

LEGISLATIVE COUNCIL

Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014

First Print

Proposed amendments

No. 1 Page 11, Schedule 2. Insert after line 11:

[13] Section 111 Proceedings for offences

Omit “3 years” from section 111 (4). Insert instead “6 years”.

No. 2 Page 12, Schedule 2. Insert after line 4:

Extension of period for commencing proceedings for offences

Section 111 (4) (as amended by the *Electoral and Lobbying Legislation Amendment (Electoral Commission) Act 2014*) extends to offences committed before the commencement of that amendment.

No. 3 Page 13, Schedule 3, line 24. Omit all words on that line. Insert instead:

(g) a local government official.

No. 4 Page 13, Schedule 3. Insert after line 36:

local government official means:

- (a) a councillor (including the mayor) of a local council, or
- (b) the general manager of a local council, or
- (c) an employee of a local council who is responsible for dealing with planning applications.

No. 5 Page 14, Schedule 3. Insert after line 20:

- (c) the awarding or entering into of a tender, public-private partnership or any other government contract or arrangement that confers a financial gain,

No. 6 Page 18, Schedule 3. Insert after line 4:

Part 4A Requirements of Government officials in relation to meetings with lobbyists

13A Definition

In this Part:

meeting means a meeting for the purpose of lobbying and includes a teleconference for that purpose.

13B Requirements relating to meetings etc with lobbyists

- (1) A Government official is required to comply with the following whenever the official has a meeting with a lobbyist:
 - (a) the meeting is to be held at a place used for official business,
 - (b) at least 3 other Government officials must be in attendance at the meeting,
 - (c) official minutes are to be kept of the meeting that detail the names of the persons present at the meeting, the matter discussed at the meeting and the outcome of the meeting,
 - (d) the minutes of the meeting are to be indexed by topic and by the name of the persons present,
 - (e) the minutes are to be provided to the Secretary of the Department of Premier and Cabinet who is to make the minutes available on a public website.
- (2) The requirement under this section to keep minutes of meetings with lobbyists and to provide those minutes to the Secretary of the Department of Premier and Cabinet extends to phone calls, emails and other electronic communications with a lobbyist during which a Government official is lobbied.

13C Exemptions from requirement to disclose information from meetings etc with lobbyists

- (1) Information of the kind described in Schedule 1 to the *Government Information (Public Access) Act 2009* (being information for which there is a conclusive presumption of overriding public interest against disclosure) is not required to be publicly disclosed under this Part.
- (2) If information from a meeting with a lobbyist is not publicly disclosed on the grounds that it contains commercial-in-confidence provisions of a contract or is otherwise confidential, the Electoral Commission is to assess the validity of the decision not to disclose the information and advise the decision-maker accordingly.
- (3) If the decision-maker confirms the decision not to disclose, any person may apply to the Supreme Court for an order that the information be publicly disclosed. The Supreme Court has jurisdiction to make such an order if it considers that there is no overriding public interest against disclosure of the information.

No. 7 Page 18, Schedule 3. Insert after line 8:

[6] Section 18 Cooling-off period for ex-Ministers and ex-Parliamentary Secretaries and certain former staff

Insert after section 18 (1) (as renumbered by item [5]):

- (1A) A person who ceases to be employed as a member of staff of a political office holder under Part 2 of the *Members of Parliament Staff Act 2013* must not, during the cooling-off period, engage in the lobbying of a Government official in relation to an official matter that was dealt with by the person in the course of carrying out portfolio responsibilities in the period of 18 months immediately before ceasing to be employed as such a member of staff.

Maximum penalty: 200 penalty units.

[7] Section 18 (2)

Insert “or former member of staff” after “Parliamentary Secretary”.

[8] Section 18 (3)

Omit the subsection. Insert instead:

- (3) In this section, the *cooling-off* period:
- (a) for a Minister or Parliamentary Secretary who ceases to hold office is the period of 18 months immediately after the Minister or Parliamentary Secretary ceases to hold office as a Minister or Parliamentary Secretary, or
 - (b) for a person who ceases to be employed as a member of staff of a political office holder under Part 2 of the *Members of Parliament Staff Act 2013* is the period of 12 months immediately after the person ceases to be so employed.