



EBNI Lobbying Policy

1. Policy Statement

Engineering Building & Infrastructure Pty Ltd (EBNI) is committed to the highest standards of integrity, transparency and accountability when engaging with government officials and lobbyists. All interactions must:

- Serve the public interest, not private gain.
- Comply with the **Lobbying of Government Officials Act 2011** and the **Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014** (legislation.nsw.gov.au, classic.austlii.edu.au).
- Adhere to Premier's Memorandum M2019-02: NSW Lobbyists Code of Conduct (arp.nsw.gov.au).
- Reflect EBNI's own Code of Ethics & Conduct and Gifts, Benefits & Hospitality Policy.

Decisions involving public-sector stakeholders must be open, transparent and free from undue influence or its appearance.

2. Purpose

This Policy is designed to:

1. **Reinforce** EBNI's support for the objects of the Act – promoting transparency, integrity and honesty by ensuring lobbyists comply with ethical standards and prohibiting success fees for lobbying (legislation.nsw.gov.au, classic.austlii.edu.au).
2. **Clarify** what constitutes “lobbying,” “third-party lobbyist” and “other lobbyist.”
3. **Set out** mandatory procedures for engaging lobbyists and Government Officials.
4. **Ensure** robust record-keeping, reporting and review mechanisms.
5. **Embed** training and oversight to maintain ongoing compliance.

2. Key Aspects of EBNI's Lobbying Policy

2.1 Transparency & Disclosure

- **Registration:** All third-party lobbyists must be registered on the NSW Lobbyists Register before any engagement.

- **Client & Issue Disclosure:** Lobbyists must disclose, in writing, their client(s), fees or consideration, and the specific matters (legislation, policy, procurement, etc.) on which they are lobbying.

2.2 Code of Conduct

- **Ethical Standards:** Honesty, integrity, fairness and accuracy in all communications.
- **Conflict of Interest:** Lobbyists must avoid and disclose any real or perceived conflicts—financial, familial, or other.
- **Professional Behavior:** No deceptive practices, misrepresentation, or inducements.

2.3 Restrictions on Lobbying (“Revolving Door”)

- **Cooling-Off Period:** Former Ministers and senior public servants must observe a 2-year ban before lobbying EBNI or any NSW Government Official.
- **Prohibition on Success Fees:** Any fee contingent on a particular outcome (“success fee”) is expressly prohibited.

2.4 Enforcement & Penalties

- **Investigation Mechanisms:** EBNI’s General Counsel will investigate alleged breaches; serious matters will be referred to the NSW Electoral Commission or ICAC.
- **Sanctions:** May include removal from EBNI’s approved lobbyist list, fines, suspension of engagement, or termination of contract.
- **Disciplinary Action:** Employees breaching this policy face disciplinary measures up to dismissal.

2.5 Public Access to Information

- **Publication of Interactions:** EBNI will publish an annual summary of all registered lobbyist meetings on its website, listing date, lobbyist name, client, subject matter and attendees.
- **Open Register:** EBNI maintains a public “Lobbying Register” showing active lobbyist engagements and meeting outcomes.

3. Scope

Applies to all individuals acting on EBNI’s behalf when interacting—directly or indirectly—with Government Officials:

- EBNI employees (permanent, temporary, casual)
- Contractors, consultants, volunteers, secondees
- Officers or employees of corporate service-providers engaged by EBNI

4. Key Definitions

Term	Definition
Lobbying	Any communication with a Government Official to influence legislation, policy, decisions or the exercise of official functions in relation to an EBNI matter.
Third-Party Lobbyist	A person or entity whose business is lobbying on behalf of clients for consideration, registered on the NSW Lobbyists Register. (classic.austlii.edu.au)
Other Lobbyist	Individuals or organizations lobbying government officials where lobbying is incidental to their professional services (e.g. lawyers, accountants).
Government Official	Ministers, Parliamentary Secretaries, their staff, heads of agencies, public servants, statutory body members and contractors fulfilling similar roles.
Success Fee	A fee contingent on achieving a particular outcome through lobbying—expressly banned under the Act. (legislation.nsw.gov.au)
Lobbyists Register	The public register of third-party lobbyists and their clients maintained by the NSW Electoral Commission.
Watch List	Lobbyists who have breached the Code of Conduct, subject to additional contact restrictions.

5. Legislative & Regulatory Summary

Objects of the Act (s 2A):

“...to promote transparency, integrity and honesty by ensuring lobbyists comply with ethical standards... banning success fees for lobbying; and restricting lobbying by former Ministers and Parliamentary Secretaries.” (classic.austlii.edu.au)

Ban on Success Fees (Part 2):

- All success fees for lobbying Government Officials are prohibited.

