The New Zealand Herald*, and the *Weekend Herald* and *Herald on Sunday* as well as from NZME's 20 regional newspapers. Both websites were searched using the advanced search option in Google, which allows for date parameters to be set. In order to ensure the research captured only the work of reporters in New Zealand, letters to the editor, articles written by overseas journalists and republished in New Zealand and opinion pieces written by non-journalists were excluded.

The first part of the research focussed on 20 prominent New Zealand lobby groups, representing a mixture of business and public interest causes. A search was done on each website to determine how frequently these were cited in articles and whether or not descriptors were being applied each time. Searching under the names of these organisations using the advanced Google search function on both *The New Zealand Herald* and *Stuff* websites a total of 817 stories were found. These were examined and any descriptors used by the reporters were recorded on a Microsoft Excel spread sheet.

The second part of the research recorded which lobby groups had descriptors applied to them and the names of these descriptors. Each website was searched for seven key words or phrases commonly used as descriptors or labels to frame lobby groups. These were: *lobby*, *advocacy*, *rights group*, *interest group*, *pressure group*, *single-interest group* and *front group*. The results from these 89 articles were recorded on a Microsoft Excel spread sheet and tabulated according to the total number of mentions, the number of mentions on each website and whether or not the stories related to lobbying activities. A lobbying activity was classed as such when the lobby group was reported as promoting the group's cause, or were calling for a national or local government law change. In an effort to determine whether there was any pattern to which types of groups were given descriptors and the results were then coded based on the activity of the lobby group. The codes were based on the classifications of interest groups used by *The Oxford Handbook of American Political Parties and Interest Groups* (Maisel

& Berry, 2010). These classifications are; corporations, trade and business associations, occupational associations, unions, education, health, public interest, identity groups, social welfare or poor, local governments, foreign, and other, see Appendix 3.

Results

A total of 817 news stories mentioning one of the 20 selected lobby groups were published on the websites, refer to Appendix 1, Table 1. Of those, 458 were published on *Stuff* and 359 on *The New Zealand Herald* website. Of the 817 articles, 90% (N = 739) did not contain any descriptors to describe or label the lobby group, and used only the group's name. In only 3% (N = 21) was the label *lobby* applied to identify the group as a lobby group. In only 10% (N = 78) of the 817 articles was any kind of label used to describe the group at all. In this group of articles, 31% (N = 252) related to the groups' lobbying activities. The use of descriptors increased slightly in these articles relating to lobbying activities. In those 252 articles the label *lobby* was applied in 8% (N= 21) of the articles and a descriptor of some kind was used to describe the group in 18% (N = 46).

Looking at the 78 articles in which labels were used, *lobby* was the most often used label at 27% (N = 21). Climate change group Generation Zero received the *lobby* group descriptor most frequently with 50% (N = 8) of the 16 articles written about them using the term. Other terms used were *climate change group*, *environmental group* and *cycleway supporters*. Other groups to receive the *lobby* group label were: the Taxpayers Union (N = 3), Action on Smoking and Health (N=3), Sensible Sentencing Trust (N = 2), Family First New Zealand (N = 2), Grey Power (N = 1), The New Zealand Initiative (N = 1) and Federated Farmers (N = 1). The next most frequently used label is *think tank*, which was used in 1% (N = 8) of the 817 stories. This term was used exclusively to describe the New Zealand Initiative. The description *welfare group* was also applied about in 1% (N = 7) of stories, but to different groups, the Society for the Prevention of Cruelty to Animals (SPCA) (N = 4) and Paw Justice (N = 3). The SPCA (N = 2) and Paw Justice (N = 1) were also described as *charity* groups.

Some organisations received few or no descriptors at all. Of the 273 stories that included a mention of farming lobby group Federated Farmers only 1% (N = 3) included a descriptor of any kind, these were *lobby*, *influential organisation* and *farmer body*. The Chamber of Commerce also received few labels. There were 151 stories that included this organisation and in just 3% (N = 4) of those was a label used; *voice of business*, *business leaders*, *stakeholder* and *business group*. Four stories included Business New Zealand and none of these included any descriptor to indicate what this group is about.

Over the three month period from January 1 to March 31, 2015, a total of 89 news stories published on the *Stuff* and *New Zealand Herald* websites contained one of five of the seven descriptors searched for, see Appendix 2, Table 2. The terms single-interest group and front group did not return any results on either website. Of the 89 stories 62% (N = 55) were published on the *Stuff* website and 38% (N = 34) were published on the *New Zealand Herald* website. Of the total number of stories 73% (N=65) related to the groups' lobbying activities.

