

PUBLICATION OF MINISTERIAL DIARIES – 12 MONTH REVIEW

Department of Premier & Cabinet

JULY 2015



Premier
& Cabinet

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Introduction

On 13 May 2014, the Premier announced a package of reforms to strengthen the regulation of lobbying activities and to ensure that contact between lobbyists and government officials is conducted in accordance with public expectations of transparency, integrity and honesty.

The package involved:

- establishing the Electoral Commission as an independent regulator of lobbyists;
- applying a set of ethical standards to all third-party lobbyists and other organisations that lobby government;
- empowering the independent regulator to investigate alleged breaches and impose sanctions, which could result in third-party lobbyists being removed from the Lobbyist Register and other organisations being placed on a Watch List and their access to government restricted;
- requiring Ministers to publish quarterly diary summaries of scheduled meetings with external organisations on portfolio-related activities; and
- making the NSW Ministerial Code of Conduct an applicable code under the *Independent Commission Against Corruption Act 1988*, giving the watchdog the power to investigate and make findings on a Minister's compliance with the Code.

The legislative elements of the reform package were implemented through amendments to the *Lobbying of Government Officials Act 2011* and a new *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*. These reforms took effect on 1 December 2014.

Premier's Memorandum M2014-07, the subject of this review, mandates the publication of information from the diaries of Government Ministers. It commenced on 1 July 2014 and the first quarterly disclosures (for the period 1 July to 30 September 2014) were published on 31 October 2014. A copy of the Memorandum is on page 14.

The reform package addresses recommendations made by the Independent Commission Against Corruption (ICAC) in its November 2010 report titled *Investigation into corruption risks involved in lobbying*. The Government has chosen to address some of the problems identified in the ICAC's Report, and create transparency around the lobbying of Ministers, through the publication of Ministerial diaries. In a recent submission, the ICAC observed that the Government's policy mandating the publication of Ministers' diaries is "transformative, in that... [i]t addresses the intent of a number of Operation Halifax recommendations at once."ⁱ

This review focussed on whether M2014-07 is meeting its policy objective of providing transparency in relation to lobbying of Ministers and makes recommendations about how it could be improved in light of users' experience in the first 12 months of operation.

Recommendations

1. M2014-07 – *Publication of Ministerial Diaries* should be amended by inserting the following new paragraph:

“This policy does not apply to meetings or discussions which take place during overseas travel undertaken by a Minister. Instead, disclosures in relation to official overseas travel are made in accordance with the requirements of:

- clause 5(1)(b) of the *Government Information (Public Access) Regulation 2009*; and
- Memorandum M2009-10 – *Release of Overseas Travel Information*.”

2. M2009-10 – *Release of Overseas Travel Information* should also be amended to specifically require Ministers to publish information about the scheduled meetings attended by Ministers while overseas, as part of the published information concerning the overseas travel undertaken by them.
3. M2014-07 should be amended to clarify that any scheduled meeting with a Minister to discuss a matter that may be considered by the Minister, whether formally or informally, in his or her role as portfolio Minister or as a member of Cabinet, should be disclosed.
4. There should be no extension of the mandatory proactive disclosure of diaries beyond Ministers given the high administrative costs that would be associated with implementing such an expansion and the fact that a regime for public access to government information already exists under the GIPA Act.

The Government should, however, continue to monitor the need to implement special record-keeping and disclosure policies in policy areas that involve particular corruption risks (eg as now occurs in relation to planning decision-making within the Department of Planning).

5. The current requirement for at least quarterly disclosures of diary information should be maintained.
6. M2014-07 should be amended to clarify that the policy requires disclosure of the organisation with which a meeting occurred (rather than the individuals representing the organisation). If an individual is attending a meeting in their personal capacity, and does not represent an organisation, then the individual’s name should be disclosed. For third party lobbyists, the names of the third party lobbyist *and* the individuals engaged to undertake the lobbying (as well as the name of their client) should be disclosed, consistent with the *NSW Lobbyist Code of Conduct*.
7. M2014-07 should be amended to clarify the scope of the policy by adopting the relevant defined terms in the *Lobbying of Government Officials Act 2011* and to clarify that:
 - as a minimum, all scheduled meetings with third-party lobbyists and other lobbyists are required to be disclosed;
 - scheduled meetings should expressly include a scheduled meeting that takes place in person, or by teleconference or phone call; and
 - the exemption from disclosing meetings with Ministers, ministerial staff, Parliamentarians or government officials extends to meetings with Ministers, ministerial staff, Parliamentarians and government officials from other jurisdictions.
8. After the amendments to M2014-07 arising from this 12 month review have been implemented, it is recommended that there be no further significant changes for at least 12 months, to provide policy certainty to the community.
9. The Department’s Ministerial and Correspondence Services Branch (MaCS) should commission an appropriate e-learning tool to meet the need for ongoing training in relation to M2014-07.
10. A timetable for the provision of information should be developed and strictly adhered to so that the deadline for publication of information is met each quarter.

