



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Bill 2014

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The *Constitution Amendment (Disclosures by Members) Bill 2014* is cognate with this Bill.

## Overview of Bill

The object of this Bill is to prescribe a ministerial code of conduct for the purposes of the *Independent Commission Against Corruption Act 1988*. Under that Act, conduct of a Minister of the Crown will be dealt with as corrupt conduct only in certain circumstances, one of which is if the conduct could constitute or involve a substantial breach of a ministerial code of conduct prescribed or adopted by the regulations.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1      Amendment of Independent Commission Against Corruption Regulation 2010

**Schedule 1 [1]** provides that the ministerial code of conduct set out in Schedule 1 to the Regulation is prescribed as a ministerial code of conduct for the purposes of the definition of *applicable code of conduct* in section 9 (3) of the *Independent Commission Against Corruption Act 1988*.

**Schedule 1 [2]** sets out the ministerial code of conduct. It is substantially the same as the *Code of Conduct for Ministers of the Crown* published by the Department of Premier and Cabinet in the

*New South Wales Government Ministerial Handbook* (see Premier's Memorandum M2011-09) and includes additional provisions about the keeping of public diaries relating to contact with lobbyists.



New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Bill 2014

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New South Wales

# Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Bill 2014

No. , 2014

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## **A Bill for**

An Act to amend the *Independent Commission Against Corruption Regulation 2010* to prescribe a ministerial code of conduct, the substantial breach of which will constitute corrupt conduct under the *Independent Commission Against Corruption Act 1988*.

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See also *Constitution Amendment (Disclosures by Members) Bill 2014*.

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**The Legislature of New South Wales enacts:**

1

**1 Name of Act**

2

This Act is the *Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Act 2014*.

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4

**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Independent Commission Against Corruption Regulation 2010</b>	1
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[1]	<b>Clause 12A</b>	3
	Insert before clause 13:	4
	<b>12A Ministerial code of conduct</b>	5
	The ministerial code of conduct set out in Schedule 1 is prescribed for the purposes of paragraph (a) of the definition of <i>applicable code of conduct</i> in section 9 (3) of the Act.	6 7 8
[2]	<b>Schedule 1</b>	9
	Insert at the end of the Regulation:	10
	<b>Schedule 1 Ministerial code of conduct</b>	11
	(Clause 12A)	12
<b>A</b>	<b>Code of conduct for Ministers of Crown: principles that must guide ministerial conduct</b>	13 14
	It is essential for the maintenance of public confidence in the integrity of the Executive Government of the State that Ministers of the Crown exhibit, and be seen to exhibit, the highest standards of probity in the exercise of their offices, and that they pursue, and be seen to pursue, the best interests of the people of New South Wales to the exclusion of any other interest.	15 16 17 18 19
	Accordingly two principles must guide ministerial conduct in office:	20
	1. <b>MINISTERS WILL PERFORM THEIR DUTIES HONESTLY AND IN THE BEST INTERESTS OF THE PEOPLE OF NEW SOUTH WALES.</b>	21 22 23
	2. <b>MINISTERS WILL BE FRANK AND HONEST IN OFFICIAL DEALINGS WITH THEIR COLLEAGUES AND WILL MAINTAIN THE CONFIDENTIALITY OF INFORMATION COMMITTED TO THEIR SECRECY.</b>	24 25 26 27
	This Code of Conduct seeks to uphold these two principles.	28
	It is essential for the proper working of Executive Government that Ministers of the Crown should enjoy and retain the trust and confidence of their ministerial colleagues, both in their official dealings and in the manner in which they discharge their official responsibilities.	29 30 31 32
<b>B</b>	<b>Introduction to this code of conduct</b>	33
	The following is not intended to be a comprehensive statement of the ethical responsibilities of Ministers of the Crown. One cannot anticipate and make provision for every contingency that can raise an ethical issue for Ministers.	34 35 36
	The requirements and guidelines set out below merely provide the broad framework to aid Ministers in the resolution of ethical issues.	37 38
	It is to be emphasised that each Minister will bear personal responsibility both for the decisions he or she makes on ethical questions and for the manner in which he or she complies with this Code.	39 40 41