- Offenders (individuals and corporations) face criminal penalties and forfeiture of fees. (legislation.nsw.gov.au)

Cooling-Off (s 8):

- Former Ministers and Parliamentary Secretaries must observe a 2-year cooling-off before lobbying Government Officials. (legislation.nsw.gov.au)

Register & Watch List (Parts 3–4):

- Third-party lobbyists must register and keep client lists up-to-date.
- The Electoral Commission may investigate breaches, remove lobbyists from the Register, and add them to the Watch List. (parliament.nsw.gov.au)

6. Roles & Responsibilities

Role	Responsibility
CEO	Implement and maintain systems for compliance; review and approve this Policy.
General Counsel / Corporate Services	Provide advice, monitor compliance, report breaches to the NSW Electoral Commission, update Policy as laws change.
Senior Management	Ensure team adherence; review records; escalate issues and non-compliance.
Managers / Supervisors	Approve lobbying engagements; facilitate training; conduct periodic reviews.
All Personnel	Understand and comply with Policy; seek approvals; keep accurate records; report suspected breaches immediately.
NSW Electoral Commission	Independent regulator: maintains Register & Watch List, enforces the Lobbyists Code, investigates and sanctions breaches.

7. Engagement Procedures

7.1 Third-Party Lobbyists

1. **Verification:** Confirm lobbyist is on the NSW Lobbyists Register.

2. **Notice & Approval:** Give at least 7 business days' notice to Corporate Services; obtain CEO or Executive Director sign-off.
3. **Pre-Meeting Disclosure:** Require written statement of purpose, clients and any financial interests.
4. **Attendance:** Minimum two EBNI representatives (one Director-level or above).
5. **Venue:** EBNI premises or other approved Government venue.
6. **Documentation:**
 - Prepare full minutes (attendees, agenda, key points, outcomes, action items).
 - File in EBNI's records system and send a copy to the CEO within 5 business days.

7.2 Other Lobbyists

1. **Manager Approval:** Obtain written sign-off from your direct manager.
2. **Disclosure:** Request brief agenda and whether they represent any third-party interests.
3. **Attendance & Venue:** As per Section 7.1.
4. **Documentation:** File a summary of the discussion in EBNI's records.

7.3 Informal Contacts

- **Telephone/Email:** Must be handled or referred immediately to a Director.
- **Records:** Directors record date, participants, subject and outcome, then file accordingly

8. Prohibited Conduct

- Engaging unregistered third-party lobbyists.
- Paying or receiving success fees for lobbying (legislation.nsw.gov.au).
- Lobbying by former Ministers/Parliamentary Secretaries within 2 years of departure.
- Contacting lobbyists on the Watch List, unless:
 1. At least two EBNI staff attend (including Executive Director Corporate Services or Head of Projects NSW).

2. A designated note-taker records the session and submits notes to the CEO.

9. Record Keeping & Retention

- **All lobbying interactions** (emails, calls, meetings) must be recorded and stored for a minimum of five years.
- Records shall be kept in EBN's central Document Management System with restricted access.
- Copies of all records to be provided to General Counsel on request or as part of any audit.

10. Reporting & Enforcement

- **Employee Obligations:** Report suspected breaches to your manager, General Counsel or via EBN's Whistleblower channel.
- **Disciplinary Actions:** May include reprimand, suspension, termination, and referral to regulators.
- **Regulatory Referral:** Serious matters (e.g. potential corrupt conduct) will be referred to ICAC or NSW Police.
- **NSWEC Powers:** Can remove lobbyists from the Register, impose fines and publicise sanctions (elections.nsw.gov.au).

11. Training & Review

- **Annual Training:** Mandatory for all staff with external-affairs or government relations responsibilities.
- **Policy Review:** Every two years—or sooner if legislation changes—to ensure ongoing compliance and relevance.

12. Resources

- **NSW Lobbyists Register:** <https://lobbyists.elections.nsw.gov.au/whoisontheregister>
- **Lobbying Act 2011:** <https://legislation.nsw.gov.au/view/current/act-2011-005>
- **Code of Conduct Regulation:** <https://legislation.nsw.gov.au/view/current/sl-2014-0753>
- **Premier's Memorandum M2019-02:** <https://arp.nsw.gov.au/m2019-02-nsw-lobbyists-code-conduct>

- **NSW Electoral Commission – Lobbyist Legislation:**
<https://elections.nsw.gov.au/about-us/legislation/lobbyist-legislation>

Approved by EBNI Board on 4 July 2025. Next review due by 4 July 2027.