The most frequently used descriptor was *lobby*, see Appendix 4, Table 3. Reporters applied this term to about 75% (N = 68) of the 89 articles. The 68 articles in which the description *lobby* was used, related to 38 different groups. *Advocacy* group was the second most used descriptor with 18% (N = 16) of the articles using this term. These articles related to 14 different groups. The terms *rights* group and *interest* group were each used twice in the articles. This is just 2% (N = 2) for each descriptor. The *pressure* group label was applied to just one group.

Comparing the labels used with the classifications of the groups, of those 38 groups to be labelled a *lobby* group, about 47% (N = 18) were classed as public interest groups. The next largest group to have the *lobby* label applied were trade and business associations at 26% (N = 10). Of the 14 groups that the label *advocacy* group was applied 79% (N = 11) were classed as public interest groups. Only one industry group, the Fertiliser Association of New Zealand, a

group for fertiliser manufacturers, received the *advocacy* group moniker. The *rights* group label was given to two groups; Not Dead Yet, an identity group opposed to euthanasia; and to Save Animals From Exploitation, a public interest group devoted to better treatment of animals. The *interest* group label was applied to The New Zealand Food and Grocery Council, a business association, and Oceana, an international public interest group that aims to restore and protect the world's oceans. The label *pressure* group was given to the Rotorua Pro-Democracy Society, a public interest group opposed to allowing non-elected Maori representatives onto the Rotorua City Council.

Discussion

The results of the research reveals there is a failure on the part of the media in New Zealand to inform audiences about the nature of the news-making groups they are giving coverage to. It is accepted practice for reporters to provide a “designation”, or descriptor, for the individuals or organisations they cite in news stories (Hannis, 2014, p. 207). Only 10% of the 817 news stories used any kind of label to describe the groups' relationship to lobbying. It is apparent that lobby groups are able to disseminate their messages without the media making the public aware of the agendas that these groups have. Without this clear description the public are being left in the dark and not being given the information with which to make well-informed decisions. This has an important implication for democracy, as without the full information, the public may not be aware of the motives behind some political decisions.

For example, it appears from the research that an organisation such as Federated Farmers, which was given a label in only 1% of the 273 stories that included a mention of them, can act without the public being aware of their motivations for commenting on and trying to influence government policy. Without this understanding of Federated Farmers' role, the public could easily think they are simply a farming-related company. To give just the name of an organisation and no further descriptors means that audiences are left to draw their own

conclusions about what the group is about and what its motivations are from the content of the story, or sometimes even from just the organisation's name. As an example, the Taxpayer's Union, which was labelled as a *lobby* group only three of the 26 stories, has a name that indicates to the public that it represents taxpayers. While this may be the group's intention, without further investigation, or information from the media, the public will be unaware that it is a lobby group for a right wing political movement. One descriptor used supported this misunderstanding by labelling them a *watchdog* group. Similarly, Family First New Zealand received only three descriptors in the 16 stories written about them. While two of these were *lobby* group, the third descriptor, *kill joys*, was perhaps more in keeping with some people's views of the activities of this Christian morals group. It is surprising to see that in only 10% of stories have journalists included any kind of descriptor to frame a lobby groups as such. This means that 90% of the time the lobby groups were given no label at all, even in articles about their lobbying activities. It is difficult to know why reporters are failing to provide such basic information in their news reporting. It is possible that some become so familiar with the groups they deal with that they assume the public also knows this. It is also possible that with the commercial pressures and down-sizing of newsrooms as outlined by McChesney (2012), reporters simply do not have the time, or the resources to properly investigate the groups they are dealing with. Perhaps, as Comrie (1997) illustrated, journalists have become more reliant on press releases as a source of news. It is also concerning to see an almost complete absence of the lobby group label being applied to the bigger business lobby groups. Groups like Federated Farmers, Business New Zealand and the Chamber of Commerce have a powerful influence on politicians, but are infrequently described as lobby groups. The results of this research show of those 38 groups to be labelled a *lobby* group, about 47% were groups working in the public interest area. Given the negative image that some lobby groups have (Greisser, 2013) it is possible that some reporters, who have a different worldview than the public interest lobby groups they are writing about, may chose to identify them as such in the hope that the public may also form a negative view of them, while labelling groups they support with more positive sounding monikers such as advocacy or welfare groups.