	Any ethical determination on a matter not provided for in this Code should be in conformity with the two principles stated above. In any case of doubt the Minister should refer the matter to the Premier.	1 2 3
	Ministers are reminded that, quite apart from their ethical obligations they are subject to the civil and criminal law as holders of public office.	4 5
	In particular they are reminded that they can be held personally responsible in law for the following:	6 7
	(a) their intentional misuse of their office and the powers and duties they have in it,	8 9
	(b) conflicts of interest and the possession of interests that will disqualify them from parliamentary office,	10 11
	(c) the corrupt receipt or solicitation of benefits,	12
	(d) the misuse of confidential information acquired by virtue of office.	13
<b>Part 1</b>	<b>General obligations</b>	14
1.1	Ministers will exercise their office honestly and in the public interest.	15
1.2	Ministers should avoid situations in which they have, or might reasonably be thought to have, a private interest that conflicts with their public duty.	16 17
1.3	In conformity with their Executive Councillor's oath and the requirement of confidentiality of Cabinet proceedings, Ministers will make no unauthorised use or disclosure of information committed to their secrecy.	18 19 20
1.4	A Minister shall be responsible for ensuring that members of his or her staff are made aware of their ethical responsibilities. A Minister shall require such disclosure or divestment of personal interests by staff members as seems appropriate to the Minister.	21 22 23 24
1.5	A Minister shall be frank and honest in official dealings with colleagues.	25
1.6	A Minister has a duty to Parliament to account, and be held to account, for the policies, decisions and actions of the Minister's departments and agencies.	26 27
1.7	A Minister shall give accurate and truthful information to Parliament correcting any inadvertent error at the earliest opportunity.	28 29
1.8	A Minister who knowingly misleads Parliament will be expected to offer his or her resignation to the Premier.	30 31
1.9	A Minister should be as open as possible with Parliament and the public.	32
1.10	A Minister may refuse to provide information to Parliament or the public only when disclosure would not be in the public interest (which should be decided in accordance with the relevant statutes and the <i>Government Information (Public Access) Act 2009</i> ).	33 34 35 36
<b>Part 2</b>	<b>Registration of Ministers' interests</b>	37
2.1	A Minister shall comply with the requirements of section 14A of the <i>Constitution Act 1902</i> and with any regulation in force under that section. (In this Code such a regulation, as in force at a relevant time, is referred to as <i>the relevant regulation</i> .)	38 39 40 41

