

Lobbying policy

Purpose of this Policy

The Lobbying policy outlines the obligations of employees in the NSW Department of Planning and Environment (the department) when interacting with groups or individuals who seek to influence government decision-making, policy, or legislation.

The purpose of the Lobbying policy is to provide clear guidance about:

- what constitutes a third-party lobbyist or business contact and significant meetings.
- keeping appropriate records of interactions for all third-party lobbyists and business contacts.
- the publication requirements of meeting records with third-party lobbyists or business contacts.

Where the department is engaging or communicating with stakeholder groups or community members, this policy does not apply, unless a department employee is directly lobbied for a specific outcome.

To whom this policy applies

The Lobbying policy applies to;

- ongoing, temporary, and casual employees in the department, including Government sector employees who are on secondment.
- volunteers, contractors, and consultants working at or visiting department workplaces.

Policy statement

Decisions of the department must be made in an open and transparent manner, without any undue influence, or the perception of undue influence.

The Lobbying policy provides guidance to employees who are contacted by lobbyists or business contacts and enhances transparency and accountability around the lobbying process.

Lobbying

Lobbying occurs when a group or an individual (a third-party lobbyist or a business contact) communicates with a government official for the purpose of representing the interests of others or an organisation with a view to influencing a legislative, policy or administrative outcome. The Lobbying of Government Officials Act 2011 (the Act) and related Regulation:

- defines lobbying
- regulates the conduct of third-party lobbyists in NSW, including requiring third-party lobbyists to register and comply with the Lobbyists Code of Conduct; and
- gives the NSW Electoral Commission responsibility for maintaining and publishing the Lobbyists Register and the Lobbyists Watch List.

When dealing with third-party lobbyists, business contacts or those who seek to influence decisions, legislative or policy outcomes:

- accurate records must be kept in accordance with the Records and Information Management Policy and the *State Records Act 1998*; and
- face to face meetings must be held on government premises, or the business premises of the relevant organisation.

All lobbyists fall into one of two categories, either 'third-party lobbyists' or 'business contacts', each with different response requirements as set out below.

Third-party Lobbyists

- Third-party lobbyists who request a meeting must be directed to the [Third-Party and Business Contacts Lobbyists Portal](#) on the department's website.
- The meeting request must expressly include the purpose of the meeting and the proposed participants.
- Notice is required three business days before the proposed meeting date.
- At least two departmental employees must attend any meeting, with at least one being Senior Executive Band 1 (director level) or above.
- A 'Third-Party Lobbyist Meeting Summary for Publication' must be submitted to the Ethics Branch within 10 working days of the meeting (ethics@dpie.nsw.gov.au).
- 'Third-Party Lobbyist Meeting Summary for Publication' forms can be completed and submitted retroactively.
- Meeting summary forms must be completed and submitted in circumstances where a department employee has either been unexpectedly placed in a meeting with a third-party lobbyist or identified that they were being lobbied during a meeting.

Business Contacts

- Business contacts must submit an agenda outlining the purpose of the meeting and the names of attendees. The agenda must be submitted to the relevant department employee/s prior to the meeting being conducted.
- Business contacts must submit their meeting request through the [Third-Party and Business Contacts Lobbyists Portal](#).
- The 'Business Contact Form' is to be used to record all meetings with business contacts.
- Notice is required three business days before the proposed meeting date.
- It is the responsibility of the relevant Senior Executive Band 1 (director level) or above to confirm, in advance of the meeting, whether the meeting will be classified as 'significant'.
- The department defines any meeting as significant in which the act of lobbying is proposed to take place.
- If classified as a 'significant meeting':

- the meeting is to be attended by at least two department employees and held on government premises, or the business premises of the relevant organisation.
- a copy of the agenda and summary of the meeting must be submitted to ethics@dpie.nsw.gov.au.
- Meeting summary forms for all business contact meetings must be completed, and stored securely, regardless of significance. These records must be kept in accordance with the departments record keeping best practices, in CM9, or equally secure digital storage.
- Groups and agencies may choose to externally publish the summary records of meetings held with business contacts.
- These meeting summary forms must also be completed retrospectively in circumstances in which department employees identify they are being lobbied when they did not expect to be.

