

Investigation into the regulation of lobbying, access and influence in NSW

ICAC INVESTIGATION

- The ICAC commenced a new corruption-prevention based investigation (Operation Eclipse) in February 2019, to examine the regulation of lobbying, access and regulation in NSW.
- Operation Eclipse followed the Commission's previous Operation Halifax investigation into lobbying, which made a series of recommendations for a lobbying regulatory scheme in NSW. Following that investigation, the Parliament enacted the *Lobbying of Government Officials Act 2011* (the LOGO Act), which introduced a new regime for regulating lobbying activities in NSW.
- In Operation Eclipse, the Commission aimed to examine whether enhancements to the LOGO Act might be required, as well as the broader approach to addressing risks associated with lobbying and influencing practices.
- In April 2019, the Commission released a discussion paper authored by academic experts in the field, titled *Enhancing the democratic role of direct lobbying in NSW*, to which 43 responses were received representing the interests of various sectors.
- In October 2019, the Commission consulted further with the release of *Operation Eclipse: lobbying, access and influence in NSW – an interim paper*, in response to which it received 10 written submissions.
- The Commission held a public inquiry over three phases in August and October 2019, and February 2020. Chief Commissioner the Hon Peter Hall QC presided at the public inquiry, at which 16 witnesses from various sectors voluntarily gave evidence.

ICAC FINDINGS AND RECOMMENDATIONS

The ICAC made the following key findings in this investigation:

- New legislation, or significant reform of the LOGO Act, is required to safeguard the public interest against the inherent lobbying risks of corruption and undue influence.
- Oversight of improper lobbying and compliance with the LOGO Act could be improved.
- The existing regulatory regime does not address or set out the ethical obligations for government officials who are lobbied.
- There is insufficient information available to the public, civil society groups and the media about lobbying activities.
- The local government sector faces considerable risk of undue influence and should be regulated by the LOGO Act.
- The movement of certain former public officials between the government sector and lobbying roles is currently unregulated, presenting a risk of undue influence over government.
- The published summaries of ministerial diary disclosures are not sufficiently detailed or meaningful for the public to understand who is meeting whom and why.
- Lobbyists are not explicitly prohibited from giving gifts to government officials.
- Recordkeeping practices in relation to lobbying activities are inadequate.

The Commission has made [29 recommendations](#) to better regulate lobbying in NSW including that the Lobbyists Code of Conduct be expanded and renamed the "Lobbying Code of Conduct", that the NSW Government creates a dedicated NSW lobbying commissioner whose primary purpose is to regulate the LOGO Act and that the detailed standards and obligations set out in the "Lobbying Code of Conduct" include a prohibition on undocumented or secret meetings with lobbyists. The [full report](#) is available from the ICAC website.

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