

Engaging with Lobbyists & Business Contacts

Policy

Contents

1.	<i>Policy statement</i>	3
2.	<i>Who does this Policy apply to?</i>	3
3.	<i>Definitions</i>	4
4.	<i>Key responsibilities</i>	5
5.	<i>Lobbying</i>	6
5.1.	Forms of lobbying.....	6
5.2.	Methods of lobbying	7
5.3.	Third-party lobbyists.....	7
5.4.	Other Lobbyists.....	7
5.5.	Business Contacts.....	8
5.6.	Requirements for lobbyists	8
5.7.	Prohibited lobbying.....	8
6.	<i>Breaches of the Engaging with Lobbyists and Business Contacts Policy</i>	9
7.	<i>Contacts</i>	9
8.	<i>Further information and resources</i>	9
8.1.	Internal Policies	9
8.2.	Legislation.....	10
8.3.	Other resources.....	10
8.4.	Support and/or advice.....	10
9.	<i>Document management</i>	11

1. Policy statement

The Engaging with Lobbyists and Business Contacts Policy (Policy) provides guidance to, Greater Cities Commission (Commission) staff about their key obligations and responsibilities when interacting with lobbyists and business contacts.

The Commission is committed to promoting public confidence in the integrity of government administration and reinforcing a working culture that places value in the public interest, not in individuals' private interest. This means all decisions must be made in an open and transparent manner, without any actual or perceived undue influence by external parties.

The provisions outlined in this Policy support:

- the objectives of the Lobbying of Government Officials Act 2011 (the Act) and Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 (the Regulation);
- staff in meeting the requirements of the Premier's Memorandum M2019-02-NSW Lobbyists Code of Conduct (the Premier's Memorandum);

This Policy should be read in conjunction with the Commission's Engaging with Lobbyists and Business Contacts Procedure.

In addition to complying with this Policy, staff must also comply with the Premier's Memorandum, the Commission's Code of Ethics and Conduct – Staff, the Gifts, Benefits and Hospitality Policy, the Conflicts of Interest Policy and the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees.

2. Who does this Policy apply to?

This Policy applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Policy, "staff" refers to all people to whom this Policy applies.

In this Policy, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

3. Definitions

Business Contacts	<p>means any individual or group that communicates with the Commission about a specific application or proposal, funding decision, policy, or regulatory issue, but who is not a third-party lobbyist or other lobbyist.</p>
Commission matter	<p>means any issue, consultation, proposal, plan, strategy, advice, information, recommendation, report, assistance, or other matter being considered, developed, or made by the Commission.</p>
Foreign Principal	<p>is defined in section 10 of the <i>Foreign Influence Transparency Scheme Act 2018</i> (Cth) and means:</p> <ol style="list-style-type: none"> a) a foreign government; b) a foreign government related entity; c) a foreign political organisation; d) a foreign government related individual.
Government Official	<p>is defined in section 3 of the <i>Lobbying of Government Officials Act 2011</i> and means any of the following:</p> <ul style="list-style-type: none"> • a Minister or Parliamentary Secretary; • a staff member of a Minister or Parliamentary Secretary (including a staff member in an electorate office); • the head of a Public Service agency; • a person employed in, or an individual who is engaged under a contract to provide services to or on behalf of, the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown; or • a member (however expressed) of, or of the governing body of, a statutory body (includes Greater Cities Commission); <p>but doesn't include a local Government Official except for in relation to Parts 5 and 6 of the Act.</p>
Lobbying	<p>is defined in section 4 of the <i>Lobbying of Government Officials Act 2011</i> and means communicating with a Government Official for the purposes of representing the interests of others (including their own organisation) in relation to:</p> <ul style="list-style-type: none"> • legislation or proposed legislation; • a government decision or proposed government decision; • a government policy or proposed government policy; • a planning application; • the exercise by the Government Official of their official functions; or • any Commission matters. <p>Lobbying does not include any communications by a Member of Parliament or a Government Official who is acting in the ordinary course of their duties.</p>

