

Tasmanian Government Lobbying Code of Conduct

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I. PREAMBLE

- 1.1 Ethical lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to the Government and Parliament and, in doing so, improve outcomes for the community as a whole.
- 1.2 In performing this role, there is a public expectation that lobbying activities will be carried out ethically and transparently, and that Government representatives or Members of Parliament who are approached by lobbyists can establish whose interests they represent so that informed judgments can be made about the outcome they are seeking to achieve.
- 1.3 The *Lobbying Code of Conduct* is intended to promote trust in the integrity of government processes and ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.
- 1.4 Lobbyists and Government representatives are expected to comply with the requirements of the *Lobbying Code of Conduct* to ensure high standards of professional conduct and to facilitate open and transparent government.

2. APPLICATION

- 2.1 The *Lobbying Code of Conduct* applies in conjunction with the *Tasmanian Government Members Handbook* and any other relevant codes.
- 2.2 The *Lobbying Code of Conduct* creates no obligation on the part of a Government representative to have contact with a particular lobbyist or lobbyists in general.
- 2.3 The *Lobbying Code of Conduct* does not operate to restrict contact with Government representatives where the law requires a Government representative to take account of the views advanced by a person who may be a lobbyist.

3. DEFINITIONS

“Client”, in relation to a lobbyist, means an individual, association, organisation or business who has:

- (a) engaged a lobbyist on a retainer to make representations to Government representatives; or
- (b) in the previous three months, engaged a lobbyist to make representations to Government representatives, whether paid or unpaid.

“Communications with a Government representative” includes oral, written and electronic communications.

“Government representative” means a Minister, a Parliamentary Secretary, a Member of Parliament of the political party (or parties) that constitute the Executive Government of the day, a person employed as a Ministerial adviser, or a Head of Agency appointed under the *State Service Act 2000*.

“Lobbying activities” are communications with a Government representative in an effort to influence Government decision-making, including the making or amendment of legislation, the development or amendment of a Government policy or program, the awarding of a Government contract or grant or the allocation of funding, but does not include:

- (a) communications with a committee of the Parliament;
- (b) communications with a Minister or Parliamentary Secretary in his or her capacity as a local Member of Parliament in relation to non-ministerial responsibilities;
- (c) communications in response to a call for submissions;
- (d) petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision;
- (e) communications in response to a request for tender;
- (f) statements made in a public forum; or
- (g) responses to requests by Government representatives for information.

“Lobbyist” means any person, company or organisation who conducts lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client, but does not include:

- (a) charitable, religious and other organisations or funds that are endorsed as deductible gift recipients;
- (b) non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients;
- (c) professional associations, guilds, trade or union bodies who represent a class of professions, tradespersons, employers or other workforce entities;
- (d) individuals making representations on behalf of relatives or friends about their personal affairs;
- (e) members of trade delegations visiting Tasmania;
- (f) persons who are registered under an Australian Government scheme regulating the activities of members of that profession, such as registered tax agents, Customs brokers, company auditors and liquidators, provided that their dealings with Government representatives are part of the normal day to day work of people in that profession; and
- (g) members of professions, such as doctors, lawyers or accountants, and other service providers, who make occasional representations to Government on behalf of others in a way that is incidental to the provision to them of their professional or other services. However, if a significant or regular part of the services offered by a person employed or engaged by a professional practice or other service provider involves lobbying activities on behalf of clients of that practice or service, the practice or service provider and the person offering those services must register and identify the clients for whom they carry out lobbying activities.

For the avoidance of doubt, this code does not apply to any person, company or organisation, or the employees of such company or organisation, engaging in lobbying activities on their own behalf rather than for a client, and does not require any such person, company or organisation to be recorded in the Register of Lobbyists unless that person, company or organisation or its employees also engage in lobbying activities on behalf of a client.

“Lobbyist's details” means the information described under clause 5.1.

“Secretary” means the Secretary, Department of the Premier and Cabinet.

4. NO CONTACT BETWEEN GOVERNMENT REPRESENTATIVES AND UNREGISTERED LOBBYISTS

4.1 A Government representative shall not knowingly and intentionally be a party to lobbying activities by:

- (a) a lobbyist who is not on the Register of Lobbyists;
- (b) an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities whose name does not appear in the lobbyist's details noted on the Register of Lobbyists in connection with the lobbyist; or
- (c) a lobbyist or an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities who, in the opinion of the Government representative, has failed to observe any of the requirements of clause 8.1(e).