- 2.2** A person accepting an appointment as a Minister of the Crown shall within four weeks of that appointment furnish to the Premier a copy of the return most recently made by him or her under the relevant regulation. If the person has had no occasion yet to furnish a return, then he or she shall furnish the same particulars as he or she would be obliged to furnish in a return made in accordance with the relevant regulation, using the form provided for by the regulation. 1  
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- In the rest of this Part *return* is used to describe whatever form of document is furnished under this paragraph. 8  
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- 2.3** In addition to furnishing the return referred to in paragraph 2.2, the person shall furnish a written declaration supplying the Premier with the following information: 10  
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- (a) particulars of events that have occurred since the period covered by the return and which (or the consequences of which) would have to be disclosed in the next return made under the relevant regulation. The particulars are to include changes in the state of affairs disclosed in the return, such as changes in the ownership of real property, as well as new events, such as the receipt of gifts that would be required to be disclosed in a subsequent return, 13  
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- (b) such further particulars as the Premier may require of anything dealt with in the return or declaration, or of anything the Premier considers ought to have been dealt with, 20  
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- (c) such particulars as the Premier may require of any other pecuniary interests, direct or indirect, that the person may have in any property or under any contract, arrangement or transaction yielding a material benefit to the person, or of pecuniary interests, similar to those described in the relevant regulation or in this sub-paragraph, that the person's spouse or children may have. The particulars must include such details as the Premier requires of the assets, sources of revenue or transactions of any company or other body in which the person, or the person's spouse or children, may have a direct or indirect pecuniary interest. 23  
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- 2.4** In the rest of this Part, the subject-matter of a return, and of a declaration, furnished to the Premier under paragraph 2.2 or paragraph 2.3, including anything relating to a spouse or child of a person, is referred to as the *interests* of that person, and any particular item dealt with in the return or declaration is referred to as an *interest*. 33  
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- 2.5** A person proposed to be appointed as a Minister should, at the request of the Premier, divest himself or herself of any interests that could create the impression of a material conflict with the responsibilities to be discharged in the portfolio to which the appointment is to be made. 38  
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- In any event a Minister shall upon assuming office: 42
- (a) resign any directorship of a public company, and of any private company whose interests are such as to be likely to give rise to the appearance of conflicting interests or responsibilities of the Minister, and 43  
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- (b) cease to take an active part in any professional practice or in any business in which the Minister was engaged prior to assuming office, and 47  
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	(c) have divested himself or herself of any interests that could create the impression of a material conflict with the responsibilities to be discharged in the portfolio to which the Minister was appointed.	1 2 3
<b>2.6</b>	The returns and declarations furnished to the Premier under paragraphs 2.2 and 2.3 will be kept as a Register of Interests by the Department of Premier and Cabinet.	4 5 6
<b>2.7</b>	Ministers must, throughout their period in office, furnish to the Premier in writing:	7 8
	(a) particulars of all events that occur after the furnishing of the declaration under paragraph 2.3, and which (or the consequences of which) would have to be disclosed in the return next following the event and made under the relevant regulation, and	9 10 11 12
	(b) particulars of any material change in any interests not covered by sub-paragraph (a), for example, interests of a spouse or child, and shall do so as the event or material change occurs.	13 14 15
	Any such particulars will be recorded in the Register of Interests kept by the Premier.	16 17
<b>2.8</b>	Whenever there is any significant change in, or addition to, the responsibilities of a Minister, that Minister shall consult with the Premier for the purpose of determining whether that change warrants a divestment of any interests then held by the Minister.	18 19 20 21
<b>2.9</b>	The Premier shall review from time to time the interests and the official responsibilities of each Minister for the purpose of determining whether it would then be appropriate either for those responsibilities to be varied or for interests to be divested so as to avoid the appearance of any conflict of interest.	22 23 24 25
<b>2.10</b>	A Minister who divests interests under this or the following Part shall not transfer those interests to his or her spouse, to a minor child, to a nominee or to any trust, company or association in which the Minister has, or would as a result of that divestment have, a substantial interest.	26 27 28 29
<b>2.11</b>	The returns and declarations required to be furnished to the Premier under this Part shall not relieve a Minister of any disclosure requirements prescribed in later Parts of this Code.	30 31 32
<b>Part 3</b>	<b>Conflict of interest</b>	33
<b>3.1</b>	For the purposes of this Part a Minister shall be taken to have an interest in any matter on which a decision is to be made or other action taken by the Minister in virtue of office, if the range of possible decision or action includes decision or action reasonably capable of conferring a pecuniary or other personal advantage on the Minister or the spouse or any child of the Minister; but the Minister shall not be taken to have such an interest if the advantage is no greater than the advantage that would be conferred by the decision or action on any member of the public at large, or any substantial section of the public. Reference to a conflict of interest is reference to a possible conflict between the interest in question and the Minister's duty as a Minister.	34 35 36 37 38 39 40 41 42 43
	<i>Undisclosed interest</i> means an interest not disclosed as required under this Part.	44 45

