

Government Representatives Contact with Registrants and Lobbyists

Commissioner's Instruction 16

Statement of intent

To outline the obligations on government representatives when dealing with registrants and lobbyists, in accordance with the *Integrity (Lobbyists) Act 2016* (the Act).

Scope and application

This Commissioner's instruction:

- creates no obligation for a government representative to have contact with a particular lobbyist or lobbyists in general
- does not serve to restrict contact in situations where the law requires a government representative to take account of the views advanced by a person who may be a lobbyist.

In the event of any inconsistency between this Commissioner's instruction and the Act, another Act of Parliament, or the Regulations, the latter instruments prevail to the extent of the inconsistency.

The Act vests a number of discretionary powers in the Commissioner. The purpose of this instruction is to set out the obligations of Government representatives to ensure that their dealings with lobbyists are restricted to those lobbyists who are registered and comply with the lobbying code of conduct, to inform the Commissioner of suspected unregistered lobbying so as to enable the Commissioner to determine how his discretionary powers will be exercised in particular cases and to be informed of the effectiveness of the regulatory framework in preserving the integrity of lobbying.

References

This instruction must be read in the context of the Act and in conjunction with the Code of Conduct for Registrants and Lobbyists.

Terminology

Client

Means any person(s) for whom lobbyists undertake, or have undertaken, lobbying activities (as defined under section 4 of the Act), whether on a paid or unpaid basis.

Code of Conduct

Means the Code of Conduct for Registrants and Lobbyists established under section 16 of the Act.

Commissioner

Means the Public Sector Commissioner

Government representative

Means a CEO, chief employee or other person employed in the public sector and includes a member of a public sector board or committee.

Person

Can mean an individual, company, firm, association or body of persons incorporated or unincorporated.

All other terms have the same meanings as those given in sections 3 and 4 of the Act.

Instruction

1. Contact with registrants and lobbyists

- 1.1 A government representative shall not knowingly at any time permit lobbying by:
 - a. a lobbyist who is not listed on the Register of Lobbyists
 - b. any employee, contractor or person engaged by a registered person to carry out lobbying activities whose name does not appear on the register in connection with the registered person
 - c. any registered person, or employee, contractor or person engaged by a registered person, to carry out lobbying activities who, in the opinion of the government representative, fails or refuses to inform the government representative of the following:
 - i. that they are an accredited lobbyist in Western Australia and an employee, contractor or person otherwise engaged by a registered person
 - ii. that they are making contact on behalf of a third-party client
 - iii. the name of that client
 - iv. the nature of the client's issue(s).
- 1.2 A government representative shall check the Register of Lobbyists to ensure that they only have dealings with lobbyists, in their capacity as lobbyists, who are listed on the Register of Lobbyists.

2. Reporting suspected breaches of the Code of Conduct

A government representative who becomes aware of a potential breach of the Act or the Code of Conduct by a registered person or an a lobbyist or by any other person shall report the allegations and the grounds of his or her suspicion to the Commissioner as soon as practical.

Supporting information

Not applicable.

Further information

This instruction supersedes Public Sector Commissioner's Circular 2009-13: Contact with Lobbyists Code and the Register of Lobbyists.