

16th May 2019

Chief Commissioner
NSW Independent Commission Against Corruption
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Sydney NSW 2001

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The regulation of lobbying access and influence in NSW

Thank you for the opportunity to provide a response to the consultation paper on the regulation of lobbying access and influence in NSW.

About Community Industry Group

Community Industry Group (previously the Illawarra Forum) is the peak body working for community services and organisations in South East NSW. We support community organisations, promote expertise and innovation, foster industry development and pursue social justice.

For more than 25 years, Community Industry Group (CI Group) has taken a leadership role in the local community services sector. We regularly engage with those organisations, services and individuals who work with disadvantaged and vulnerable children, families and communities. We also advocate on behalf of community organisations and vulnerable communities to raise awareness of the issues which are impacting service delivery, and affecting the lives and outcomes of disadvantaged communities.

Comments on the consultation paper

Community Industry Group considers that advocacy is often stifled in not for profit organisations which depend on government funding to deliver their services to disadvantaged individuals and communities. Many such organisations are afraid to speak out fearlessly and frankly as they should for fear of losing their funding, particularly in the

current context which is marked by a rise in competition and contestability for scant funding opportunities.

Access to government representatives, particularly Ministers, is also currently inequitable, with professional third party lobbyists and powerful business people having greater opportunities for interactions, both official and unofficial. We would recommend that any future system would seek to ensure equality of access.

We concentrate our submission on four specific areas:

Definition

Advocacy is an important activity for non-government organisations which seek change on behalf of the public good. We strongly recommend that clear definitions be developed to identify the distinction between such advocacy and the lobbying which is carried out for commercial gain or business purposes. Such a definition should clearly identify the distinction between not for profit advocacy, and professional internal business petitioners or paid third-party lobbyists who are engaged by private organisations to influence government for financial and commercial gain.

Access

One of the major issues not for profit advocates have in pursuing social justice issues is the inequity of access to government representatives. There is significant inequity in the access third party lobbyists have, particularly to Minister and Members of Parliament, their advisors and key staff members; and the access small non-government organisations have. Many professional lobbyists invest significantly to develop strong relationships through social activities. Such behaviour is contrary to the purpose and principles of not for profit community organisations. In the interests of fairness, measures should be instituted to ensure parity of access.

Fairness

Fairness would also suggest that government representatives and decision-makers must be able to demonstrate that both sides of any issue under consideration have been heard equally. Ensuring fairness may thus require the resourcing of smaller not for profit community advocates to have a voice. This may include funding small non-government organisations explicitly for advocacy activities. Most importantly, access to Ministers and decision makers should be demonstrated to be fairly distributed.

Transparency

Clearly the current system of publishing the diaries of our political representatives gives insufficient transparency. Diaries merely specify dates, the individual or organisation, and a very brief outline of the purpose of the meeting. There are no details of what was discussed, or any actions arising. Lobbyists may also have additional access through unofficial meetings or other engagements which do not appear in the diaries.

For transparency purposes, we strongly recommend that any register of meetings should include the length of meetings, items under discussion, outcomes or actions, and all who were present, including advisors or aides. A register should also outline any events or activities attended. Importantly, the register should also include a list of people and organisations which requested a meeting, but were declined.

We finally recommend that this register of meetings, which includes far greater detail as to the persons present and the matters discussed, be developed and administered by an independent Registrar. The Registrar will be responsible for reviewing the register, examining irregularities, and ensuring the inclusion of people and organisations which have unsuccessfully sought meetings. We further recommend that a separate Commissioner be instituted to investigate any allegation of misconduct in relation to meetings and lobbyists.

The Community Industry Group has welcomed the opportunity to pass on feedback from the South East NSW region on the regulation of lobbying access and influence in NSW. Should you require further information on any of the points raised in this submission please contact me on 02 4256 4333 or email at nsloan@cigroup.org.au.

Sincerely,



Nicky Sloan
CEO