<b>3.2</b>	A Minister shall not:	1
	(a) use his or her position for the private gain of the Minister or for the improper gain of any other person, or	2 3
	(b) have any material or undisclosed interest in any decision or action taken in virtue of office.	4 5
	So as to ensure that such does not appear to have occurred, a Minister shall avoid situations in which it might reasonably be thought that the ministerial position is being so used, or that a possible conflict of interest has arisen.	6 7 8
<b>3.3</b>	Where in the exercise of office an actual or apparent conflict of interest arises or is likely to arise in the matter, a Minister shall forthwith disclose the nature of that conflict to the Premier.	9 10 11
	A record of that disclosure shall be placed upon a Schedule to the Register of Interests.	12 13
	The Minister shall abstain from further acting in that matter unless and until the relevant interest has been divested or the Premier in writing directs the Minister to continue to act after full disclosure to the Premier.	14 15 16
	Where the Minister is unable or unwilling to divest that interest, or where it is otherwise considered to be in the best interests of Executive Government in the State, the Premier may appoint another Minister to act in the matter.	17 18 19
<b>3.4</b>	Where in any meeting of the Executive Council, Cabinet or in any committee or sub-committee of Cabinet an actual or apparent conflict of interest arises or is likely to arise in any matter, the Minister shall, as soon as practicable after the commencement of the meeting, disclose the existence and nature of that conflict.	20 21 22 23 24
	The disclosure shall be recorded in the minutes of the meeting.	25
	The Minister shall abstain from participating in discussion of that matter and from voting on it.	26 27
<b>3.5</b>	Where a Minister has been authorised under this Part to continue to act in a matter notwithstanding an actual or apparent conflict of interest, any change in circumstances affecting the nature or extent of that conflict shall be disclosed in accordance with, and shall be subject to the provisions of, this Part.	28 29 30 31 32
<b>3.6</b>	The responsibility for knowing of an actual or apparent conflict of interest rests with the individual Minister.	33 34
<b>Part 4</b>	<b>Confidentiality of information</b>	35
<b>4.1</b>	Ministers will uphold their oath of secrecy as Executive Councillors and will maintain the confidentiality of information committed to their secrecy in the Executive Council or in Cabinet.	36 37 38
<b>4.2</b>	A Minister shall not use information obtained in office to gain a direct or indirect private advantage for himself or herself, or for any other person.	39 40
<b>4.3</b>	A Minister shall not communicate such information to any other person with a view to the private advantage of that other or of any third person unless that communication is authorised by law.	41 42 43

4.4	A Minister shall not make investments or enter into dealings in which the Minister might reasonably be thought to have, by virtue of office, access to relevant information not generally available to other persons.	1 2 3
4.5	On resignation or retirement a Minister shall maintain the secrecy of information acquired in office that could not properly be used or disclosed by the Minister if the Minister had remained in office.	4 5 6
<b>Part 5</b>	<b>Misuse of public property and services</b>	7
5.1	Ministers shall be scrupulous in their use of public property, services and facilities. They should avoid any action or situation that could create the impression that such are being used for their own or for any other person's private benefit or gain.	8 9 10 11
<b>Part 6</b>	<b>Gifts and hospitality</b>	12
<b>Division 1</b>	<b>Receiving of gifts</b>	13
6.1	A Minister must not solicit or accept any gift or benefit the receipt or expectation of which might in any way tend to influence the Minister in his or her official capacity to show or not to show favour or disfavour to any person.  If any such gift, offer or suggestion of a gift or offer is made directly or indirectly to a Minister, the facts shall be reported to the Premier at the first opportunity.  Ministers' attention is drawn to the provisions of Part 4A of the <i>Crimes Act 1900</i> and especially to the sections dealing with corrupt rewards.	14 15 16 17 18 19 20 21
6.2	Ministers shall avoid all situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is attempting to secure the influence or favour of a Minister.	22 23 24
6.3	In those circumstances where the offer of a benefit or gift is an act of goodwill towards the people of New South Wales and where offence might possibly be given by its rejection, such benefit or gift may be received by a Minister.	25 26 27
6.4	If the received gift is valued at \$500 or above, the declaration form set out in Appendix A is to be completed and submitted to the Secretary of the Department of Premier and Cabinet. The Minister must elect on the declaration form to either:  (a) hand the gift to the State, or  (b) retain the gift and pay to the State the difference between \$500 and the value of the gift.	28 29 30 31 32 33 34
6.5	If the Minister elects to retain the gift, the Minister must provide to the Secretary of the Department of Premier and Cabinet:  (a) the completed declaration form set out in Appendix A, and  (b) a cheque payable to the NSW Treasury for the relevant amount, and  (c) a valuation of the gift.  The valuation is to be made by a registered valuer at the wholesale price of the country of origin. This valuation must be procured by the Minister's Office.	35 36 37 38 39 40 41