Background

ICAC Report on Lobbying

On 10 November 2010, the ICAC released its final report on its investigation into the nature and management of lobbying in New South Wales entitled *Investigation into corruption risks involved in lobbying*.

The investigation focused on “whether changes need to be made to the current regulatory system to promote transparency, accountability and fairness in order to reduce the likelihood of the occurrence of corrupt conduct”.

The ICAC found that a failure to adequately regulate lobbying activity may lead to:

- community perceptions of corruption associated with lobbying; and
- inadequate transparency of lobbying activity, creating opportunities for corruption.

The ICAC recommended a range of reforms to improve transparency, noting that the regulation of lobbyists should be addressed in a manner that is practical and not unnecessarily onerous, and one that does not unduly interfere with legitimate access to government decision-makers. The ICAC Report can be viewed on the ICAC’s website:

<http://www.icac.nsw.gov.au/investigations/past-investigations/investigationdetail/169>

As noted above, the Government has since introduced a range of legislative and policy measures, including Premier’s Memorandum M2014-07, to strengthen the regulation of lobbying activities and to ensure that contact between lobbyists and government officials is conducted in accordance with public expectations of transparency, integrity and honesty. A more detailed history of the regulation of lobbying activity in New South Wales is set out in Appendix 2 (page 15).

Premier’s Memorandum M2014-07 – Publication of Ministerial Diaries

Premier’s Memorandum M2014-07 – *Publication of Ministerial Diaries* (see page 14) requires Ministers to publish extracts of information from their diaries detailing scheduled meetings with stakeholders, external organisations and individuals. The diary summaries are published quarterly, one month after the end of each quarter.

The Memorandum requires the disclosure of the organisation or individual with whom the meeting occurred, details of any registered lobbyists present, and the purpose of the meeting.

The Memorandum reminds Ministerial staff that they should obtain the consent of meeting attendees to the disclosure of summary information about the meeting, and a meeting disclosure form is provided by the Department of Premier and Cabinet to Ministers’ offices which may be used for collecting the required information and obtaining the relevant consent.

The Memorandum exempts the following types of meetings and information from the disclosure requirement:

- Meetings only involving Ministers, Ministerial staff, Parliamentarians or government officials.
- Meetings that are strictly personal, electorate or party political.
- Social or public functions or events (see below).
- Matters for which there is an overriding public interest against disclosure within the meaning of the *Government Information (Public Access) Act 2009*.

While the requirement to provide meeting summaries does not apply to social or public functions or events, where substantive discussion of issues are raised with the Minister at social or other functions that concern the Minister's portfolio or concern other policies or decisions made by the Minister in his/her capacity as a member of Cabinet, the meeting should be disclosed.

Information about Ministers' meetings is published on the following website:

http://www.dpc.nsw.gov.au/about/publications/ministers_diary_disclosures

The publication of Ministerial diaries and other measures taken to regulate lobbyists sit within a broader regulatory framework to preserve the integrity of government decision-making and prevent corruption. Statutory and common law rules apply to criminal corrupt conduct. Watchdog bodies such as the ICAC, the Ombudsman, the Police Integrity Commission, and the Auditor General perform integrity related functions under their governing legislation. Additionally, Codes of Conduct apply to Ministers, Parliamentary Secretaries, Members of Parliament, Departmental staff, staff employed in Ministerial Offices and Electorate Office staff.

The main objective of the Memorandum is to provide transparency about scheduled meetings attended by Ministers. This reflects the broader objective of the 2014 lobbying reform package (i.e. to ensure that contact between lobbyists and government officials is conducted in accordance with public expectations of transparency, integrity and honesty).

The diaries published necessarily include only a high level description of relevant meetings. However, the disclosure of the existence of these meetings provides transparency and facilitates requests for additional and more detailed information including through the mechanisms available under the *Government Information (Public Access) Act 2009*.