Restrictions on lobbying

There are restrictions on the contact that employees can have with business contacts or third-party lobbyists. Government officials must not permit lobbying by:

- a business contact who has not given notice or a detailed agenda prior to the meeting.
- a third-party lobbyist who is not registered on the [NSW Electoral Commission website](#).
- an individual engaged to undertake lobbying for a third-party lobbyist who is not registered.
- any lobbyist who has failed to make the disclosures required of them under the Lobbying Act and the Lobbyists Code of Conduct.
- a lobbyist whose name has been placed on the [Lobbyist Watch List](#), unless:
 - at least two government officials (other than a Minister, a Parliamentary Secretary, or a member of their staff) are present during any communication with the lobbyist and those government officials provide a record of the communication to the Secretary after the meeting.

Failure to comply with this policy

All employees and others covered by the Code of Ethics and Conduct (the Code), are expected to adhere to the ethical and behaviour standards outlined in the Code. Failure to comply with the Lobbying policy may result in corrective action in accordance with the department's Code of Ethics and Conduct.

Review timeframe

The Governance Division will review the Lobbying policy no later than three years from the date the document is approved. The Lobbying policy may be reviewed earlier in response to post-implementation feedback, changes to legislation, or as necessary.

Related documents

Other policy documents that should be read in conjunction with this policy:

Lobbying policy

- Code of Ethics and Conduct
- Public Interest Disclosure Policy
- [Premier's Memorandum M2019-02 NSW Lobbyists Code of Conduct](#)
- Records and Information Management Policy 2020

Legislation that is recommended to be read in conjunction with this policy:

- [Lobbying of Government Officials Act 2011](#)
- [Lobbying of Government Officials \(Lobbyists Code of Conduct\) Regulation 2014](#)
- [Government Sector Employment Act 2013](#)
- [Government Sector Employment Rules](#)
- [State Records Act 1998](#)

Policy metadata

Table 1. Policy metadata

Category	Description
Status	Final
Date of approval	7 August 2023
Approver	A/ General Counsel, Deputy Secretary
Group	Governance and Legal
Division	Governance
Policy owner	Executive Director, Governance
Branch	Ethics
Document location	DPE Intranet and Internet
Next review date	August 2026
Associated procedure	Third-Party Lobbyist Meeting Summary for Publication
Any additional applicability	Nil
Superseded document	Lobbying of Government Officials Policy
Further information	ethics@dpie.nsw.gov.au
Document Reference	DOC23/692963

Version control

Table 2. Version Control

Version	Date issued	Change
1	April 2020	DPE Engaging with Lobbyist and Business Contacts converted to DPIE template and amended to focus on lobbying rather than different categories of lobbyist
2	August 2023	Added additional guidance surrounding business contacts, significant meetings, and meeting requirements. Name change of policy.

Appendices

Appendix 1 – Definitions

Appendix 2 – Meeting type and requirements

Appendix 1 – Definitions

Table 3 - Definitions

Term	Definition
Business Contact	<p>Individuals who communicate with the department about a specific proposal, decision, or application, to influence government decision-making, policy, or legislation, or lobbying more broadly, and are not registered third-party lobbyists.</p> <p>Parties may include industry groups, peak bodies, other professional advisors and consultants, government relations officers, or community and not for profit organisations.</p>
Development matter	Any matter or proposal relating to the development and use of land or to environmental planning and assessment.
Government official	<p>Government officials means:</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 the Public Service of New South Wales, the Transport Service of New South Wales, or any other service of the Crown. • 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. • A member (however expressed) of, or of the governing body of, a statutory body.
Lobbyist	Any individual that seeks to communicate with a Government official with the aims of representing, theirs, or the interests of others. This extends to representatives of communities, organisations, or businesses.

