

## LOBBYING OF NSW GOVERNMENT OFFICIALS

A number of changes to the regulation of lobbying in New South Wales have been made to improve the transparency of Government decision making and to help restore confidence in NSW Government integrity.

### *Success fees*

The *Lobbying of Government Officials Act 2011* makes it a criminal offence to pay or receive a success fee for lobbying.

The *NSW Government Lobbyist Code of Conduct* (the Code) has been amended to require the Director General to remove a lobbyist from the Register if they have been found guilty of that offence and to extend the discretion to remove lobbyists from the Register in other cases.

### *Lobbying by former Ministers and Parliamentary Secretaries*

The *Lobbying of Government Officials Act 2011* also prohibits a former Minister or former Parliamentary Secretary from engaging in lobbying in the 18 months after they cease to hold office.

The Act makes it a criminal offence if the former Minister or former Parliamentary Secretary lobbies a government official in relation to an official matter dealt with by them, in relation to their portfolio responsibilities, during the 18 months before they ceased to hold office.

### *Appointments to Government Boards or Committees*

A lobbyist (as defined in the Code) and the employees, contractors or persons otherwise engaged by the lobbyist to carry out lobbying activities are ineligible for appointment to any Government Board or Committee if the functions of the Board or Committee relate to any matter on which the lobbyist (or person engaged by the lobbyist) represents the interests of third parties, or has represented the interests of third parties in the 12 months prior to the date of the proposed appointment.

Amendments to the Code reflect this policy by providing that lobbyists must not represent the interests of a third party to a Government Representative in relation to any matter that relates to the functions of the Board or Committee. The amendments also provide that a lobbyist can be removed from the Register for a breach of this requirement.

This policy applies to all NSW Government Boards and Committees, including the boards of State Owned Corporations from 1 July 2011.

### *Commencement*

The *Lobbying of Government Officials Act 2011* will commence on **1 July 2011**. It may be obtained from the NSW Government legislation website:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+5+2011+cd+0+N>

The revised Code is available on the Department of Premier and Cabinet's website:

[http://www.dpc.nsw.gov.au/prem/lobbyist\\_register/code\\_of\\_conduct](http://www.dpc.nsw.gov.au/prem/lobbyist_register/code_of_conduct)

**Inquiries:** NSW Lobbyists Register ph 9228 3114

*Changes to protocols for contacting the Department of Planning and Infrastructure*

From 1 July 2011, a new protocol for managing contacts between staff of the Department of Planning and Infrastructure (DP&I) and registered lobbyists about specific planning proposals and/or development matters will take effect. Under the new protocol, registered lobbyists need to request a meeting in writing using the form that will be available from the DP&I website from 1 July 2011 (under Setting the Direction - Right To Information - Lobbyists Contact Register). Once a request is received from a lobbyist, a confirmation email will be sent. Following this, a member of staff will be in contact to either make arrangements for the meeting or to advise that the request has been refused.

Once the meeting or a discussion takes place, DP&I intends to publish a record of the contact on its website within 10 days. This public record will show the project, the registered lobbyist, the organisation represented, the date of the meeting, the subject matter and meeting outcome.

**Inquiries:** DP&I Governance Unit ph 9228 6265 or  
[information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)