

South Australia

Lobbyists Regulations 2016

under the *Lobbyists Act 2015*

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1—Short title

These regulations may be cited as the *Lobbyists Regulations 2016*.

2—Commencement

These regulations will come into operation on the day on which the *Lobbyists Act 2015* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Lobbyists Act 2015*.

4—Meaning of lobbying

- (1) For the purposes of section 4(2)(c) of the Act—
 - (a) an accountant holds prescribed qualifications and acts in prescribed circumstances (and therefore will not be taken to engage in lobbying) if he or she—
 - (i) is—
 - (A) a member of CPA Australia Ltd, the Institute of Chartered Accountants in Australia or the Institute of Public Accountants Ltd; or
 - (B) a qualified accountant within the meaning of section 88B of the *Corporations Act 2001*; and

- (ii) acts in the ordinary course of that person's profession as an accountant;
 - (b) a financial adviser holds prescribed qualifications and acts in prescribed circumstances (and therefore will not be taken to engage in lobbying) if he or she is a provider who, in providing a financial service on behalf of a principal, satisfies the conditions of section 911B of the *Corporations Act 2001* in relation to that service.
- (2) In this regulation—
 - Corporations Act 2001* means the *Corporations Act 2001* of the Commonwealth;
 - financial service* has the same meaning as in the *Corporations Act 2001*;
 - principal* has the same meaning as in the *Corporations Act 2001*;
 - provider* has the same meaning as in the *Corporations Act 2001*.

5—Duration of registration and cancellation and surrender

- (1) For the purposes of section 9(5) of the Act, a person may surrender his or her registration with the written approval of the Chief Executive.
- (2) An application for an approval under this regulation must—
 - (a) be made in writing by the person to the Chief Executive; and
 - (b) specify the proposed date of surrender; and
 - (c) be accompanied by a final return relating to that portion of the calendar year that has elapsed at the date of the making of the application containing the same details in relation to that period as if it were a return under section 8(1)(b) of the Act.
- (3) The Chief Executive may refuse to approve the surrender of a person's registration until such time as the Chief Executive is satisfied that—
 - (a) any outstanding information required to be provided to the Chief Executive under the Act or these regulations has been provided; and
 - (b) any outstanding amounts payable by the person under the Act or these regulations have been paid; and
 - (c) any action to be taken in relation to the person as a result of—
 - (i) a failure or possible failure of the person to comply with a requirement under the Act or these regulations; or
 - (ii) a breach or possible breach by the person of any condition of any exemption under section 12 of the Act, or any condition of the person's registration under section 13 of the Act,has been taken and completed.

6—Notification of change of details

For the purposes of section 11(1)(a) of the Act, the following details are prescribed in relation to a new agreement to engage in lobbying:

- (a) the name of each person or body for or on behalf of whom the registered person is to engage in lobbying under the agreement;

- (b) to the extent known by the registered person—
 - (i) the name of each public official to be lobbied under the agreement; and
 - (ii) the subject matter of the lobbying under the agreement.

7—Exclusion of information from register

For the purposes of section 12(3)(b)(i) of the Act, the Chief Executive may, at any time after 6 months following the granting of an exemption, undertake a review of the exemption by requiring, by notice in writing to the holder of the exemption, the provision of information, within the period specified in the notice, relating to the grounds for the exemption (verified, if the Chief Executive so requires, by statutory declaration).

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

former register of lobbyists means the Register of Lobbyists established by the Chief Executive, Department of the Premier and Cabinet under the Lobbyist Code of Conduct;

Lobbyist Code of Conduct means the *Lobbyist Code of Conduct 2009* prepared by the Department of the Premier and Cabinet.

2—Former register of lobbyists and Lobbyist Code of Conduct to cease

The former register of lobbyists and the Lobbyist Code of Conduct cease to exist on the commencement of this clause.

3—Persons registered under former register of lobbyists to be temporarily registered under Act

- (1) A person who, immediately before the commencement of this clause, was registered on the former register of lobbyists and who is required to be registered under Part 2 of the Act will be taken, on that commencement, to be temporarily registered under the Act (subject to any conditions considered necessary or appropriate by the Chief Executive and notified to the person in writing) for a period—
 - (a) commencing on the date of commencement of this clause; and
 - (b) ending on—
 - (i) the date on which the person's application for registration is determined under section 7 of the Act; or
 - (ii) 30 June 2016,whichever occurs sooner.
- (2) A person who holds a temporary registration by virtue of subclause (1) may surrender that registration before 30 June 2016 by notice in writing to the Chief Executive.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 11 February 2016

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