<b>6.6</b>	If the Minister elects to hand the gift to the State, the Minister must:	1
	(a) provide the completed declaration form set out in Appendix A to the Secretary of the Department of Premier and Cabinet, and	2 3
	(b) arrange delivery of the gift to the Secretary of the Department of Premier and Cabinet.	4 5
<b>6.7</b>	Those gifts handed to the State by the Minister will be located in NSW galleries, museums or other appropriate Government establishments. The gifts become the property of the State under the control of the Secretary, Department of Premier and Cabinet.	6 7 8 9
<b>6.8</b>	The Secretary of the Department of Premier and Cabinet will maintain a Register of Gifts to Ministers that records all gifts declared by submission of a completed Appendix A form.	10 11 12
<b>6.9</b>	Overseas gifts received in the course of official duty are to be declared to Australian customs at the point of entry if the gift falls outside the normal duty free passenger concession or if the gift is subject to quarantine inspection. In such a case, any customs duty and other relevant taxes are payable by the Minister at the appropriate rate.	13 14 15 16 17
<b>6.10</b>	Ministers shall take all reasonable steps to ensure that their spouses, their children and their staff members are not the recipients of such benefits or gifts as could give the appearance of an indirect attempt to secure the influence or favour of the Minister.	18 19 20 21
<b>6.11</b>	Gifts of token kind or moderate acts of hospitality (such as a lunch or dinner) may be accepted without the Minister needing to report their offer or receipt.  In deciding to accept such benefits a Minister must satisfy himself or herself that ministerial independence will not in any way be compromised or appear to be compromised by accepting the benefits and the Minister will bear personal responsibility for the decision taken.	22 23 24 25 26 27
<b>Division 2</b>	<b>Giving of gifts</b>	28
<b>6.12</b>	Although Australia is not traditionally a gift giving country, other countries' customs, good manners and goodwill often necessitate the presentation of gifts.  The Office of Protocol has in the past selected gifts that are either handed over informally or presented formally as desired.  The gifts range from expensive pieces of Australian arts and crafts to modestly priced books.  Depending upon the importance of the visitor and what the visitor is likely to present to the host, gifts ranging from expensive pieces of Australian arts and crafts to modestly priced books may be purchased from State funds.	29 30 31 32 33 34 35 36 37 38
<b>6.13</b>	Gifts are chosen for their craftsmanship and Australian character and, where possible, items are purchased at source. However, for practical reasons, purchases may also be made through galleries and retail outlets. Wherever practicable products should be from New South Wales designers and suppliers.	39 40 41 42 43

<b>6.14</b>	The choice of gifts is at the discretion of the Minister within Ministerial financial allocations, as determined by the nature of individual visits and their importance. Discreet enquiries are made well in advance of visits of likely presentations and their value.	1 2 3 4
<b>6.15</b>	Further, if Ministers are ordinarily to make their own selection and purchase arrangements for gifts, then it may be prudent for advice to be sought on their behalf from the Office of Protocol as to the nature and value of an appropriate gift. This may avoid embarrassment and also ensure that gifts are not overly extravagant.	5 6 7 8 9
<b>6.16</b>	A modest supply of gifts of varying cost and quality are held in the Office of Protocol for presentation by the Premier and on infrequent occasions by the Governor and the Departmental Head as follows: (a) in the case of a Minister, Parliamentary Secretary or Member formally representing the Premier, the Premier's private staff is to advise Protocol in writing requesting that a gift be made available for presentation, (b) requests outside those covered by sub-paragraph (a) for gifts from the Office of Protocol store are to be made in writing to the Premier, if the Department of Premier and Cabinet is to bear the cost. Protocol staff are available to assist Ministers in selection of gifts, if required, (c) in the normal administration of their portfolios Ministers are to make their own selection and purchase arrangements for presentation of gifts, as is common practice among most Ministers, (d) Ministers may purchase from the Protocol store standard items bearing State insignia, for example, ties, cuff links, scarves.	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
<b>Part 7</b>	<b>Employment or engagement</b>	26
<b>7.1</b>	The full-time nature of Ministerial office effectively precludes Ministers from accepting any form of employment or engagement, or otherwise providing services to third parties, while they remain in office.	27 28 29
<b>7.2</b>	Ministers need to be aware of the risks of conflicts of interest, or perceived conflicts of interest, that might arise when considering (either while in office or after leaving office) offers of employment or engagement to be accepted after the Minister leaves office. Similar issues arise in circumstances where a Minister proposes to establish a business to provide services to third parties.	30 31 32 33 34
<b>7.3</b>	Ministers, while in office or following resignation or retirement, should take care in considering offers of post-separation employment or engagement, or when proposing to otherwise provide services to third parties after they leave office, to avoid a perception that: (a) the conduct of the Minister or former Minister while in office is or was influenced by the prospect of the employment or engagement or by the Minister or former Minister's intention to provide services to third parties, or (b) the Minister or former Minister might make improper use of confidential information to which he or she has or had access while in office.	35 36 37 38 39 40 41 42 43 44 45