Issues and Recommendations

The Premier's Office consulted Ministerial offices and provided a summary of concerns raised to the Department. During the review process and consultation with users, the following issues were raised.

Transparency

Information about thousands of meetings which occurred between July 2014 and March 2015 have so far been disclosed under the Memorandum. There is general concurrence amongst Ministers' offices that the policy is providing transparency around which organisations and individuals have attended scheduled meetings with Ministers and the purpose of those meetings.

Overseas meetings

While the Memorandum does not currently provide an explicit exception for meetings that occur while a Minister is travelling overseas, the implementation of the policy in this context creates difficulties.

Gathering the necessary information from foreign hosts who are organising meetings in foreign countries, so that a NSW Minister can comply with a NSW policy, can appear intrusive and discourteous.

In some countries there are language and cultural differences which make it very difficult to communicate the policy objective behind a Minister's requests for the attendee information and attendee consents that would have to be obtained to fully comply with the Memorandum.

The provision of information about overseas travel by Ministers has been governed by a Premier's Memorandum since 2009 (M2009-10 - *Release of Overseas Travel Information*). That memorandum requires Ministers to publish on an appropriate agency website, within 28 days of returning from an overseas trip, certain specified information concerning the travel undertaken by them or their staff.

Information about overseas travel by the Premier is published on the following website:
http://www.dpc.nsw.gov.au/about/accessing_dpc_information/ministers_overseas_travel_information

This policy specifically addresses the need for transparency around overseas travel arrangements and is better adapted to the circumstances. It is recommended that the Premier amend and reissue M2014-07 and M2009-10 to clarify the relationship between the two policies in a manner which does not reduce overall transparency. A consequential amendment will also need to be made to the GIPA Regulation.

Recommendations

1. M2014-07 – *Publication of Ministerial Diaries* should be amended by inserting the following new paragraph:

“This policy does not apply to meetings or discussions which take place during overseas travel undertaken by a Minister. Instead, disclosures in relation to official overseas travel are made in accordance with the requirements of:

- clause 5(1)(b) of the *Government Information (Public Access) Regulation 2009*; and
- Memorandum M2009-10 – *Release of Overseas Travel Information*.”

2. M2009-10 – *Release of Overseas Travel Information* should also be amended to specifically require Ministers to publish information about the scheduled meetings attended by Ministers while overseas, as part of the published information concerning the overseas travel undertaken by them.

Meetings about matters unrelated to the Minister’s portfolio

On occasion, an organisation may be aware that it will be affected by a forthcoming Cabinet decision and may request meetings with members of the Cabinet other than the Minister directly responsible for the Cabinet Submission, to brief them on the issue, hoping to secure Cabinet support for their preferred outcome.

The disclosure requirement imposed by the Memorandum was not intended to be confined to meetings related to the Minister’s own portfolio.

If a meeting with a Minister (including at a social or other function) involves substantive discussion of issues or matters that could be influenced by the Minister, whether because they concern his/her Ministerial portfolio or concern other policies or decisions made by the Minister in his/her capacity as a member of Cabinet, the Memorandum requires that the meeting be disclosed.

Recommendation

3. M2014-07 should be amended to clarify that any meeting with a Minister to discuss a matter that may be considered by the Minister, whether formally or informally, in his or her role as portfolio Minister or as a member of Cabinet, should be disclosed.

Applying the disclosure requirement to other government officials

There is a statutory requirement to conduct a public consultation process in relation to new principal regulations, by publishing a Regulatory Impact Statement (RIS) and inviting comment. The RIS consultation process for the *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014* was completed on 28 May 2015.

Three submissions to the Lobbying RIS consultation processⁱⁱ requested the provision of more information about lobbying activities by expanding the requirement to publish diary information to government officials other than Ministers, particularly from departments and agencies but also from all Members of Parliament.

In its submission, the ICAC indicated that the new requirement for the publication of Ministerial diaries is transformative. It addresses the intent of a number of Operation Halifax recommendations at once. The ICAC goes on to say: “The current corruption control arrangements in relation to ministers are pragmatic, streamlined, easy to follow and understand, and emphasise integrity and honesty. Enforceable conduct standards, together with independent oversight, provide mechanisms for removing the non-compliant from the system.”ⁱⁱⁱ

The ICAC expressed concern, however, that the public is not similarly informed about lobbying activity that may involve a Parliamentary Secretary, ministerial staff member or person employed, contracted or engaged in a public sector agency. It recommended that departments, agencies and Ministerial offices be required to proactively publish lobbying activity information on their websites (provided there is no overriding public interest against disclosure).

