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Dear Richard,

Thank you for the opportunity to respond to the Australia Institute's election survey seeking details of the Greens NSW's commitment to shining a light on lobbying activities in this state.

Please find answers to your questions below.

If you require any additional information please do not hesitate to contact me.

What is your policy on the regulation of lobbying in NSW?

The Greens NSW have been working hard to overturn the entrenched culture of influence-peddling and corrupt behaviour in the NSW political system and to stop its corrosive impact on communities and the environment.

We have continuously called for a new era of accountability in all public decision making.

Behind-closed-doors lobbying of government officials by big corporations and wealthy individuals is responsible for excluding the less powerful from key decisions that significantly impact the future of this state.

Unchecked lobbying and influence peddling in NSW has led to appalling policy outcomes and alleged, and in some cases established, corrupt behaviour by politicians and senior bureaucrats. It is severely undermining public confidence in our political system.

The Greens NSW believe that without significantly greater regulation of lobbying, including limits on who can lobby, public information about lobbying transactions and restraints on lobbyist behaviour, voters will have not certainty that political decision are made in the best interests of the community, the environment and a strong and fair economic future.

Our full policy relating to lobbying can be viewed here:

<http://nsw.greens.org.au/policies/nsw/democracy-participation-and-elections>

What rules are you proposing to improve lobbying in NSW?

The Greens NSW strongly support the implementation of a comprehensive legislative package of measures to regulate lobbying in NSW. Specifically the Greens have argued that the following measures should be enshrined in legislation:

- ◆ Strengthening the existing Lobbyists Register by creating extensive powers for an oversight by a body that is independent of government. Individuals and agencies that fail to register should be prohibited from engaging in lobbying.
- ◆ A model policy and procedure for all government departments, agencies and ministerial offices outlining the appropriate way to undertake meetings with lobbyists.
- ◆ A mandatory code of conduct for lobbyists with serious penalties for any breach including permanent removal from the lobbyist register.
- ◆ The timely public release of the minutes of all meetings involving lobbyists with ministers, parliamentary secretaries, ministerial staffers and senior bureaucrats. The minutes should include the details of the meeting purpose, who was present, what was discussed and what was decided or any other outcome and participants:
 - The minutes should be placed on a publicly accessible website, with an index by topic and by meeting participants;
 - The names and affiliations of all participants and the topic of the meeting should always be disclosed;
 - All other details should be disclosed unless there is an overriding public interest against disclosure;
 - This reform should be accompanied by a right of appeal against any decision to not disclose any meetings details. Appeals would be heard by the independent NSW Electoral Commission in the first instance and then the NSW Supreme Court. Materials declared cabinet-in-confidence, commercial-in-confidence or an electorate office matter would be subject to such challenges.
- ◆ An expanded definition of lobbying and lobbyists to include any interaction where a political decision is sought that would create a material gain for the personal or corporation, or their clients or close associates.
- ◆ The introduction of a five year cooling off period before ministers, parliamentary secretaries and senior bureaucrats can work for companies that operate in the industries they had previously regulated.
- ◆ The extension of lobbying regulation to local government including cooling off periods for and the minuting of meetings with lobbyists by councillors, or council staff.

These reforms would, amongst other effects, overcome the loopholes in the current scheme for releasing of ministerial diaries and create an open and accountable culture in government decision making.

Which recommendations of the ICAC Investigation have you adopted or will commit to adopting?

The 2010 ICAC report outlined a comprehensive roadmap of reform to the lobbying system in NSW.

The Greens support all of the ICAC recommendations and have consistently called on both the former Labor government in its dying days and the current Liberal and National government to implement each and every one of ICAC's recommendations.

Greens MPs in the NSW parliament enthusiastically supported the then Premier Barry O'Farrell's legislation to ban success fees for lobbyists (Recommendation 12 of 2010 ICAC report).

The Greens successfully amended the bill to partially address Recommendation 11 to close the revolving door by introducing an 18 month cooling-off period for ministers and parliamentary secretaries, during which they cannot "engage in the lobbying of a Government official in relation to an official matter that was dealt with by the former Minister or Parliamentary Secretary."

A Greens amendment to also include a cooling-off period for ministerial staffers and senior bureaucrats was rejected.

A ban on party office holders from being lobbyists was enacted in 2013 after the Greens helped to expose the conflict of interest it created. While this is not a recommendation of ICAC it is an important measure to reduce influence-peddling and abuse of positions within political parties.

The government's *Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014* was supported by the Greens because it represented a substantial step forward that goes some way towards responding to the outstanding items unaddressed from the 2010 ICAC report.

We supported the creation of a legislative framework for the first time for the regulation of lobbyists in NSW and in particular the introduction of penalties for breaching the code of conduct or requirements for the Lobbyists Register. We also supported the handing over of the oversight of lobbying regulation from the inherently conflicted Department of Premier and Cabinet to the independent NSW Electoral Commission.

The Greens further supported the requirement for ministers to publicly release their diaries on a quarterly basis but remain concerned that this policy could be rescinded at any time. The government did not support our attempts in parliament to enshrine such a requirement in legislation and make the publication of the diaries more timely and with greater levels of detail.

The Greens do not believe that the lobbying reforms pursued by the Baird government go far enough. As outlined above, we support the implementation of all of the 2010 ICAC recommendations and are committed to working for their introduction in the next parliament.

Yours sincerely,

A handwritten signature in black ink that reads "John Kaye". The signature is written in a cursive, slightly slanted style.

John Kaye