

1.0 AUTHORITY

The *Local Government Act 2020*

Victorian Government Professional Lobbyist Code of Conduct 2013.

Councillor Code of Conduct.

Staff Code of Conduct.

2.0 INTENT

The purpose of this policy is to provide guidance to Councillors and Managers when dealing with Professional Lobbyists to promote trust in the integrity of Council processes and to ensure that lobbying is fair and does not undermine public confidence in impartial, open and transparent decision making.

3.0 SCOPE

This policy applies to all Councillors and Managers of the Mornington Peninsula Shire (the Shire).

4.0 GOVERNANCE PRINCIPLES

This policy gives effect to the following Governance Principles under section 9 the *Local Government Act 2020*:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- the transparency of Council decisions, actions and information is to be ensured.

5.0 POLICY STATEMENT

5.1 What is lobbying

Lobbying is a legitimate representation made to a Councillor or Manager seeking to influence a Council decision. Effective decision making is vital to the democratic process and an essential component of good governance. The Shire acknowledges that Councillors and Managers may be lobbied by Professional Lobbyists on a broad range of issues.

5.2 What is lobbying activity

As defined under the Victorian Government Professional Lobbyist Code of Conduct (the Code), lobbying activity means any contact (including telephone contact, electronic mail contact, written mail contact, or face to face meetings) 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:

- communications with a committee of the Parliament
- communications with a Minister, Cabinet Secretary or Parliamentary Secretary in his or her capacity as a local Member in relation to non-ministerial responsibilities
- communications in response to a call for submissions
- petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision;
- communications in response to a request for tender

- statements made in a public forum
- responses to requests by Government Representatives for information

5.3 Who is a Professional Lobbyist?

Professional Lobbyists are individuals, organisations or organisations whose employees are engaged by a third party client for a fee or reward to influence Council decision making.

As defined by the Code, the definition of a Professional Lobbyist does not include:

- charitable, religious and other organisations or funds that are endorsed as deductible gift recipients
- non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients
- individuals making representations on behalf of relatives or friends about their personal affairs
- members of trade delegations visiting Australia
- 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
- 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 by them of their professional or other services. However, if a significant or regular part of the services offered by any person employed or engaged by a firm of lawyers, doctors, accountants or other service providers involves lobbying activities on behalf of clients of that firm, the firm offering those services must register and identify the clients for whom they carry out lobbying activities
- representatives of other Governments, or Government agencies or Inquiries

For the avoidance of doubt, a Lobbyist does not include any person, company or organisation, or the employees of such a company or organisation, engaging in lobbying activities on their own behalf rather than for a client, and this Code 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 or clients.

5.4 Engaging with a Professional Lobbyist

Under the Victorian Government Professional Lobbyist Code of Conduct (the Code), Professional Lobbyists have a duty to be ethical, transparent and act to the highest standards of professional conduct in line with probity requirements. Professional Lobbyists must be registered on the Register of Lobbyists and by doing so, agree to comply with all requirements of the Code.

Councillors and Managers must not knowingly and intentionally be party to lobbying activities by a Professional Lobbyist who is not listed on the Register of Lobbyists.

5.4 When not to engage in lobbying activity

Councillors and Managers must avoid conduct during the lobbying process that would be considered inappropriate. At all times Councillors and Managers must adhere to the Councillor Code of Conduct and Staff Code of Conduct. Examples of inappropriate conduct include:

- Accepting payments or benefits from a Professional Lobbyist
- Being part of lobbying activity during the Shire's Expression of Interest and Tender Processes.
- Being part of lobbying activity during the Shire's Grant Application Processes.
- Being part of lobbying activity where a conflict of interest exists e.g. close friends, family members or associates.

5.5 Process when engaging in lobbying activity

When engaging in lobbying activity, Councillors and Managers must conduct themselves in accordance with community expectations of transparency, integrity and honesty.

The following process applies to all Councillors and Managers when engaging in lobbying activity:

- Professional Lobbyists are required to advise who they are and confirm they are registered on the Register of Lobbyists. If unsure, check the Register - [Register of Lobbyists - Who is on the Register \(lobbyistsregister.vic.gov.au\)](https://lobbyistsregister.vic.gov.au). If the lobbyist is not registered, advise that they must register before any interaction can continue - [Register of Lobbyists - How to Register \(lobbyistsregister.vic.gov.au\)](https://lobbyistsregister.vic.gov.au)
- If not provided, request the name of the third party they are acting on behalf of.
- Document all meetings and significant telephone calls regarding lobbying activity.
- Hold meetings on Shire premises and do not meet alone.
- Complete the 'Record of lobbying activity' form (attachment 1) and forward to the Governance Team.
- The Governance Team will record these details on the Shire Lobbyists Register.

5.6 Shire Lobbyists Register

Suspensions of inappropriate lobbying can occur when lobbying is not open to public scrutiny which can undermine the communities' confidence in Council's decision-making.

All contact with Professional Lobbyists will be recorded in the Shire Lobbyists Register.

In the interests of transparency, the Shire Lobbyists Register will be published on the Shire Website.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- Councillor Code of Conduct
- Councillor Gift Policy
- Guide for Engaging with Lobbyists – Victorian Public Sector Commission
- Public Transparency Policy
- Staff Code of Conduct.
- Victorian Government Professional Lobbyist Code of Conduct 2013.

8.0 POLICY SPONSOR

The Manager - Governance is responsible for overseeing the application and review of this policy.

9.0 DOCUMENT CONTROLS

Council will review this policy within four years or earlier as required.

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.

Council Policy

Lobbying Policy

Objective Reference: A10486942

Attachment 1

The following is to be recorded when engaging in lobbying activities. Refer to the 'Lobbying Policy' for guidance.

Date of contact	
Name of Councillor or Manager	
List of persons present during the meeting	
Name of the Registered Professional Lobbyist	
Method of contact (meeting, phone call etc.)	
Purpose of contact Decision seeking to influence Date of Council or Delegated Committee Meeting	
Outcome	
Any relevant comments	

This form is to be forwarded to Governance at governanceteam@mornpen.vic.gov.au.