Term	Definition
Lobbying	<p>Defined in the Lobbying of Government Officials Act (section 4), lobbying is communicating with a government official for the purpose of representing the interests of others in relation to:</p> <ul style="list-style-type: none"> • legislation or proposed legislation or a government decision or policy or proposed government decision or policy • a planning application • the exercise by the official of his or her official functions. <p>Lobbying may occur through a face-to-face meeting, teleconference or other electronic means.</p>
Lobbyists Code	Lobbyist code refers to the <i>Lobbyists Code of Conduct</i> .
Lobbyists Register	The <i>Register of Third Party Lobbyists</i> , which is kept and maintained by the NSW Electoral Commission.
Lobbyists Watch List	The list maintained by the NSW Electoral Commission that contains the details of any third-party or other lobbyist in breach of the Lobbyist Code of Conduct or the Act.
Reasonable Notice	Notice should be communicated three business days before the proposed meeting date.
Significant Meetings	Any scheduled meeting with a business contact or other lobbyist in which the act of lobbying takes place.
Third-party lobbyist	An individual or body lobbying (generally for money or other valuable consideration) the department on behalf of a third party. Third-party lobbyists must be registered with the NSW Electoral Commission.

Appendix 2 – Meeting type and requirements

Table 4: Meeting type and requirements

Meeting type	Meeting requirements	Record keeping obligations	Publication requirements
Meeting with a third-party lobbyist	<p>A third-party lobbyist must be directed to submit a meeting request form via the third-party lobbyist and business contacts portal. The requirements are as follows:</p> <ul style="list-style-type: none"> • Three business days' notice is required between the request and the proposed meeting date to ensure that the appropriate employees are available to participate, otherwise the meeting request may be declined. • The request must include the purpose of the meeting, and the proposed participants. • Two employees must attend, with one being at least Director Level. • Face to face meetings must be held on Government premises or the relevant business premises. • For meetings that are held by video or teleconference, employees must ensure that the platforms and technology are appropriately secure. 	<p>A record of all meetings must be made. The following information must be included:</p> <ul style="list-style-type: none"> • the names and positions of all attendees. The time, date, and location of the meeting. • A summary of discussion points and outcomes. • The records of the meeting, including other notes and documents must be filed in the department's records management system so that they can be retrieved when required. 	<p>The record of the meeting must be:</p> <ul style="list-style-type: none"> • signed by the relevant Deputy Secretary. • a summary of the meeting must be documented using the 'Third-Party Lobbyist Meeting Summary for Publication' form. The approved form must be emailed to ethics@dpie.nsw.gov.au. • the approved summary will be published on the department's website within 10 days of the meeting.

Meeting type	Meeting requirements	Record keeping obligations	Publication requirements
Business contacts	<p>Where a meeting occurs in which the act of lobbying takes place, the meeting must:</p> <ul style="list-style-type: none"> • be scheduled with three business days' notice. • be prefaced with a detailed agenda including meeting purpose and proposed participants, provided to said participants and ethics@dpie.nsw.gov.au. • be attended by at least two department employees if the meeting is deemed significant. • if face to face, be held on government premises, or the premises of the relevant business. • ensure any technology used for teleconferences is secure. 	<p>A record of the meeting must be made. Information that must be included is:</p> <ul style="list-style-type: none"> • the names and positions of all attendees. • the time, date, and location of the meeting. • a summary of discussion points and outcomes. <p>Employees should use the 'Business Contact Form' to record these meetings. Records are to be signed off by a SEB1 (director) and submitted to ethics@dpie.nsw.gov.au.</p>	<p>While there is no requirement to publish these records, some groups and agencies may choose to externally publish a summary of the meetings.</p> <p>Publication is required where the department or an agency has a statutory obligation.</p> <p>Publication is recommended where the department or agency performs a regulatory function and meets with organisations whose members they regulate or with organisations that are regulated.</p>

Meeting type	Meeting requirements	Record keeping obligations	Publication requirements
Communications with parties in the ordinary course of duties.	Communications with external parties can be by telephone, email, or other electronic means. These communications are often largely transactional, the purpose being to seek and convey information about existing processes, policy, or other administrative requirements.	<p>Records of these communications must be kept. The content of the records will vary, according to the content of the communication. Options include:</p> <ul style="list-style-type: none">• A calendar entry with the name/s of the people with whom the communication took place.• A short email or file note.• A diary or notebook entry.• Any standard department form for recording communications.	Nil