- 7.4** Ministers who, while in office, are considering an offer of post-separation employment or an engagement or who are proposing to provide services after they leave office to third parties (including establishing a business to provide such services) must obtain advice from the Parliamentary Ethics Adviser before accepting any employment or engagement or providing services to third parties that relates or relate to their portfolio responsibilities (including portfolio responsibilities held during the previous two years of Ministerial office). 1  
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- 7.5** Upon ceasing to hold Ministerial office for the period referred to in paragraph 7.6, former Ministers must also obtain advice from the Parliamentary Ethics Adviser before accepting any employment or engagement or providing services to third parties (including establishing a business to provide such services), that relates or relate to their former portfolio responsibilities during the last two years in which they held Ministerial office. This requirement does not apply to any employment or engagement by the Government. 9  
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- 7.6** The requirement under paragraph 7.5 that former Ministers obtain advice from the Parliamentary Ethics Adviser in respect of post-separation employment or engagement applies for the period of 18 months following the former Ministers' ceasing to hold Ministerial office. (However, in accordance with the provisions of the Ministerial Code of Conduct that were in force at the time of the March 2011 election, the requirement applies for the period of 12 months in the case of Ministers who ceased to hold office before or immediately following the March 2011 election.) 17  
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- 7.7** The requirements in this Part apply to Ministers and former Ministers in addition to any requirements that may apply to them in their capacity as a Member of Parliament. 25  
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- 7.8** The *Lobbying of Government Officials Act 2011* also imposes additional restrictions on a former Minister's capacity to engage in lobbying activities in the first 18 months after leaving office that concern his or her former portfolio responsibilities in the 18 months prior to leaving office. A breach of those restrictions is a criminal offence. Ministers should take care to consider both the ethical and legal implications of any proposed future role upon leaving Ministerial office where that role may involve lobbying. 28  
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- Part 8 Lobbying** 35
- 8.1** Ministers must comply with the *NSW Government Lobbyist Code of Conduct* as published as an Annexure to the Ministerial Handbook and as updated from time to time and published on the website of the Department of Premier and Cabinet. 36  
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- 8.2** As noted in Part 7, Ministers should also be aware that the *Lobbying of Government Officials Act 2011* creates a criminal offence for a former Minister or Parliamentary Secretary to engage in certain lobbying activities in the 18 months after leaving public office. That Act refers to this period as a "cooling-off" period. Before communicating with former Ministers and former Parliamentary Secretaries about matters that may have arisen in their previous portfolios, therefore, Ministers should take care to consider the restrictions that apply to former office-holders lobbying NSW government officials about former portfolio matters during the "cooling off" period. 40  
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8.3	Ministers should also note that the <i>Lobbying of Government Officials Act 2011</i> makes it a criminal offence for a person to give or receive success fees for lobbying NSW government officials.	1 2 3
<b>Part 9</b>	<b>Public diaries—records of contact with lobbyists</b>	4
9.1	Ministers are required to disclose proactively on a monthly basis details of all contacts with professional lobbyists, in-house lobbyists, or other persons, who have lobbied the Minister in relation to any of the following:	5 6 7
	(a) legislation or proposed legislation,	8
	(b) a government decision or policy or a proposed government decision or policy,	9 10
	(c) a planning application within the meaning of the <i>Lobbying of Government Officials Act 2011</i> ,	11 12
	(d) the exercise by the Minister of the Ministers’s official functions.	13
9.2	For that purpose:	14
	(a) <b>contact</b> includes contact in person, in writing, by telephone, email or other electronic means,	15 16
	(b) <b>professional lobbyists</b> are individuals or bodies (incorporated or unincorporated) carrying on the business of lobbying Government officials on behalf of third parties, generally for money or other valuable consideration,	17 18 19 20
	(c) <b>in-house lobbyists</b> are employees of a corporation or organisation any part of whose duties is to communicate with government representatives on behalf of their employer, or are individuals carrying on a business any part of whose duties is to communicate with government representatives,	21 22 23 24 25
	(d) <b>lobbied</b> includes being lobbied by a Member of Parliament, but only where the Member represents the interests of a professional lobbyist, in-house lobbyist, corporation or organisation,	26 27 28
	(e) <b>organisation</b> includes:	29
	(i) a business, trade, industry, professional or voluntary organisation, and	30 31
	(ii) a trade union, employer organisation or other labour organisation, and	32 33
	(iii) a chamber of commerce or board of trade, and	34
	(iv) a partnership, trust, association, charitable society, coalition or interest group,	35 36
9.3	Ministers shall maintain records of the following in relation to all contacts that are required to be disclosed under paragraph 9.1:	37 38
	(a) the date on which each contact with the Minister occurred,	39
	(b) the name of each professional lobbyist, in-house lobbyist or other person who lobbied the Minister,	40 41
	(c) the corporation or organisation represented,	42
	(d) the subject-matter of the lobbying,	43
	(e) the outcome of the lobbying.	44