Conclusion

Lobbyists are able to influence the decisions made by lawmakers and therefore it is important for the media and the public to be informed about their activities. However, the lack of legislation requiring transparency around this allows these powerful political players to act without public scrutiny. The current trend toward a more commercialised media and the resulting downsizing of newsrooms is also contributing to lobbyists' abilities to manoeuvre without fear of scrutiny. Among the tools available to lobbyists is to use the media to disseminate the messages they are seeking public support for. However, to be able to make informed decisions, members of the public have to be aware that these messages are coming from lobby groups who have their own agendas. The research in this project indicates that the media are failing to inform their audiences and as a result they are being kept in the dark about which groups are lobby groups and which are not. This has implications for the democratic process in New Zealand as citizens may not be aware which lobby groups are trying to influence lawmakers and what laws they want changed. There is a lack of robust research into lobbying in New Zealand and this project has addressed some of that need. The intent of this study was to look at the current state of lobbying in New Zealand and to investigate how the media frame these groups. These results are the first research in New Zealand on media treatment of lobbyists and clearly show that with only 3% of stories using the *lobby* descriptor to describe a lobby group and only 10% using any kind of descriptor at all New Zealand's media could be doing a better job of keeping their audiences informed. Further research will help to identify why this is occurring. It is apparent from this research project that lobbyists are able to keep their activities off the front pages of New Zealand's newspapers. As the lobbyists interviewed in the feature say, they are happy for the status quo to remain, because, as far as they are concerned, it is the media's responsibility to shine a light into the dark world of lobbying.

The research project has been filed with the Massey University Research Ethics Committee.

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Appendices

Appendix 1. Table 1 – Descriptors applied to 20 selected lobby groups

Lobby group	Total stories	Total descriptors	Percent of total	Stories relating to lobbying activity	Descriptors in stories relating to lobbying activity	Lobby	Advocacy	Charity	Welfare	Business/ Industry	Interest	Think tank	Other (specify)
Federated Farmers	273	3	1.1%	58	2	1							Influential organisation, farmer body
Business New Zealand	4	0	0.0%	4	0								
Chamber of Commerce	151	4	2.7%	42	3					1			Voice of business, business leaders, stakeholder
EMA	15	3	20.0%	2	1								Employers (2), employment group
Food and Grocery Council	9	2	33.3%	3	1						1		Industry chiefs
Straterra	1	1	100.0%	1	1					1			
The New Zealand Initiative	10	9	90.0%	7	6	1						8	
NZ Retailers Association	5	1	20.0%	4	1								Retailers
Hospitality New Zealand	18	2	11.1%	7	2								Hospitality leaders, part of alcohol industry
Taxpayers' Union	26	4	15.4%	25	4	3							Watchdog group
Greenpeace	22	2	9.0%	11	0								not eco terrorists, environmental group
Grey Power	40	1	2.5%	21	1	1							
Forest and Bird	11	2	18.0%	4	2								Conservationists, Environmental group
SPCA	130	6	4.6%	6	1			2	3				Animal activists
Environmental Defence Soc.	11	5	45.5%	10	5								Environmental group (4), environmental community
Sensible Sentencing Trust	42	5	11.9%	24	2	2	1						A group wanting tougher penalties for crime, child exploitation and sexual abuse advocates
Family First NZ	16	3	18.8%	3	0	2							Kill joys,
Paw Justice	8	8	100.0%	1	1		3	1	4				
Generation Zero	16	11	75.0%	13	9	8							Climate change group, environmental group, cycleway supporters
ASH	9	6	66.7%	6	4	3	1						Anti-smoking group, anti-smoking purists.
Total	817	78	9.6%	252	46	21	5	3	7	2	1	8	31

Appendix 2. Table 2 - Descriptors applied to groups

Descriptors applied to groups	Column1	Column2	Column3	Column4	Column5	Column6
Organisation	Lobby	Advocacy	Rights	Interest	Pressure	Group Type
A better Hawke's Bay	3					j
Action to Improve Maternity	2					g1
Action on Smoking and Health	4	1				g1
Amnesty International		1				g6
Arts Voice		1				g8
Australasian Railway Association	1					b
Canopy Connection	1					g1
Committee for Auckland	2					j
Community Energy Action		1				g8
Consumer NZ		1				g1
Family First NZ	4					g7
Federated Farmers	2					b
Fertiliser Association		1				b
Financial Services Council	1					b
Fish and Game Council	1					g2
Fizz	1					g1
Generation Zero	6					g2
Grey Power	1					h4
Heart of the City	3					j
Health Funds Association	2					b
Infant Nutrition Council	1					b
It's our future	2					g4
Keep Victory Safe	2					g8
Kiwis Against Seabed Mining	1					g2
LegaliseLove	1					h5
LegaSea	4					g2
Living Streets Aotearoa		1				g8
Local Government New Zealand	1	1				j
New Health New Zealand	1					g1
New Zealand Bankers' Association	1					b
NZ Council for Civil Liberties		1				g4
NZ Drug Foundation		1				g4
NZ Food and Grocery Council				1		b
NZ Motor Caravan Association	1					g8
NZ Rise	1					b
Not Dead Yet			1			h
Oceana				1		g2
Paw Justice		2				g2
Pipiwai Titoki Advocacy Group	1	2				g8
Retirement Village Residents Association	1					h4
Road Transport Forum	1					b
Rotorua Pro-Democracy Council					1	g3
SAFE			1			g2
Sensible Sentencing Trust	3	1				g7
Sink or Swim	1					g8
Spokes	2					g8
Stop Stealing Our Harbour	1					l
Taxpayers' Union	3					g3
The Male Room		1				h5
The New Zealand Initiative	1					b
Tobacco Companies	1					a
Urban Auckland	2					l
Water New Zealand	1					b
Totals	68	16	2	2	1	