ADJ Consultancy Services proposed that all members of the NSW Senior Executive Service should publish their diaries. Public Relations Institute of Australia (PRIA) proposed that the publication of Ministers’ diaries should be extended to all Members of Parliament.

The starting point for considering possible expansion of the diary disclosure policy should be to consider what (if any) additional public benefit would accrue from such extension, for example in terms of greater transparency, and to weigh those against the administrative and other costs associated with doing so. In considering the public benefits, it is also important to consider the context of already existing regimes and practices by which the public interest in transparency may be able to be achieved in a more efficient or targeted manner, such as through the *Government Information (Public Access) Act*.

The GIPA Act already provides a mechanism for public access to meeting information of all Government officials, including Ministers and Ministerial staff (but not Parliamentary Secretaries or other Members of Parliament). All members of the government sector are obliged to make and retain official records in accordance with the *State Records Act 1998*. Any person can make an application under the GIPA Act to access these records.

In this regard, it is a relevant consideration to note that, unlike Ministers, Parliamentary Secretaries and other Members of Parliament are not members of Cabinet and do not have responsibility to make decisions under legislation. Similarly, Ministers' staff are not decision makers – they are not members of Cabinet and do not have statutory responsibilities.

Parliamentary Secretaries are covered by parts of the NSW Ministerial Code of Conduct, and like other Members of Parliament must comply with the Code of Conduct for Members. Ministerial staff have their own code of conduct, as do Departmental officials.

In terms of resourcing and costs, it is noted that extending the diary publication requirement beyond Ministers would not be straightforward.

Parliamentary Secretaries do not have the personal support staff required to enter the initial data. Like other Members of Parliament, their support is provided by the Parliament, and their calendars and diaries are part of the Parliament House IT network. This would raise issues in relation to providing them with appropriate support staff, software and the necessary technical support.

Expansion to the more than 200 staff in Ministers' offices^{iv} would likewise be labour intensive and raise data integrity issues. Presumably, each member of staff would have to take responsibility for reporting on their own meetings and there would need to be a strong quality assurance process put in place.

Extending the requirement even further, to all government sector staff, as suggested by the ICAC, would be enormously costly and administratively burdensome, imposing a reporting obligation on approximately 400,000 people^v. Even restricting the requirement to all members of the senior executive service across the NSW government sector, as suggested by ADJ Consultancy Services, would impose a reporting obligation on more than 3000 people^{vi}.

A more limited alternative, expansion to the ten (10) Departmental Secretaries, and possibly those Deputy Secretaries or Chief Executives who have statutory decision making responsibilities, would be more administratively feasible. Even this more limited option, however, should only be pursued if it is clear that any additional public benefits outweigh the administrative costs associated with doing so.

Departments use different IT networks (there is no standard platform) and individual approaches would be required to implement a diary disclosure process for them in their respective business environments. To estimate the full impact of this proposal, expert advice would need to be obtained from the Chief Information Officers' Network about the time and cost it would require to implement software tools, and from each Department about the impact on their resources.

In circumstances where the Government is looking to achieve efficiency dividends from the public sector and ensure that administrative and 'overhead' costs are minimised, a policy change of this nature may be counterproductive to that aim.

Accordingly, it is recommended there be no change to the policy to extend mandatory proactive disclosure of diaries to all government officials, particularly given the high administrative costs that would be associated with implementing such an expansion and the fact that a regime for public access to government information already exists under the GIPA Act.

Transparency measures with high administrative costs should be targeted at the most important decision makers, such as Ministers, and the most sensitive decisions.

For example, the Department of Planning has implemented a policy that provides for the proactive disclosure of information in relation to all meetings with stakeholders attended by its staff. The policy is warranted by the particular nature of the work undertaken by that Department.

It is appropriate that the Government continue to be open to considering the potential to implement special record-keeping and disclosure policies in policy areas that involve particular corruption risks.

It is noted that, during Question Time in the Legislative Assembly on 27 May 2015, the Leader of the Opposition made a commitment to publish information from the diaries of shadow Ministers. The application of the policy to Opposition members and the manner in which it is to be applied is outside the scope of this review.

