



Submission to the NSW Independent Commission Against  
Corruption Investigation (the Commission) on the  
Regulation of Lobbying, Access and Influence in NSW

Prepared by  
Domestic Violence NSW

## About Domestic Violence NSW

Domestic Violence NSW Inc (DVNSW) is the peak body for specialist domestic and family violence services in NSW. DVNSW provides a representative and advocacy function for specialist services and the women, families and communities they support.

DVNSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all.

DVNSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

DVNSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams.

DVNSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy advice to multiple departments in the NSW Government on prevention and response. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia.

We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners in the sector that underpin the recommendations in this submission. DVNSW thanks the specialist services that have developed best practice over decades of working with women and children and shared their expertise with us. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

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## Endorsement of submissions

DVNSW endorses the submissions of the NSW Council of Social Services (**NCOSS**) and the Human Rights Law Centre (**HRLC**) to ICAC.

## Domestic Violence NSW submission approach

DVNSW's area of expertise is in sexual, family and domestic violence.

A core part of the work we do is campaigning and advocacy to improve laws and policies to prevent and end sexual, domestic and family violence.

This submission outlines considerations that lobby policy and practice have on us and other services within our sector, as well as the broader implications for those working in advocacy in NSW and the ultimate impact on vulnerable citizens.

## Recommendations

### 1. Clarity on the definition between an advocate and a lobbyist and the importance of NGO led advocacy

DVNSW works with our member services, expert practitioners, partner organisations and NSW communities to improve policy and legislative frameworks and promote broader social change for women, children, families and communities impacted by domestic, family and sexual violence. We do not consider the work we do to be 'lobbying'.

A core function of our organisation as a peak body is to seek to influence government decisions and to raise issues relating to systemic improvement and change through evidence-based advocacy. It is unclear from the NSW Lobbying Code of Conduct whether NGOs that advocate could be included within the current definition of lobbying.<sup>1</sup> DVNSW recommends that if the definition remains unclear, it would be useful to separate not-for-profit and for-profit lobbyists, and potentially require different reporting obligations for them.

NSW electoral legislation also impacts on the ability of NGOs to advocate successfully for the communities they represent. As evidenced in NCOSS's submission, it is currently unclear whether NGO advocacy is captured by legislation such as the *Electoral Funding Act 2018* (NSW).<sup>2</sup> A concrete example of this type of advocacy was our recent work in the lead up to the 2019 NSW election. [A Safe State](#) was jointly developed by the NSW Women's Alliance of peak organisations and state-wide service providers responding to and working to prevent sexual, domestic and family violence. The campaign was developed in partnership with a number of key non-government stakeholders that hold specialist expertise and was based on identification of significant gaps in the NSW Government response to domestic, family and sexual violence. It made 49 recommendations for law and policy improvements to prevent and end violence and aimed to influence political decision making and improved policy and practice. During the campaign, it was unclear whether the advocacy we were doing fell under the scope of this legislation.

DVNSW recommends that one way of ensuring clarity for NGOs working in this space is that there are different reporting requirements for NGOs that are clearly acting for the public and community interest, as opposed to third party campaigners simply seeking to influence voting decisions.

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<sup>1</sup> ICAC Investigation: Lobbying, Access and Influence (Operation Eclipse) Submission 24, NSW Council of Social Services, 3 available at <https://www.icac.nsw.gov.au/investigations/current-investigations/2019/operation-eclipse>

<sup>2</sup> Ibid, 14-15.

## 2. Transparency, democracy and open government

Engagement with civil society is integral to the work that government does, and ultimately leads to improved outcomes for NSW citizens. Our work with women, children, families and communities impacted by violence is critical to informing policy and practice development. Whilst we are a membership-based peak body, our ultimate goal is to improve policy and practical responses to victim-survivors. We clearly articulate this purpose in our governing documents and strategic direction. Peak body advocacy of this type is a crucial function of transparency and democracy. Individual and small specialist services do not have the ability to advocate on a systems level, nor do many victim-survivors of violence have the ability, voice or access to articulate the changes necessary.

DVNSW's work through the [Voices for Change](#) project is one example of the platform we provide to ensure that survivor advocates' and voices of those with lived experience positively influence better legislation and policy development. This work which is funded by Our Watch, the national organisation established to lead nationwide change to prevent violence against women and children, and which the [NSW Government has recently joined](#) as a member, places women who experience violence as experts to lead change both to government and in the community. As public trust in institutions declines, it's vital that projects like this continue as they provide access and influence for people whose voices may not always be heard, but must be at the centre of informing best practice and policy.

As outlined in the HRLC's submission to ICAC there is a lack of transparency by lobbying groups in NSW, especially industry and corporations that seek to influence government to further their own interests.<sup>3</sup> DVNSW is concerned that if reforms to lobbying laws and policies are not enacted in NSW, the undue cost and burden to promote the community interest will be lost.

DVNSW strongly recommends that NSW Government adopt the recommendations included in the Commission's *Investigation into corruption risks involved in lobbying*<sup>4</sup> and in particular the "10 Principles for Transparency and Integrity in Lobbying"<sup>5</sup>, developed by the Organisation for Economic Co-operation and Development.

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<sup>3</sup> ICAC Investigation: Lobbying, Access and Influence (Operation Eclipse) Submission 25, Human Rights Law Centre, 2 available at <https://www.icac.nsw.gov.au/investigations/current-investigations/2019/operation-eclipse>

<sup>4</sup> New South Wales Independent Commission Against Corruption, *Investigation into Corruption Risks involved in Lobbying* (2010)

<sup>5</sup> OECD, 'Transparency and Integrity in Lobbying' (2013) <<http://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>>.

### **3. Genuine consultation**

Genuine consultation by government is vital to ensure that robust, responsive, evidence based policy is developed and to ensure trust in government decision-making. DVNSW has had multiple experiences with government where consultation has been tokenistic or the timeframes imposed are so unrealistic that it is difficult to engage properly in the development of laws and policies which directly affect those impacted by domestic, family and sexual violence. Genuine consultation with NGOs and engagement with the communities we seek to represent, support and improve is essential to good government and better outcomes for our most vulnerable citizens.