Appendix 3. Lobby Group Classifications, coding key

Type	Code
Corporations	a
Trade and business associations	b
Occupational associations	c
Unions	d
Education	e
Health	f
Public interest	g
Consumer	g1
Environment and wildlife	g2
Government reform	g3
Civil liberties	g4
Citizen empowerment	g5
Other liberal groups	g6
Other conservative groups	g7
Other Public Interest	g8
Identity groups	h
Racial or ethnic	h1
Religious	h2
Women	h3
Elderly	h4
LGBT	h5
Social welfare or poor	i
Local governments	j
Foreign	k
Other	l
Don't know	m

Appendix 4. Table 3 - Incidence of the use of *lobby* as a descriptor

Organisation	Number of mentions	Related to lobbying activity	Unrelated to lobbying activity	NZ Herald	Related to lobbying	Not related to lobbying	Stuff	Related to lobbying	Not Related to lobbying	Group Type
A better Hawke's Bay	3	3	0	0	0	0	3	3	0	j
Actn to Improve Maternity	2	2	0	2	2	0	0	0	0	g1
ASH	4	4	0	2	2	0	2	2	0	g1
Aust Railway Assn	1	1	0	0	0	0	1	1	0	b
Committee for Auckland	2	2	0	2	2	0	0	0	0	j
Canopy Connection	1	1	0	0	0	0	1	1	0	g1
Family First NZ	4	0	4	3	3	0	1	1	0	g7
Federated Farmers	2	2	0	1	1	0	1	1	0	b
Financial Services Council	1	1	0	0	0	0	1	1	0	b
Fish and Game Council	1	0	1	0	0	0	1	0	1	g2
Fizz	1	1	0	0	0	0	1	1	0	g1
Generation Zero	6	6	0	5	5	0	1	1	0	g2
Grey Power	1	1	0	0	0	0	1	1	0	h4
Heart of the City	3	1	2	2	0	2	1	1	0	j
Health Funds Association	2	1	1	0	0	0	2	1	1	b
Infant Nutrition Council	1	1	0	0	0	0	1	1	0	b
It's our future	2	2	0	0	0	0	2	2	0	g4
Keep Victory Safe	2	2	0	0	0	0	2	2	0	g8
KASM	1	1	0	0	0	0	1	1	0	g2
LegaliseLove	1	0	1	0	0	0	1	0	1	h5
LegaSea	4	2	2	2	2	0	2	0	2	g2
Local Government NZ	1	0	1	1	0	1	0	0	0	j
New Health New Zealand	1	1	0	0	0	0	1	1	0	g1
NZ Bankers' Association	1	1	0	0	0	0	1	1	0	b
NZ Motor Caravan Assoc	1	1	0	1	1	0	0	0	0	g8
NZ Rise	1	1	0	0	0	0	1	1	0	b
Pipiwai Titoki Advocacy	1	1	0	1	1	0	0	0	0	g8
Retirem't Village Residents	1	0	1	0	0	0	1	0	1	h4
Road Transport Forum	1	1	0	0	0	0	1	1	0	b
Sensible Sentencing Trust	3	0	3	1	0	1	2	0	2	g7
Sink or Swim	1	1	0	1	1	0	0	0	0	g8
Spokes	2	1	1	0	0	0	2	1	1	g8
Stop Stealing Our Harbour	1	1	0	1	1	0	0	0	0	l
Taxpayers' Union	3	3	0	3	3	0	0	0	0	g3
The New Zealand Initiative	1	1	0	0	0	0	1	1	0	b
Tobacco Companies	1	1	0	1	1	0	0	0	0	a
Urban Auckland	2	2	0	0	0	0	2	2	0	l
Water New Zealand	1	1	0	0	0	0	1	1	0	b
Totals	68	51	17	29	25	4	39	30	9	