Recommendation

4. There should be no extension of the mandatory proactive disclosure of diaries beyond Ministers given the high administrative costs that would be associated with implementing such an expansion and the fact that a regime for public access to government information already exists under the GIPA Act.

The Government should, however, continue to monitor the need to implement special record-keeping and disclosure policies in policy areas that involve particular corruption risks (eg as now occurs in relation to planning decision-making within the Department of Planning).

Frequency of disclosure

Two submissions to the Lobbying RIS consultation process suggested the information about lobbying activities should be released at least monthly, if not instantly. In Queensland, diary details are disclosed every month, with data for a given month being released by the end of the following month.

Lobbyist Adam Johnson (of ADJ Consultancy Services) wrote: “With modern technology being as it is, there seems little reason for Ministerial diaries to be released quarterly. Why not make it monthly - with the advance of smart phone and ‘tablet’ technology it is arguable that such information could be transferred to a public website almost instantly. And why not extend this idea to all serving members of the NSW Senior Executive Service, so their diaries are regularly and publicly scrutinized. To me, this would be truly transparent.”

There are, however, limitations on the extent to which “modern technology” alone can facilitate the disclosure of reliable information. Reporting software requires data entry, and the data received and entered at the time of a meeting request often needs to be updated closer to the time of the meeting, and subsequent to the meeting, to more accurately reflect actual attendance and actual matters discussed (and even whether the meeting occurred, or was subject to a last minute cancellation). Ministers’ offices, the Premier’s office and MaCS report that each round of data release requires significant resources to review the report summaries to ensure the integrity of the data released.

Ministers' offices are responsible for the accuracy of the diary information contained in the reports. The Premier's office is responsible for checking all reports for consistency with the Memorandum before they are submitted to MaCS for publishing. For quality assurance, MaCS also checks all content for patent errors. MaCS is working towards improving the software tools available to Ministers' offices for managing this reporting function. Following 12 months' experience with the current tools, MaCS proposes to clean up the app, using existing resources, to reflect user preferences.

Recommendation:

5. The current requirement for at least quarterly disclosures of diary information should be maintained.

Details required to be disclosed

Ministers' offices have been interpreting the disclosure requirements in different ways, sometimes listing only organisations, sometimes listing representatives of organisations.

The policy intention, which may not have been expressed sufficiently clearly, was that the diary summary should disclose only the organisation(s) represented at the meeting, and not the names of the individuals attending as representatives of that organisation.

The policy is intended to minimise the amount of data required, in order to minimise errors in reporting. When large contingencies of representatives are sent to meetings, the people who attend will not always be the same as the people whose attendance was initially notified to the Minister's office.

If an individual is attending a meeting in their personal capacity, and does not represent an organisation, then the individual's name should be disclosed.

For consistency with the *NSW Lobbyist Code of Conduct*, the names of the third party lobbyist *and* the individuals engaged to undertake the lobbying (as well as the name of their client) should be disclosed.

Recommendation:

6. M2014-07 should be amended to clarify that the policy requires disclosure of the organisation with which a meeting occurred (rather than the individuals representing the organisation). If an individual is attending a meeting in their personal capacity, and does not represent an organisation, then the individual's name should be disclosed. For third party lobbyists, the names of the third party lobbyist *and* the individuals engaged to undertake the lobbying (as well as the name of their client) should be disclosed, consistent with the *NSW Lobbyist Code of Conduct*.

Scope of the disclosure requirement

The most frequent request for advice from Minister's offices has been "Does this meeting need to be disclosed?" Ministers are advised that, if there is any doubt whether a meeting is required to be disclosed, then it should be disclosed. There is nothing wrong with disclosing more meetings than are required to be disclosed by the terms of the policy.

One approach to clarifying the scope of the policy would be to align the language of the Memorandum with the language of the legislation, and in particular the definition of "lobbyist" and "lobbying".

The Memorandum took effect on 1 July 2014. While the amendments to the legislation had been passed by Parliament at that time, the regulation had not been drafted, and the legislative elements of the reform package did not commence until 1 December 2014. Because of the order in which the various elements of the package were prepared, the language of the Memorandum is very different from the legislative language.

It would clarify the scope of disclosure required by the Memorandum if it now reflected the terminology used in the legislation, and, as a minimum, required all scheduled meetings with third party lobbyists and other lobbyists to be disclosed.

It is not intended that this would narrow the scope of the disclosure requirement or the level of transparency provided under the policy. It could be useful to clarify, however, that at a minimum, no meeting with a lobbyist, as defined in the Code, should go undisclosed.

