CODE OF CONDUCT
FOR MINISTERS AND
PARLIAMENTARY
SECRETARIES
1. INTRODUCTION

1.1. Ministers and Parliamentary Secretaries are entrusted with the conduct of public business by the people of Victoria through our Parliament.

1.2. Ministers in particular have at their individual and collective disposal wide discretionary powers, significant public funds, and extensive executive and policy authority. Their actions and decisions affect the Victorian community every day.

1.3. Ministers and Parliamentary Secretaries are required to act in accordance with the law, their oath of office in the case of a Minister and their obligations to the Parliament.

1.4. In the discharge of their public duties, Ministers and Parliamentary Secretaries must act with due regard to the principles of good Ministerial conduct.

2. PRINCIPLES

2.1. When taking decisions on or in connection with their official capacity, Ministers and Parliamentary Secretaries must do so in terms of advancing the public interest – that is based on their best judgement of what will advance the common good of the people of Victoria through honest, efficient and effective government.

2.2. In carrying out their duties:

I. Ministers and Parliamentary Secretaries must ensure that they act with integrity – that is, through the lawful and disinterested exercise of the statutory and other powers available to their office and by appropriate use of the resources available to their office for public purposes.
II They must observe fairness in making official decisions – that is, to act honestly and reasonably, with consultation as appropriate to the issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved as well as the wider community.

III They must accept accountability for the exercise of the powers and functions of their office – that is, to ensure that their conduct, representations and decisions as Ministers and Parliamentary Secretaries, and the conduct, representations and decisions of those who act as their delegates or on their behalf – are consistent with the particular responsibilities of their office noting that Ministers exercise greater authority than Parliamentary Secretaries.

2.3. Ministers and Parliamentary Secretaries are expected to provide a proper account of their exercise of public office, and of the activities of the agencies within their portfolios.

2.4. Ministers and Parliamentary Secretaries are expected to take all reasonable steps to ensure that they do not knowingly mislead the public or the Parliament.

2.5. In particular, if a Minister or Parliamentary Secretary becomes aware that they have unintentionally misled Parliament, they should take appropriate steps to correct the record.

2.6. They must not encourage or induce other public officials, including public servants, by their decisions, directions or conduct in office to breach the law or to act improperly.

2.7. Ministers and Parliamentary Secretaries are to regard the skills and abilities of public servants as a public resource, and are expected to ensure that public servants are deployed only for appropriate public purposes.
2.8. They must have proper regard to efficient and effective government administration including ensuring that resources, facilities and personnel provided at public expense are not subject to wasteful or extravagant use and that due economy is observed.

2.9. In particular, Ministers and Parliamentary Secretaries are provided with various “ministerial” office facilities and equipment at public expense in order that public business may be conducted. The use of these resources should be consistent with the requirements of section 2.8.

2.10. Electorate offices are administered by the Parliamentary Presiding Officers. There are uniform usage rules for all Parliamentarians regardless of whether they are a government, opposition, third party or independent member.

2.11. In the case of facilities at Parliament House, the Parliamentary Presiding Officers set uniform usage rules for all Parliamentarians including Ministers and Parliamentary Secretaries.

2.12. Ministers and Parliamentary Secretaries must ensure that:

> their conduct in office is in accordance with the Ministerial Code;

> they promote the observance of these principles by leadership and example in the public bodies for which they are responsible; and

> their conduct in a private capacity upholds the laws of Victoria and Australia and demonstrates an appropriately high standard of integrity.
3. WORKING IN THE COMMUNITY

3.1. In the normal course of their duties Ministers and Parliamentary Secretaries will interact with many individuals and organisations.

3.2. People will engage in different ways either at a formal meeting or at a community, social or sporting event or will raise a matter through a Member of Parliament or political party.

3.3. Some representations will be on behalf of a community group, others will reflect the interests of a particular individual, association or business.

3.4. Whatever the motivation it is the democratic right of a citizen to raise issues and to have them dealt with on their merits and it is the responsibility of the Minister or Parliamentary Secretary to consider those issues appropriately.

3.5. Irrespective of the context, and whomever the person or business, community group, association or entity involved, Ministers and Parliamentary Secretaries should always ensure they act in accordance with their overall obligations to the people of Victoria for honest, efficient and effective government.

3.6. It is important that anyone in the community be able to raise issues and make representations to Ministers and Parliamentary Secretaries and/or their offices if they have matters meriting attention.

4. PROFESSIONAL LOBBYISTS

4.1. With respect to professional lobbyists, Ministers and Parliamentary Secretaries should ensure that any dealings are conducted consistently with the Lobbyists Code of Conduct.
4.2. The Lobbyists Code of Conduct established a Register of Lobbyists that contains the business details of lobbyists, the names of individuals who carry out lobbying activities, and the names of their clients. The Register is published on the website of the State Services Authority (SSA). Further information on the 'Code' is available on the website.

4.3. In dealing with a lobbyist who is acting on behalf of a third party, it is important to establish whose interests the lobbyist represents so that informed judgments can be made about the outcome they are seeking to achieve.

4.4. Ministers and Parliamentary Secretaries should ensure that lobbyists with whom they have dealings are properly registered, and should report any instance of non-compliance with the requirements relating to lobbyists to the SSA.

