



Ararat Rural City

Interaction with Professional Lobbyists Policy

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Responsible Officer: Governance and Administration Coordinator

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Stakeholder Engagement:

Councillors

Chief Executive Officer

Governance and Administration Coordinator

INTENT

This policy is intended to provide guidance to Councillors and Council Officers when dealing with professional lobbyists.

Open access to Councillors, and Council itself, is vital to efficient and effective local government. It is accepted that Councillors and Council Officers may be approached or lobbied by members of the community on a broad range of issues.

However, there is a difference between the type of lobbying carried out by members of the community representing their own interests and professional lobbyists engaged by a third-party client for a fee or reward to influence local government decision-making.

POLICY

To ensure that there is no confusion as to who is classified as a professional lobbyist and what are considered lobbying activities, it is important to have a clear understanding of the definition of “lobbyist” and “lobbying activity” as set out in the Victorian Government Professional Lobbyist Code of Conduct (refer to definitions).

It is always the aim of Council to ensure that all decisions are made impartially and in the best interests of the whole community. Council acknowledges that effective decision making is vital to the democratic process and an essential component of good governance.

The focus of this Policy is on professional lobbying activities conducted by lobbyists (as defined in the definitions) however it is important to note that in certain circumstances, such as, Council’s Expression of Interest and Tender Process, the act of lobbying a Councillor or Council Officer may not be permitted under any circumstances whether it is conducted by a lobbyist (refer to definitions) or an individual acting on their own behalf.

Process for Interaction with Lobbyists

It is essential that before any Councillor or Council officer speaks to a lobbyist that the proper process is followed.

- Lobbyist (or employee, contractor or person otherwise engaged by the Lobbyist) advises that they are a lobbyist and who they are representing (this is a requirement of the Lobbyist under the Lobbyist Code);
- Ensure the lobbyist (individual or company) is registered on the Victorian Government’s Register of Lobbyists (<https://www.lobbyistsregister.vic.gov.au/lobbyistsregister/index.cfm?event=about>)

If they are not registered advise them that they will need to register

(<https://www.lobbyistsregister.vic.gov.au/lobbyistsregister/index.cfm?event=howToRegister>)

- Are they making contact on behalf of a third party or parties;
- The name of the third party or parties;
- Request details of the third party or parties lobbying issue.
- The interaction with lobbyists must be recorded on Council’s Register of Contact with Lobbyists.

The Chief Executive Officer must be informed immediately of any interaction with professional lobbyists.

COUNCIL PLAN

This Policy reflects the Council Plan key objectives for Good governance through leadership and Organisational Risk.

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 Council department, a change to the name of a Federal or State department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

DEFINITIONS

(As defined in the Victorian Government Professional Lobbyist Code of Conduct)

TERM	DEFINITION
Lobbyist	<p>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:</p> <ul style="list-style-type: none"> (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) individuals making representations on behalf of relatives or friends about their personal affairs (d) members of trade delegations visiting Australia (e) 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 (f) 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, and (g) representatives of other Governments, or Government agencies or Inquiries. <p>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.</p>
Lobbying activity	<p>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:</p> <ul style="list-style-type: none"> (a) communications with a committee of the Parliament; (b) communications with a Minister, Cabinet Secretary or Parliamentary Secretary in his or her capacity as a local Member 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.

REFERENCES

Local Government Act 1989
 Councillors Code of Conduct
 Staff Code of Conduct
 Victorian Government Professional Lobbyist Code of Conduct and Register of Lobbyists
 Victorian Public Sector Commission – Guide for Engaging with Lobbyists

APPENDICES

Register of Contact with Lobbyists.