Using the definitions in the Code would lead to greater precision in the Memorandum. Where the policy intent differs from that in the Code, this should be made explicit.

It will, for example, be necessary to clarify that the exemption from disclosing meetings with Ministers, ministerial staff, Parliamentarians or government officials (which in the Code are defined as NSW government officials) extends to meetings with Ministers, ministerial staff, Parliamentarians and government officials from other jurisdictions.

The Lobbyists Code of Conduct applies to a broad range of communications and meetings. That said, the diary disclosure policy is not intended to apply to all communications with government – it is intended to apply only to scheduled meetings, which should include a scheduled teleconference or phone call, but does not extend to unscheduled communications or encounters.

Recommendation:

7. M2014-07 should be amended to clarify the scope of the policy by adopting the relevant defined terms in the *Lobbying of Government Officials Act 2011* and to clarify that:
 - as a minimum, all scheduled meetings with third-party lobbyists and other lobbyists are required to be disclosed;
 - scheduled meetings should expressly include a scheduled meeting that takes place in person, or by teleconference or phone call; and
 - the exemption from disclosing meetings with Ministers, ministerial staff, Parliamentarians or government officials extends to meetings with Ministers, ministerial staff, Parliamentarians and government officials from other jurisdictions.

Training and timeliness

MaCS has identified some issues that arise for the branch in providing technical support for the diary disclosure process.

Training

There is an ongoing need to provide induction training, support and advice in relation to the policy and processes due to staff turnover, reallocation of responsibilities within offices, and the establishment of new Minister's offices. To deliver this training efficiently and consistently, it may be appropriate to invest in the preparation of an e-learning module.

Making an e-learning module available may be the most efficient and effective method for ensuring consistent and thorough communication of the policy, processes and timeframes to all Ministerial and departmental staff involved in the diary disclosure process.

During the first 12 months of implementation, as users developed experience with the system, there were frequent requests for changes to the reporting format, meeting disclosure forms and the software applications. This has been resource intensive for MaCS and required users to keep abreast of a range of changes. In the interests of certainty, it would be appropriate to settle the policy, the related documentation and the software tools in the light of experience to date, and agree that no further significant changes will be made for at least a further 12 months.

Timeliness

The Memorandum establishes a clear deadline for the publication of the diary disclosure summaries. To ensure that this deadline is met, a timetable for the provision of information should be developed and strictly adhered to.

Recommendations:

8. After the amendments to M2014-07 arising from this 12 month review have been implemented, it is recommended that there be no further significant changes for at least 12 months, to provide policy certainty to the community.
9. The Department's Ministerial and Correspondence Services Branch (MaCS) should commission an appropriate e-learning tool to meet the need for ongoing training in relation to M2014-07.
10. A timetable for the provision of information should be developed and strictly adhered to so that the deadline for publication of information is met each quarter.

M2014-07 Publication of Ministerial Diaries

Description:

Ministers must publish summaries in the attached form one month after the end of each quarter.

This Memorandum sets out the requirement, for all Ministers to regularly publish extracts from their diaries detailing scheduled meetings held with stakeholders, external organisations and individuals.

This Memorandum takes effect on and from 1 July 2014.

Ministers must publish summaries in the attached form one month after the end of each quarter ([Attachment A](#)). The summary should disclose the organisation or individual with whom the meeting occurred, details of any registered lobbyists present, and the purpose of the meeting. Meeting summaries will be published at www.dpc.nsw.gov.au. The Department of Premier and Cabinet will assist Ministers with uploading the summaries to the DPC website.

Ministerial staff should obtain the consent of meeting attendees to summary information about the meeting being disclosed.

It is not necessary to disclose information about:

- meetings with Ministers, ministerial staff, Parliamentarians or government officials;
- meetings that are strictly personal, electorate or party political;
- social or public functions or events;
- matters for which there is an overriding public interest against disclosure.

While the requirement to provide meeting summaries does not apply to social or public functions or events, where substantive discussion of issues are raised with the Minister at social or other functions that concern the Minister's ministerial portfolio or concern other policies or decisions made by the Minister in his/her capacity as a member of Cabinet, the meeting should be disclosed.

A suggested template meeting request form will be made available to Ministers' Offices separately by the Department of Premier and Cabinet.

Application

All Government Ministers must comply with the requirement to publish information about meetings as set out in this Memorandum.