Lobbyists	means either a third-party lobbyist or an other lobbyist.
Lobbyists Code of Conduct	means the document that sets out the ethical standards, disclosures and requirements for individuals and organisations to lobby in New South Wales. The Code is included in <u>Schedule 1 of the <i>Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014</i></u> .
Lobbyists Register	means the <u>Register of Third-party Lobbyists</u> , an online register that contains the names and organisations of third-party lobbyists and the clients they represent. It is kept and maintained by the NSW Electoral Commission.
Lobbyists Watch List	means a list of third-party lobbyists or other lobbyists placed on a 'Watch List' by the NSW Electoral Commission because of non-compliance with the <u>Lobbying of Government Officials Act 2011</u> or Lobbyist Code of Conduct. The Lobbyists Watch List is located on the Register of Third-party Lobbyists and is maintained by the NSW Electoral Commission.
Other Lobbyists	means individuals or bodies that lobby Government Officials other than a third-party lobbyist; this includes individuals engaged to undertake lobbying for a third-party lobbyist.
Third-party lobbyist	means an individual or body carrying on the business of lobbying Government Officials (generally for money or other valuable consideration) on behalf of another individual or body. This excludes technical specialists and consultants in their work capacity. Third-party lobbyists must be registered on the Lobbyists Register and must comply with the NSW Lobbyists Code of Conduct.
Third-party Lobbyist Contact Register	means the Commission's register of contacts with third-party lobbyists.

4. Key responsibilities

Executive Director, People and Corporate Services

The Commission's Executive Director, People and Corporate Services is responsible for:

- ensuring the Commission has systems in place to comply with its obligations with respect to third-party lobbyists;
- authorising the publication of amendments to the Third-party Lobbyist Contact Register; and
- reporting non-compliance with the Act, the Regulation, and the Lobbyists Code of Conduct to the NSW Electoral Commission as appropriate.

Senior executive managers and managers

A senior executive manager or manager responsible for supervising or managing an individual or group of staff, is responsible for:

- overseeing the effective management of this Policy and the Engaging with Lobbyists and Business Contact Procedure;
- complying with all mandatory decision-making, reporting, and publishing requirements contained in the Engaging with Lobbyists and Business Contact Procedure;
- discussing compliance as part of the ongoing management of their teams; and
- monitoring and evaluating the operation of this Policy and the Engaging with Lobbyists and Business Contact Procedure in their area of responsibility.

All staff

In all dealings with lobbyists and business contacts, staff must:

- behave in a lawful, professional, and reasonable manner and always act in the best interests of the Commission;
- make impartial decisions that demonstrate the values of the Commission and the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees and promote confidence in the integrity of public administration;
- report instances of non-compliance to their manager or a senior executive manager; and
- comply with this Policy and the Engaging with Lobbyists and Business Contacts Procedure, including:
 - Follow protocols that cover the scheduling of, and attendance at, meetings, as well as verbal and written communications; and
 - Keep an accurate record with any contact with a lobbyist, whether or not lobbying has occurred in relation to that contact.
 - **Note:** senior executive managers may have their executive assistances perform some of these responsibilities where deemed appropriate.

NSW Electoral Commission

The [NSW Electoral Commission \(Electoral Commission\)](#) maintains the [Lobbyists Register](#) and the [Lobbyists Watch List](#) and enforces the [Lobbyists Code of Conduct](#).

To improve compliance, the Electoral Commission may enter into arrangements with lobbyists to ensure that they follow the Lobbyists Code. If a lobbyist breaches the Lobbyists Code, the Electoral Commission may place the lobbyist on the [Lobbyists Watch List](#) and impose further restrictions on contact with Government Officials.

5. Lobbying

5.1. Forms of lobbying

Lobbying is communicating with a Government Official for the purpose of representing the interests of others in relation to:

- legislation or proposed legislation;
- a Government decision or proposed Government decision;
- a Government policy or proposed Government policy;
- a planning application; or
- the exercise by the Government Official of their official functions.

