

Legislative Council—No 1

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South Australia

**Lobbyists (Restrictions on Lobbying) Amendment
Bill 2019**

A BILL FOR

An Act to amend the *Lobbyists Act 2015*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Lobbyists Act 2015*

- 4 Amendment of section 3—Interpretation
 - 5 Amendment of section 4—Meaning of lobbying
 - 6 Amendment of section 10—Register of lobbyists
 - 7 Amendment of section 13—Certain persons must not engage in lobbying
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Lobbyists (Restrictions on Lobbying) Amendment Act 2019*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Lobbyists Act 2015*

4—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *lobbying* insert:

15 *office bearer*, of an organisation, means a director or member of the governing body (if any) of the organisation, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position, and includes any person in accordance with whose directions or instructions the directors or members of the governing body are accustomed to act;

20 *office holder*, within an organisation, means—

- (a) an office bearer or employee of the organisation; or
- (b) a volunteer who is authorised to act on behalf of the organisation,

but does not include, in the case of an organisation that is a registered parliamentary party, a volunteer who is only authorised to act on behalf of the party to distribute material, or undertake other activities, for the purpose of promoting the party or any candidate or candidates who are members of the party;

- (2) Section 3—after the definition of *register* insert:

registered parliamentary party means a parliamentary party that is registered under Part 6 of the *Electoral Act 1985*;

5—Amendment of section 4—Meaning of lobbying

- (1) Section 4(3)—delete subsection (3) and substitute:

(2a) For the avoidance of doubt, a person who is an office holder within an organisation and communicates with a public official on behalf of the organisation (and not as a representative or agent of any other party) is not, in doing so, communicating on behalf of a third party within the meaning of subsection (1).

(3) For the purposes of subsection (1), a person will not be taken to communicate with a public official on behalf of a third party if the third party is a client of a designated organisation and the person, being an office holder within the organisation, communicates with the public official in the ordinary course of holding that office.

- (2) Section 4(4)—before the definition of *designated organisation* insert:

client, of a designated organisation, means a person who is being assisted or represented by the designated organisation;

6—Amendment of section 10—Register of lobbyists

Section 10—after subsection (4) insert:

(5) In any proceedings, an apparently genuine certificate, purporting to be signed by the Chief Executive, containing particulars of the register is, in the absence of proof to the contrary, proof of the particulars.

7—Amendment of section 13—Certain persons must not engage in lobbying

- (1) Section 13(1)—after paragraph (c) insert:

and

(d) the following provisions apply in relation to an office holder within a prescribed organisation:

(i) the person must not engage in lobbying during that period of office in respect of matters other than those dealt with by the person in the ordinary course of holding that office;

- 5 (ii) any registration held by the person during that period of office is, by force of this section, for the duration of that period, subject to a condition that the person must not engage in lobbying in respect of matters other than those dealt with by the person in the ordinary course of holding that office.

(2) Section 13—after subsection (3) insert:

10 (4) In this section—

associated entity of a registered parliamentary party has the same meaning as in Part 13A of the *Electoral Act 1985*;

prescribed organisation means—

- 15 (a) a registered parliamentary party, or an associated entity of a registered parliamentary party; or
(b) an organisation, or an organisation of a kind, prescribed by regulation.