Reporting periods will be quarterly and the information must be published by Ministers at the end of the month following the end of each quarter.

Mike Baird MP

Premier

Attachments

[M2014-07 Attach A.docx](#) 

Issuing Entity

Premier

Publishing Entity

Department of Premier and Cabinet

Replaced by:

This document is not replaced by any later document.

Replaces:

This document does not replace any previous document.

Compliance with this document is mandatory

Overview of Lobbying Reforms

Date	Lobbying Reforms
February 2009	Lobbyists Register and Code of Conduct established administratively.
May 2010	The ICAC released its discussion paper on 'Lobbying in NSW'.
November 2010	The ICAC released its report 'Investigation into Corruption Risks Involved in Lobbying' with 17 recommendations for reform of lobbying regulation.
May 2011	<p><i>Lobbying of Government Officials Act 2011</i> commenced.</p> <p>The Act:</p> <ul style="list-style-type: none"> - banned the payment of success fees to lobbyists (It is a criminal offence for a lobbyist to be given a payment that is contingent on the outcome of the lobbying of a government official.) - imposed an 18 month ban on Ministers and Parliamentary Secretaries from engaging in lobbying in relation to matters they dealt with in office.
October 2013	The (then) Premier amended the Lobbyist Code to prohibit individuals who occupy or act in an office or position concerned with the management of a registered political party from being included on the Lobbyist Register.
November 2013	The ICAC, in its corruption prevention report on the management of coal resources, recommended the Government review the ICAC's 2010 report on lobbying and consider adopting the lobbying recommendations which had not yet been implemented.
May 2014	The Premier announced the Government would enhance the regulation of lobbying by establishing the Electoral Commission as an independent regulator of lobbyists and applying a set of ethical standards to all third-party lobbyists and other organisations that lobby government. The Premier also announced the publication of Ministerial diaries.
June 2014	The Government introduced the <i>Electoral and Lobbying Legislation Amendment (Electoral Commission) Act 2014</i> to implement the Premier's announcement to strengthen the regulation of lobbying.
1 December 2014	<p>Amendments to the legislation commenced to strengthen the regulation of lobbying.</p> <p>The amendments strengthen the regulation of lobbying in NSW by:</p> <ul style="list-style-type: none"> o establishing the Electoral Commission as an independent regulator of lobbyists; o providing a legislative basis for the Register of Third Party Lobbyists and the Lobbyist Code of Conduct. o applying a set of ethical standards to all third-party lobbyists and other individuals and organisations that lobby government; o empowering the independent regulator to investigate alleged breaches and impose sanctions, which could result in lobbying firms being removed from the Lobbyist Register and other organisations being placed on a Watch List and having their access to government restricted. <p>The Electoral Commission was given supplementary funding of \$2.8 million over four years to perform its new functions in relation to the regulation of lobbying, and capital funding of \$400,000 for the establishment of an on-line database system for the lobbyists register.</p>
28 May 2015	Regulatory Impact Statement (RIS) process for Lobbying Regulation completed. Six submissions were received. The RIS and submissions were provided to the Legislation Review Committee and published on the DPC website.

ENDNOTES

ⁱ ICAC submission on Lobbying Regulatory Impact Statement, p3 (accessed 24/06/15) -

http://www.dpc.nsw.gov.au/about/publications/publications_categories_list#regulatory_impact_statements

ⁱⁱ All six submissions on the Lobbying Regulatory Impact Statement are available at:

http://www.dpc.nsw.gov.au/about/publications/publications_categories_list#regulatory_impact_statements

ⁱⁱⁱ See above, note i.

^{iv} 202.1 FTE as at 31/12/14. See http://www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers (accessed 23/06/15)

^v Public Service Commission 2014 Workforce profile report, p4. As at 1 July 2014 there were 328,114 FTE employees in the NSW government sector, including permanent/ ongoing, temporary, casual, contract and executive, with a headcount of 396,036 (pp 3, 4 and 23)

^{vi} Public Service Commission 2014 Workforce profile report, p23 - As at 1 July 2014 there were 3099 “executives”. This figure includes Public Service senior executives employed under pre-GSE contracts, senior executives employed under Division 4 of Part 4 of the Government Sector Employment (GSE) Act 2013 and other Government Sector senior executives under contract arrangements, including Health, Transport and Police executives. This group does not include Senior Officers or Senior Officer equivalents.