Lobbying **does not** include any communications by a Member of Parliament or a Government Official who is acting in the ordinary course of their duties.

5.2. Methods of lobbying

Lobbying extends to any communication – in person, in writing, by telephone, email or by other electronic means:

- even if it occurs in an incidental way to another business activity or it is not performed by a third-party lobbyist;
- by a person who works for an organisation (including their own) for the purpose of representing the interests of the organisation or its members; or
- for the purposes of representing community interests.

An individual or body may still be lobbying even if the Commission is not ultimately responsible for assessing or deciding a proposal.

5.3. Third-party lobbyists

Third-party lobbyists must be registered on the Lobbyists Register and must comply with the Lobbyist Code of Conduct. This includes individuals involved in operating on behalf of an organisation listed as conducting third-party lobbying.

Third-party lobbyists, and any individuals they engage to lobby on their behalf must disclose:

- if they are third-party lobbyists;
- the names of any individuals they have engaged to undertake the lobbying;
- the name of the person whose interests the lobbyist is representing; and
- if their client is a foreign principal and from which country their client is from.

This information must be disclosed before any meeting for the purpose of the lobbying is held, or other communication made.

Third-party lobbyists must not:

- lobby on a matter that relates to an NSW Government board or committee of which they, or the individuals they engage to lobby on their behalf, are a member;
- make exaggerated or misleading claims to their clients about the nature or extent of their access to political parties or Government;
- keep separate from their lobbying activities any personal involvement with a political party; and
- receive success fees for lobbying a Government Official.

The following are not third-party lobbyists:

- members of a professional institute or association; and
- persons where lobbying is incidental to the provision of professional services to a client in the course of their work, such as technical specialists and consultants.

5.4. Other Lobbyists

Other lobbyists are individuals or organisations that are not third-party lobbyists, but their representational activities are still captured under the Act if they lobby Government Officials. They

are known as other lobbyists because some of their activities are captured under the definition of lobbying.

Examples of other lobbyists include:

- representatives of corporations who are promoting the interests of their organisation;
- representatives of industry or trade associations;
- representatives of religious or charitable organisations;
- representatives of business, community, or environmental groups;
- planning consultants; or
- professional service providers, such as economists, lawyers or accountants.

5.5. Business Contacts

A business contact is an individual, organisation or Government agency that communicates with the Commission about a specific application or proposal, funding decision, policy, or regulatory issue, who is not a third-party lobbyist or other lobbyist.

5.6. Requirements for lobbyists

Schedule 1 of the Regulation sets out standards and requirements for lobbyists.

All lobbyists must:

- disclose the matter that they wish to discuss in advance when seeking a meeting with a Government Official;
- disclose any financial or other interest they may have in the matter to be discussed before the meeting commences;
- not engage in any misleading, dishonest, corrupt or other unlawful conduct in relation to their lobbying;
- use all reasonable endeavours to satisfy themselves of the truth and accuracy of all material information they provide; and
- not have held office as a Minister or Parliamentary Secretary in the past 18 months unless they are lobbying in their capacity as a Member of Parliament or a Government Official.

5.7. Prohibited lobbying

There are restrictions on the contact that staff can have with lobbyists.

Government Officials must not permit lobbying by:

- a third-party lobbyist who is not registered on the Lobbyist Register;
- an individual engaged to undertake lobbying for a third-party lobbyist who is not themselves registered;
- any lobbyist who has failed to make the disclosures required under the Act and the Lobbyists Code of Conduct;
- a third-party lobbyist engaging in lobbying on behalf of a client not listed on the Lobbyist Register.
- a lobbyist whose name has been placed on the Lobbyist Watch List, unless:

- at least two Commission staff (including at least one senior executive manager) are present during any communication with the lobbyist; and
- at least one employee takes notes of the communications with the lobbyist and provides those notes to the Chief Executive Officer.

