
PUBLIC SERVICE

PS401

INTEGRITY (LOBBYISTS) ACT 2016 CODE OF CONDUCT FOR REGISTRANTS AND LOBBYISTS

1. Preamble

1.1 Lobbying is accepted as a legitimate part of the political process.

1.2 Lobbyists can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with relevant government representatives.

1.3 In performing this role, there is a public expectation that lobbyists will be individuals who operate according to the highest standards of professional conduct and adhere to high moral standards.

1.4 The purpose of the *Integrity (Lobbyists) Act 2015* (the Act) and this code of conduct is to promote and enhance public confidence in the transparency, integrity and honesty of dealings between any person who is in the business of lobbying Western Australian government representatives for third-party clients.

2. Application

2.1 This code of conduct is established under s. 16(1) of the Act.

2.2 All registrants and their respective accredited lobbyists must comply with this code of conduct pursuant to s. 17(1) of the Act.

2.3 As provided for by s. 19(1) of the Act, this code of conduct is subsidiary legislation for the purposes of the *Interpretation Act 1984*.

2.4 This code of conduct must be read in conjunction with the Act.

3. Definitions

3.1 In this code of conduct—

- **client** means any person for whom lobbyists undertake, or have undertaken, lobbying activities (as defined under s. 4 of the Act), whether on a paid or unpaid basis.
- **Commissioner** means the Public Sector Commissioner.
- **contact with a Government representative** includes contact: by telephone; SMS; electronic mail and other means of electronic communication; in writing; and face-to-face meetings.
- **lobbying activities** means those activities as are defined under s. 4 of the Act.
- **person** is used generically and can mean an individual, company, firm, association or body of persons whether incorporated or unincorporated.

All other terms have the same meanings as those given in s 3 of the Act.

4. Communication between accredited lobbyists and government representatives

4.1 When making initial contact with a government representative about a particular issue on behalf of a third-party client for whom the accredited lobbyist is providing paid or unpaid services, the accredited lobbyist must inform the government representative—

- 4.1.1 that they are listed on the Lobbyists Register in Western Australia and are an employee, contractor or person otherwise engaged by a registered person
- 4.1.2 that they are making contact on behalf of a third-party client or clients
- 4.1.3 the name of the third-party client or clients
- 4.1.4 the nature of the client's or clients' issue(s).

4.2 In subsequent communications with the same government representative, a lobbyist may not need to provide all the details listed in clause 4.1, provided the government representative can identify the accredited lobbyist as the person with whom they previously communicated, and is aware of who the third-party's client or clients are and their issue(s).

5. Standards of conduct for registered persons and accredited lobbyists

5.1 Honesty, sincerity and professionalism

5.1.1 Registered persons shall conduct their business to the highest professional and ethical standards, and in accordance with all relevant laws and regulations with respect to lobbying.

5.1.2 Accredited lobbyists shall act with honesty, integrity, in good faith and avoid behaviour likely to discredit themselves, government representatives, their clients or, if relevant, the registrant under whom they are accredited as lobbyists.

5.1.3 Registered persons and accredited lobbyists shall not engage in any conduct that is corrupt, dishonest or illegal, nor cause or threatens to cause, any detriment to others.

5.1.4 Registered persons and accredited lobbyists shall not attempt to improperly influence a government representative.

5.1.5 Registered persons and accredited lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided to clients, the wider public, government representatives, the Commissioner and any other person.

5.1.6 Registered persons and accredited lobbyists shall, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

5.1.7 If there is a material change in factual information that an accredited lobbyist provided previously to a government representative, thereby causing the information to become inaccurate and the government representative is likely to be relying on that information, the registered person or accredited lobbyist should provide accurate and updated information to the government representative as soon as is practicable.

5.1.8 Registered persons and accredited lobbyists shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to institutions of government, political parties or to any other person.

5.1.9 Registered persons and accredited lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, or disclosure is required by law.

5.2 Conflicts of interest

5.2.1 Registered persons and accredited lobbyists shall keep strictly separate their duties and activities as a registered person and/or accredited lobbyist from any personal activity or involvement in the management or conduct of a political party.

5.2.2 Registered persons and accredited lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

5.2.3 Registered persons and accredited lobbyists shall advise government representatives of any actual, potential or real conflicts of interest that they have, and that they have obtained the informed consent from the relevant client(s) before proceeding or continuing with the lobbying activities.

5.2.4 Registered persons or accredited lobbyists who are members of a government board or committee must not represent the interests of a third-party client to a government representative in relation to any matter that relates to the functions of the board or committee, nor should they engage someone to undertake the lobbying activities for them.

5.3 Gifts

5.3.1 Registered persons and accredited lobbyists shall inform themselves of the policies of the Western Australian Government and local governments restricting the acceptance of gifts by government representatives. See: <https://icg.wa.gov.au/gifts-benefits-and-hospitality-guide-good-practice>.

5.4 Clients

5.4.1 Registered persons and accredited lobbyists shall indicate to their clients their obligations under the Act, and their obligations to adhere to this code of conduct.

6. Provision of information and cooperation

6.1 Registered persons shall submit updated registration or lobbyists' details to the Commissioner, as soon as is reasonably practicable, in the event of any change to their registration details.

For the purposes of this clause, a change to registration details includes any information, about which the Commissioner may not previously have been notified, in relation to—

- (a) any conviction of an offence punishable for a period of 2 years' imprisonment or more in Australia or elsewhere (excluding spent convictions);
- (b) any charge or conviction, as an adult, in the last ten years, of an offence which involved dishonesty;
- (c) having been involuntarily removed from the lobbyist register (or equivalent) of another Australian jurisdiction;
- (d) having been suspended, disciplined, disqualified, involuntarily deregistered, struck off, expelled or had membership of a professional or occupational group involuntarily terminated by—
 - (i) any professional or industry body
 - (ii) the State Administrative Tribunal of Western Australia, or similar body in any other Australian jurisdiction
 - (iii) the Supreme Court of Western Australia, or similar body in any other Australian jurisdiction.

6.2 In addition to the updates provided under 6.1 above, registered persons shall provide to the Commissioner within 10 business days of 30 March, 30 June, 30 September and 30 December each year, a confirmation that their registration details are up-to-date.

6.3 Registered persons and accredited lobbyists shall cooperate fully with any investigation into suspected breaches of this code of conduct, the Act or a request from the Commissioner for information.