<b>9.4</b>	Ministers shall, within 10 days after the end of each month, provide the Secretary of the Department of Premier and Cabinet with particulars of all contacts that are required to be disclosed under paragraph 9.1 (including the details of the contacts required to be recorded under paragraph 9.3).	1 2 3 4
<b>9.5</b>	The Secretary shall publish an update of all disclosures (including details of contacts) provided by a Minister under this Part on the website of the Department of Premier and Cabinet on the last day of each month.	5 6 7
<b>9.6</b>	The following is not required to be disclosed or published under this Part:	8
	(a) information concerning personal matters,	9
	(b) information concerning electorate matters,	10
	(c) information concerning party political matters,	11
	(d) information of the kind described in Schedule 1 to the <i>Government Information (Public Access) Act 2009</i> (that is, information for which it would be conclusively presumed that there is an overriding public interest against disclosure of the information under that Act).	12 13 14 15

**APPENDIX A** 16

**DECLARATION OF AN OFFICIAL GIFT** 17

**DECLARATION OF AN OFFICIAL GIFT EXCEEDING VALUATION LIMIT** 18

To: Secretary, Department of Premier and Cabinet 19

From: The Office of ..... 20

The following gift was received in the course of official duties and its value exceeds the valuation limit of \$500 for a gift. 21  
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Gift (item or service): ..... 23

Received by: ..... 24

Presented by: ..... 25

Occasion and date: ..... 26

Current location of gift: ..... 27

Value (wholesale country of origin)—only required if Minister elects A, below, to retain the gift: \$..... 28  
29



**Please complete A or B**

1

A

I wish to retain this gift.

Attached are:

- the valuation certificate (or details of the valuation process),
- a cheque, payable to “NSW Treasury”, for the amount of \$..... being the difference between the valuation limit and the value of the gift and delivered to the Secretary of the Department of Premier and Cabinet.

Signed:.....

Minister for.....

Date:.....

B

I wish to surrender this gift to the Department of Premier and Cabinet and relinquish any future claim to ownership.

My recommendation of the future location/disposal of this gift is—

Signed:.....

Minister for.....

Date:.....