



ENGAGING WITH LOBBYISTS AND BUSINESS CONTACTS

POLICY

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Document management

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1. Policy Statement

The Engaging with Lobbyists and Business Contacts Policy (Policy) outlines the standards and behaviour expected of staff, Commissioners and Youth Panel in the Greater Sydney Commission (Commission) when interacting with lobbyists and business contacts. The Commission must promote confidence in the integrity of public administration and always act in the public interest, not in individuals' private interest. This means our decisions must be made in an open and transparent manner, without any undue influence, or the perception of undue influence, by external parties.

The purpose of this document is to:

- affirm the Commission's support of the objectives of the *Lobbying of Government Officials Act 2011* (the Act) and *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*;
- assist staff in meeting the requirements of the Premier's Memorandum *M2014-13, NSW Lobbyists Code of Conduct* (the Premier's Memorandum);
- provide guidance for staff, Commissioners and Youth Panel on their obligations and requirements when engaging with lobbyists and business contacts in a manner consistent with the Commission's Code of Ethics and Conduct; and
- provide a framework for managing staff and Commissioner interactions with lobbyists and business contacts in an open and transparent manner, without any undue influence, or the perception of undue influence, by external parties.

This Policy should be read in conjunction with the Commission's Engaging with Lobbyists and Business Contacts Procedure (in development), which outlines the process for engaging with lobbyists and business contacts.

This Policy will be reviewed every two years or if there are relevant legislative changes to ensure currency with statutory and NSW Government requirements.

2. Who does this Policy apply to?

The Engaging with Lobbyists and Business Contacts Policy applies to Commission members (Commissioners), Youth Panel and all employees 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.

In addition to complying with the Policy, staff must also comply with the Premier's Memorandum *M2014-13 NSW Lobbyists Code of Conduct*, the Commission's Code of Ethics and Conduct and Gifts, Benefits and Hospitality Policy, as well as the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees.

3. Definitions

Business Contacts	means any individual or group, who is not a third-party lobbyist or other lobbyist, that communicates with a Government Official about a specific application or proposal, funding decision, policy or regulatory issue.
Commission matter	means any issue, consultation, proposal, plan, strategy, advice, information, recommendation, report, assistance or other matter being considered, developed or made by the Commission.
Government Official	Includes: <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 the Public Service of New South Wales, the Transport Service of New South Wales, or any other service of the Crown; • a local government official; • 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 Sydney Commission).
Lobbying	means communicating with a Government Official for the purposes of representing the interests of others (including their own organisation) in relation to: <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.
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 Schedule 1 of the <i>Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014</i> .
Lobbyists Register	means the Register of Third-party Lobbyists, 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 as a result of non-compliance with the Act 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.
Senior executive manager	means: <ul style="list-style-type: none"> • In relation to Greater Sydney Commissioners – the Chief Commissioner; • In relation to the Chief Executive Officer’s direct reports – the Chief Executive Officer; and • In relation to all other staff – Executive Directors and other senior executives reporting directly to the Chief Executive Officer.
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 Lobbyist Contact Register	means the Commission’s register of contacts with third-party lobbyists

4. Key responsibilities

Chief Operating Officer

The Commission’s Chief Operating Officer 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 and 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 the Policy and Procedure;
- complying with all mandatory decision-making, reporting and publishing requirements contained in the Procedure for Engaging with Lobbyists and Business Contacts;
- discussing compliance as part of the ongoing management of their teams; and
- monitoring and evaluating the operation of the Policy and the Procedure in their area of responsibility.

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.
- Comply with this Policy and the Commission's Procedures for Engaging with Lobbyists and Business Contacts, 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.

The Commission's Procedure for Engaging with Lobbyists and Business Contacts contains detailed guidance and protocols for interacting with third-party lobbyists, other lobbyists and business contacts including processes for the establishment of meetings, who may attend, recordkeeping and maintaining the Third-party Lobbyist Contact Register.

NSW Electoral Commission

The NSW Electoral Commission maintains the Register of Third-party Lobbyists and the Lobbyists Watch List and enforces the Lobbyists Code of Conduct.

To improve compliance, the NSW Electoral Commission may enter into arrangements with lobbyists to ensure that they follow the Lobbyists Code. If a lobbyist breaches the Lobbyists Code, the NSW 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 a 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 other 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 Government's Register of Third-party Lobbyists (the Lobbyist 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.

Lobbyists must disclose if they are third-party lobbyists, the names of any individuals they have engaged to undertake the lobbying, and the name of the person whose interests the lobbyist is representing. The information must be disclosed before any meeting for the purpose of the lobbying is held, or other communication made.

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

Individuals, organisations or bodies such as industry or community organisations that lobby Government Officials, other than a third-party lobbyist; this includes individuals engaged to undertake lobbying for a third-party lobbyist.

5.5. Business Contacts

A Business Contact is an individual person, 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. 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;
- 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) 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 CEO.

6. Procedure

The Commission's Procedure for Engaging with Lobbyists and Business Contacts contains guidance and protocols for interacting with third-party lobbyists, other lobbyists and business contacts, including processes for the establishment of meetings, who may attend (including probity officers), record keeping and maintaining the Third-party Lobbyist Contact Register.

Staff are responsible for understanding the requirements of, and complying with, the Procedure.

Staff may also obtain further information from their manager or supervisor.

7. 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 the Policy and the 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 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. 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.

8. 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: executive.services@gsc.nsw.gov.au

9. Further information and resources

9.1. Internal Policies

- Greater Sydney Commission Code of Ethics and Conduct Policy
- Greater Sydney Commission Gifts, Benefits and Hospitality Policy
- Greater Sydney Commission Public Interest Disclosures Policy and Procedures

9.2. Legislation

- *Government Sector Finance Act 2019*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Rules 2014*
- *Lobbying of Government Officials Act 2011*
- *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*
- *Premier's Memorandum 2014-13 NSW Lobbyists Code of Conduct*
- *Independent Commission Against Corruption Act 1988*

9.3. Other resources

Register of Third-party Lobbyists

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

Online Lobbyists Training

9.4. Support and/or advice

Employee Assistance Program – (AccessEAP)

1800 818 728

info@accesseap.com.au

Safework NSW – Information, advice or assistance

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