5. REGISTER OF LOBBYISTS

5.1 There shall be a Register of Lobbyists that shall contain the following information:

- (a) in the case of a person, company or organisation that conducts lobbying activities, or whose employees conduct lobbying activities with a Government representative on behalf of a client:
 - (i) business registration details, including trading names, of the lobbyist including, where the business is not a publicly listed company, the names of owners, partners or major shareholders, as applicable;
 - (ii) names and positions of persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities;
 - (iii) subject to clause 5.2, the names of clients on whose behalf the lobbyist conducts lobbying activities; and
 - (iv) contact details of the person or company or organisation that conducts the lobbying activities: such as name, address, telephone number, facsimile, email and web address.

5.2 A lobbyist wishing to conduct lobbying activities with a Government representative must apply to the Secretary to have his or her details recorded in the Register of Lobbyists.

5.3 The lobbyist shall submit updated details to the Secretary in the event of any change to their details as soon as practicable but no more than 10 business days after the change occurs.

- 5.4 The lobbyist shall provide to the Secretary within 10 business days of 30 June of each year, confirmation that the lobbyist's details are up to date.
- 5.5 The lobbyist shall provide to the Secretary, within 10 business days of 30 June each year, statutory declarations for all persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities on behalf of a client, as required under clause 10.1.
- 5.6 The registration of a lobbyist shall lapse if the confirmations and updated statutory declarations are not provided to the Secretary within the time frames specified in clauses 5.5 and 5.6.

6. ACCESS TO THE REGISTER OF LOBBYISTS

- 6.1 The Register of Lobbyists shall be a public document that is published on the website of the Department of Premier and Cabinet.

7. PROHIBITION ON LOBBYING ACTIVITIES

- 7.1 Persons who, after 1 September 2009, retire from office as a Minister or a Parliamentary Secretary, shall not, for a period of 12 months after they cease to hold office, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months in office.
- 7.2 Persons who were, after 1 September 2009, employed as a Head of Agency under the *State Service Act 2000* shall not, for a period of 12 months after they cease their employment, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months of employment.

8. PRINCIPLES OF ENGAGEMENT WITH GOVERNMENT REPRESENTATIVES

- 8.1 Lobbyists shall observe the following principles when engaging with Government representatives:
 - (a) lobbyists shall not engage in any conduct that is corrupt, dishonest or illegal, or unlawfully cause or threaten any detriment;
 - (b) lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to clients whom they represent, the wider public and Government representatives;
 - (c) lobbyists shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to Government representatives, members of political parties or to any other person;
 - (d) lobbyists shall keep strictly separate from their duties and activities as lobbyists any personal activity or involvement on behalf of a political party; and

- (e) when making initial contact with Government representatives with the intention of conducting lobbying activities, lobbyists who are proposing to conduct lobbying activities on behalf of clients must inform the Government representatives:
 - (i) that they are lobbyists or employees of, or contractors or persons engaged by, lobbyists;
 - (ii) whether they are currently listed on the Register of Lobbyists;
 - (iii) the name of their relevant client or clients, including a client whose identity is not required to be made public under clause 5.2; and
 - (iv) the nature of the matters that their clients wish them to raise with Government representatives.

9. REPORTING BREACHES OF THE CODE

- 9.1 A Government representative who becomes aware of a breach of this code by a lobbyist shall report details of the breach to the Secretary.

10. REGISTRATION

- 10.1 The Secretary shall not include on the register the name of an individual unless the individual provides a statutory declaration to the effect that he or she:

- (a) has never been sentenced to a term of imprisonment of 24 months or more, and
- (b) has not been convicted, as an adult, in the last 10 years, of an offence involving dishonesty or any crime as defined by section 1 of the *Criminal Code Act 1924*.

- 10.2 The Secretary may remove a lobbyist or a person who is an employee of a lobbyist, or a contractor or person engaged by a lobbyist from the Register of Lobbyists if, in the opinion of the Secretary:

- (a) the conduct of the lobbyist or of the employee, the contractor or person engaged by the lobbyist to provide lobbying services for the lobbyist has contravened any of the terms of this code;
- (b) the registration details of the lobbyist are inaccurate;
- (c) the lobbyist fails to answer questions within a reasonable period of time relating to the lobbyist's details on the Register or the lobbyist's lobbying activities (in particular questions relating to allegations of breaches of the code) or provides inaccurate information in response to those questions; or
- (d) the registration details have not been confirmed in accordance with the requirements of clauses 5.5 and 5.6.

The Secretary shall not remove or a person who is an employee of a lobbyist, or a contractor or person engaged by the lobbyist from the Register under clause 10.2, unless the Secretary has advised the lobbyist or the individual concerned of the reasons why he or she proposes to remove the lobbyist or individual concerned from the register and given the lobbyist or individual concerned an opportunity to state why the proposed course of action should not be followed.

CONTACT DETAILS:

Register of Lobbyists, Department of Premier and Cabinet, GPO Box 123, Hobart TAS 7001

Email: lobbyists@dpac.tas.gov.au



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