4.5. Ministers and Parliamentary Secretaries should note that Lobbyists are obliged to observe the following principles when engaging with Government Representatives:

> use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by parties whom they represent, to the wider public, governments and agencies;

> not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to institutions of government or to political parties or to persons in those institutions; and

> keep strictly separate from their duties and activities as Lobbyists any personal activity or involvement on behalf of a political party.

4.6. Ministers and Parliamentary Secretaries should be familiar with all the provisions of the Lobbyists Code of Conduct and if uncertain about its obligations they should consult the Cabinet Secretary in the first instance.
5. OTHER REPRESENTATIONS

5.1. Some representations to Ministers and Parliamentary Secretaries come from people and organisations who are not lobbyists (as defined in the Lobbyists Code of Conduct) but who make enquiries, advocate changes to public policy and seek specific assistance from government for a wide variety of reasons.

5.2. Some do so in a paid capacity, such as a Chief Executive or Corporate Affairs/Government Affairs Director of an organisation or business or professional or trade association or union.

5.3. In order to enhance transparency, the Lobbyists' Code of Conduct will be amended to add a new element to provide that a person who has held the position of National or State Secretary/Director or Deputy or Assistant Secretary/Director of a registered political party and who holds the position of Corporate Affairs/Government Affairs Director or a similar position who is engaged in making representations to government must disclose that former position to the Registrar of Lobbyists and proactively disclose it when making representations to government.

5.4. The Register of Lobbyists will also be amended to specifically require former Ministers and Parliamentary Secretaries in either Victoria or another jurisdiction to register in a similar manner and to proactively declare their former status when making representations in a professional capacity whether employed as a lobbyist or as a Corporate Affairs/Government Affairs Director or a similar position.
5.5. A person who has been a Chief of Staff, Senior Adviser or Adviser in the private office of a Commonwealth or State Minister, or Parliamentary Secretary, and who is acting as a professional lobbyist, or Corporate Affairs/Government Affairs Director (or a similar position) of a business or organisation engaged in making representations to government will be required to disclose that former position to the Registrar of Lobbyists and to proactively declare their former status when making representations to government.

5.6. Ministers and Parliamentary Secretaries should always ensure that they act in accordance with their overall obligations to the people of Victoria for honest, efficient and effective government irrespective of the context and whomever the person or business, community group, association or entity they are dealing with.

6. FUNDRAISING CODE OF CONDUCT

6.1. Ministers and Parliamentary Secretaries should be familiar with the requirements set out in the Fundraising Code and comply with it.

7. MINISTERIAL STAFF CODE OF CONDUCT

7.1. Ministers and Parliamentary Secretaries should be familiar with the requirements of the Ministerial Staff Code of Conduct and ensure that their staff comply with it.
8. PRIVATE INTERESTS

8.1. Ministers and Parliamentary Secretaries must comply
with the requirements of the Members of Parliament
(Register of Interests) Act 1976 and provide any additional
information required by the Premier to the Cabinet
Secretary and notify any significant change in their private
interests within 28 days of its occurrence.

8.2. A probity auditor will examine each Minister’s or
Parliamentary Secretary’s Declaration and supporting
information and report to the Cabinet Secretary.

8.3. Where a conflict or potential conflict of interest could
arise between a Minister’s or Parliamentary Secretary’s
private interests and public duty (noting that Parliamentary
Secretaries do not exercise the authority of a Minister)
appropriate professional advice will be obtained. The
Cabinet Secretary will advise the Premier who will then
require the Minister or Parliamentary Secretary to:

a. divest themselves; or

b. relinquish control (including through a blind trust); or

c. put in place appropriate arrangements so that decision-
making is passed to another Minister; or

d. take other such action consistent with the principles of
this Code as is required.

8.4. Matters such as property holdings, personal investments,
superannuation funds and the interests of family members
will be dealt with as part of the audit process and Ministers
and Parliamentary Secretaries will be obliged to take
necessary action to prevent conflicts or potential conflicts
of interest.

8.5. Ministers and Parliamentary Secretaries are required to
be conscious of actual or potential conflicts of interest so
that their obligations to the people of Victoria for honest,
effective and efficient government are maintained.
9. ADMINISTRATION

9.1. Ministers and Parliamentary Secretaries must accept that it is for the Premier to decide whether and when a Minister or Parliamentary Secretary should stand aside if that Minister or Parliamentary Secretary becomes the subject of an official investigation of alleged illegal or improper conduct.

9.2. Ministers and Parliamentary Secretaries will be required to stand aside if charged with any criminal offence, or if the Premier regards their conduct as constituting a prima facie breach of this Code. Ministers and Parliamentary Secretaries will be required to resign if convicted of a criminal offence, and may be required to resign if the Premier is satisfied that they have breached or failed to comply with this Code in a substantive and material manner.

9.3. Where a bona fide allegation involving improper conduct of a significant kind, including a breach of this Code, is made against a Minister or Parliamentary Secretary (including the Premier) the Premier may refer the matter for investigation and/or advice. Advice received may be made public by the Premier.

1 Criminal offence does not include where an infringement notice such as an "on-the-spot" fine has been issued.