6. Breaches of the Engaging with Lobbyists and Business Contacts Policy

Behaviour that is contrary to this Policy must be reported to a staff member's supervisor or manager, or to a senior executive manager (unless reporting as a public interest disclosure – see Public Interest Disclosures Policy).

Breaches of this Policy and the Commission's Engaging with Lobbyists and Business Contacts Procedure will be dealt with in a manner that is proportionate to the seriousness of the matter.

The Government Sector Employment Act 2013 (GSE Act) and the Government Sector Employment (General) Rules 2014 establish procedures for dealing with allegations of misconduct, and actions that may be taken. A breach of this Policy by an employee may constitute misconduct under the GSE Act and may result in any of the following actions:

- suspension and/or termination of employment;
- imposition of a fine;
- reducing remuneration;
- reducing classification or grade;
- assignment to a different role; or
- caution or reprimand.

The Commission provides reports of suspected fraud and/or corrupt conduct to the Independent Commission Against Corruption (ICAC), and in some cases, to the NSW Police Force.

Where a breach of the Policy is considered to involve potentially corrupt conduct, the Commission will notify ICAC which has significant statutory powers to investigate serious corrupt conduct in all NSW Government departments and agencies.

7. Contacts

NSW Electoral Commission

Visit the Lobbyists Register website at: www.lobbyists.elections.nsw.gov.au

By email at: lobbyists@elections.nsw.gov.au

By phone on: (02) 9290 5999

To include a third-party lobbyist contact on the online register: By email at: governancelegal@gcc.nsw.gov.au

8. Further information and resources

8.1. Internal Policies

- Engaging with Lobbyists and Business Contacts Procedure

- Code of Ethics and Conduct – Staff
- Conflict of Interest Policy
- Conflict of Interest Procedure
- Disposal of Surplus or Unserviceable Goods (Assets) Policy
- Records Management Policy
- External Communications Policy
- Fraud and Corruption Control Policy
- Gifts, Benefits and Hospitality Policy
- Gifts, Benefits and Hospitality Procedure
- Managing Unsatisfactory Performance Policy
- Official Travel Policy
- Privacy Management Plan
- Procurement Policy
- Procurement - Code of Conduct
- Public Interest Disclosures Policy
- Public Interest Disclosures Procedure

8.2. Legislation

- [Government Sector Finance Act 2019](#)
- [Government Sector Employment Act 2013](#)
- [Government Sector Employment \(General\) Rules 2014](#)
- [Government Sector Employment Regulation 2014](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Lobbying of Government Officials Act 2011](#)
- [Lobbying of Government Officials \(Lobbyists Code of Conduct\) Regulation 2014](#)

8.3. Other resources

[The Commission's Registered Lobbyists Contact Register](#)

[Premier's Memorandum M2019-02-NSW Lobbyists Code of Conduct](#)

NSW Electoral Commission [Lobbyists Register](#)

[Lobbyists and Business Contacts meeting requests webpage \(including the Commission's Third-party Lobbyists Register\)](#)

NSW Electoral Commission [Online Lobbyists Training](#)

8.4. Support and/or advice

Employee Assistance Program – (AccessEAP) 1800 818 728

info@accesseap.com.au Safework NSW – Information, advice or assistance 13 10 50

9. Document management

Approver	Executive Director, People and Corporate Services Executive Committee
Author	Project Officer, Government Services Manager, Governance Services
Revision history	Version 1 - April 2019 Version 2 - August 2021; Version 2.1 - May 2022
Reviewed by	Governance Officer, Governance & Legal Director, Governance & Legal
Next review date	August 2023
Responsible branch	People and Corporate Services
CM9 Reference	DOC22/2376

**Greater Cities
Commission**

Level 11, 6 PSQ,
10 Darcy Street
Parramatta NSW
2150

PO Box 257
Parramatta NSW
2124

Office hours:
Monday to Friday
9.00am – 5.00pm

T: (02) 8289 6200
W: greatercities.au