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Chief Commissioner
NSW Independent Commission Against Corruption
GPO Box 500
Sydney NSW 2001

Sent by email: lobbying@icac.nsw.gov.au

27 May 2019

Dear Sir/Madam,

Submission to the *NSW Independent Commission Against Corruption (ICAC) investigation into the regulation of lobbying, access and influence in NSW (Operation Eclipse)*

1. Thank you for the opportunity to make a submission to the investigation.
2. WWF-Australia is part of the WWF International Network, the world's largest independent conservation organisation. WWF's global mission is to '*stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature*'.
3. WWF is active in more than 100 countries, including all countries in Asia (except North Korea), and has approximately five million supporters.
4. WWF-Australia strongly supports the principles of transparency, fairness, integrity and freedom of political communication.
5. As a general principle, WWF-Australia endorses any measures that provide transparency of lobbying activities and decision-making, as well as any steps taken by the NSW ICAC to safeguard against undue influence and self-interest.
6. WWF-Australia welcomes the consideration by the NSW ICAC of further options for lifting standards of probity to ensure integrity in official decision-making.

Measures to Improve Transparency: *Register of Third-party Lobbyists, disclosure of lobbying activity, and promoting accessibility and effectiveness*

7. WWF-Australia submits that, at a minimum, the Register of Third-Party Lobbyists in NSW should:
 - i) be extended to include in-house repeat lobbyists. Until it does, a significant portion (potentially the vast majority) of lobbying will remain out of the realm of public visibility;
 - ii) give very careful consideration to who should be included in the definition of "in-house lobbyist". Further consultation should be undertaken on this definition, but it should, as far as possible, capture all industry professional lobbyists, without

- imposing a significant administrative burden on those representing community interests;
- iii) require lobbyists to capture, via a digital recording, all lobbying meetings with members of Parliament, their senior staff and senior public servants. Additionally, a written record of all other communications, should be made available publicly online. “Lobbying communications” should not be limited to face-to-face scheduled meetings, but should include all attempts to influence a decision, wherever it occurs;
 - iv) impose higher standards on lobbyists representing highly regulated industries and “prohibited donors” as defined in s. 51 of the *Electoral Funding Act 2018* (NSW). These standards should be aimed at ensuring meetings held outside of the Parliament, such as fundraising dinners, are included on the register;
 - v) integrate and make accessible lobbying-related data, including political donations, political expenditure, ministerial diary disclosures and details of investigations by the Commission, in order to facilitate public interest reporting; and
 - vi) be straightforward for lobbyists to comply with.

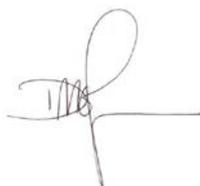
Measures to Improve Integrity: *Regulation of post-separation employment*

8. To address the significant risk of a conflict of interest between government decision-makers and industry, WWF-Australia submits that the existing post separation “cooling off” period of 18 months should be extended beyond Ministers and Parliamentary Secretaries. It should include all Members of Parliament, Ministers and Shadow Ministers’ senior staff, and senior public servants.

9. Additionally, WWF-Australia submits that the post separation “cooling off” period should extend to all forms of lobbying activity, including activity as an in-house or external lobbyist. When registering, lobbyists should be required to disclose previous positions of employment within government or parliament.

10. If you have any questions about this submission, please contact Malene Hand, Senior Manager Government Engagement on 0447 117 923 or mhand@wwf.org.au.

Yours faithfully,



Dermot O’Gorman
CEO
WWF-Australia