Guide for Engaging with Lobbyists

In the course of their work Victorian public sector employees may come into contact with professional lobbyists. The [Code of Conduct for Victorian Public Sector Employees](https://vpsc.vic.gov.au/resources/code-of-conduct-for-employees/) (Code of Conduct) and more particularly the [Victorian Government Professional Lobbyist Code of Conduct](https://www.lobbyistsregister.vic.gov.au/lobbyistsregister/documents/Vic_Gov_Professional_Lobbyist_Code_of_Conduct_Nov_2013.pdf) (Lobbyist Code) define the rules of engagement to ensure that decisions are transparent and have integrity.

1. How do I know that the person who has contacted me is a lobbyist?

Lobbyists are individuals or organisations that seek to influence government decision making on behalf of their clients. In most cases, the person will tell you they are a lobbyist and who they represent when they first make contact with you. This is a requirement under the Lobbyist Code.

You can check the [Register of Lobbyists](https://www.lobbyistsregister.vic.gov.au/lobbyistsregister/main/index.htm) (Register) to see whether they and their lobbyist firm are listed, as it is a requirement for a lobbyist to be registered.

You can also check their company website to see whether they are lobbyists. Their website may advertise services such as government engagement, government relations or public affairs. It may also list clients and any former political affiliations of its staff.

1. What do I do if the person is a lobbyist but is not listed on the Register?

Tell the person that you are unable to meet with them until they have applied to the Victorian Public Sector Commission (VPSC) to be listed on the Register. You might also want to tell the VPSC.

1. Why can I only meet with lobbyists who are listed on the Register?

Not only is it a requirement of the Lobbyists Code but it gives you some assurances about the lobbyist’s credentials.

Lobbyists must apply to the VPSC for registration, annually confirm their registration and update their details as they change. They must disclose any former political affiliations and make a statutory declaration that they have not been convicted of an offence that involves dishonesty within the last 10 years and have not received success fees on awarding a public project after 1 January 2014.

The VPSC validates the information the lobbyist provides from publicly available sources. It may remove lobbyists from the Register if their conduct, or the conduct of their associates, is inconsistent with general standards of ethical conduct.

1. On what matters may a lobbyist seek to influence government decisions?

Lobbyists may seek to influence government decisions on matters such as:

* the making or amendment of legislation
* the development or amendment of a government policy or program
* the awarding of a government grant or the allocation of funding.
1. Are there matters on which I should not meet with a lobbyist?

You must not be party to lobbying activities when you are involved in a government tender process. The Victorian Government Purchasing Board’s (VGPB’s) guidance on [Managing Probity](http://www.procurement.vic.gov.au/Buyers/Policies-Guides-and-Tools/Governance-Policy) reminds buyers of the requirement to ensure market equity and to have consistent and transparent processes. This means providing the same information to all suppliers, being fair and not preferencing any bidder.

Engaging with lobbyists during a government tender process would be inconsistent with the VGPB’s requirements. It would potentially give the lobbyist’s clients an advantage in the tender process and could also represent a conflict of interest.

1. Are there matters that are not considered to be lobbying activity?

Lobbying activity does not include matters such as:

* a response to a call for submissions or a request for information
* a grassroots campaign to influence government policy or decisions
* statements made in a public forum.
1. Are there people who try to influence government decisions but are not lobbyists?

Lobbyists do not include any person, company or organisation that engages in lobbying activities on their own behalf. This includes:

* charitable, religious and non-profit organisations that represent the interests of their members
* members of trade delegations or representatives of other governments
* members of professions that are required to contact public sector employees as part of their normal day to day work such as tax agents
* members of professions who make occasional representations to government on behalf of others in a way that is incidental to the provision of services such as doctors.
1. Why do lobbyists need to tell me about their clients when they first meet with me?

You should only meet with a registered lobbyist if they have told you which clients they are representing, the nature of the clients’ issues, and whether the clients are involved in a government tender process. This is to ensure transparent and well-informed decision making.

1. Does the Code of Conduct provide guidance for me when engaging with lobbyists?

The standards of conduct outlined in the Code of Conduct are consistent with those in the Lobbyist Code. Employees should demonstrate:

* **integrity** by being honest, using powers responsibly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust
* **impartiality** by making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly
* **accountability** by being transparent, responsible and open to scrutiny.
1. Can I become a lobbyist once I leave the public sector?

You can become a lobbyist after you leave the public sector. However, if you were employed as an executive, you must not engage in lobbying activities for 12 months after you cease employment in the Victorian Public Service on any matters with which you had official dealings in your last 12 months of employment. This is to avoid a conflict of interest.

June 2019

The VPSC can be contacted at lobbyists.register@vpsc.vic.gov.au should you require further information about matters covered by this Guidance Note, the Lobbyist Code or the Register.