

Submission to NSW ICAC's Operation Eclipse



25th November 2019

The Operation Eclipse Interim Paper requests responses to a range of issues relating to lobbying and undue influence.

The Centre for Public Integrity has released a [15 Point Plan](#) to eliminate the undue influence of money in politics. Based on this research, the Centre recommends:

1. Expanding the definition of lobbyists to include in-house lobbyists
2. Expanding the lobbyists register to include disclosure of identity of lobbyists, clients and topics of lobbying
3. Quarterly publication of diaries of Ministers, Shadow Ministers and their Chiefs of Staff
4. Strengthening and enforcing Ministerial, Parliamentary and lobbyist codes of conduct including:
 - a. Increasing post separation ban to 5 years for former Ministers, Deputy Ministers and Parliamentary Secretaries.
 - b. Parliamentary code of conduct to include a ban on cash-for-access fundraising.
 - c. Lobbyist code of conduct strengthened to include requirements to act honestly and provide only truthful advice, and avoid conflicts of interests and undue influence.
 - d. Explicit penalties for breaches of all codes, with independent enforcement through an independent and well-resourced Parliamentary Integrity Commissioner.
5. Strengthening and enforcing post separation employment restrictions
 - a. Post-separation employment restrictions extended to include lobbying-related activities
 - b. Post-separation employment restrictions to apply for 5 years for Ministers, Deputy Ministers and Parliamentary Secretaries.
 - c. Enforcement through a Parliamentary Integrity Commissioner
6. Fair consultation process
 - a. Commitment from government to develop and follow fair consultation guidelines based on inclusion, deliberation and meaningful participation
7. Statement of reasons
 - a. Requirement of government to provide a statement of reasons for major executive decisions: to include details of lobbyist meetings held on the topic, a summary of departmental advice on the subject, and reasons for actions taken
8. Effective compliance and enforcement
 - a. Governance requirements for registered political parties
 - b. Party and candidate compliance policies tied to public funding
 - c. An adequately skilled and resourced enforcement division within the Electoral Commission to enforce political finance and lobbying regulations
 - d. An independent Parliamentary Integrity Commissioner with sufficient powers and resources needed to enforce compliance with codes of conduct, register of gifts and interest, and proper use of parliamentary entitlements

For further information please see points 9-15 of The Centre for Public Integrity's [15 Point Plan](#) to eliminate the undue influence of money in politics.