



Lobbying Code of Conduct

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1. Preamble

- 1.1 Lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to the Government and Legislative Assembly and, in doing so, improve outcomes for the individual and the community as a whole.
- 1.2 In performing this role, there is a public expectation that lobbying activities will be carried out ethically and transparently, and that Ministers who are approached by lobbyists can establish whose interests they represent so that informed judgments can be made about the outcome they are seeking to achieve.
- 1.3 This Code sets out the ethical standards of conduct, and other requirements, to be observed by lobbyists in connection with the lobbying of Northern Territory Ministers.
- 1.4 Lobbyists are expected to comply with the requirements of this Code to ensure high standards of professional conduct and to facilitate open and transparent government.

2. Application

- 2.1 This Code applies in conjunction with any other relevant codes and laws.
- 2.2 This Code creates no obligation on the part of a Minister to have contact with a particular lobbyist or lobbyists in general.
- 2.3 This Code does not operate to restrict contact in situations where the law requires a Minister to take account of the views advanced by a person who may be a lobbyist.

3. Definitions

- 3.1 In this Code:

business day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned.

CM&C means the Department of the Chief Minister and Cabinet.

client, in relation to a lobbyist, means a person, association, organisation or business who has:

- (a) engaged a lobbyist on a retainer to make representations to Ministers; or
- (b) in the previous three months, engaged a lobbyist to make representations to Ministers, whether paid or unpaid.

communications with a Minister includes oral, written and electronic communications.

lobbying activities means communications with a Minister 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 any of the following:

- (a) communications with a committee of the Legislative Assembly;
- (b) communications with a person who is a Minister in that person's capacity as a local Member of the Legislative Assembly 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;
- (g) responses to requests by Ministers for information.

lobbyist: see sections 3.2, 3.3 and 3.4.

registration details means the information described under sections 5 and 6.

serious breach includes the following:

- (a) a lobbyist or person who is not on the Register of Lobbyists engaging in lobbying activities with a Minister;
- (b) a lobbyist or person who is on the Register of Lobbyists failing to comply with section 9.

- 3.2 A **lobbyist** means any person, company or organisation that conducts lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client.
- 3.3 Despite section 3.2, a **lobbyist** does not include any of the following:
- (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) professional associations, guilds, trade or union bodies that represent a class of professions, tradespersons, employers or other workforce entities;
 - (d) individuals making representations on behalf of relatives or friends about their personal affairs;
 - (e) members of trade delegations visiting the Northern Territory;
 - (f) 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 Ministers are part of the normal day to day work of people in that profession;
 - (g) 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 to them of their professional or other services.
- 3.4 To avoid doubt, if a significant or regular part of the services offered by a 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 and the person offering those services must register and identify the clients for whom they carry out lobbying activities.

4. Obligations for Ministers

- 4.1 A Minister must not knowingly and intentionally be a party to lobbying activities by:
- (a) a lobbyist who is not on the Register of Lobbyists; or
 - (b) a person employed, contracted or engaged by a lobbyist to conduct lobbying activities whose name does not appear in the registration details noted on the Register of Lobbyists in connection with the lobbyist; or
 - (c) a lobbyist or person employed, contracted or engaged by a lobbyist who, in the opinion of the Minister, has failed to observe any of the requirements of section 9(e)

- (d) a lobbyist who has been placed on the Lobbyists Watch List.
- 4.2 If a Minister becomes aware of a breach of this Code by a lobbyist, or a person employed, contracted or engaged by a lobbyist, they must immediately disclose details of the breach to CM&C.
- 4.3 If a Minister knowingly breaches this Code, the Chief Minister may, among other things:
 - (a) require the Minister to apologise publicly; or
 - (b) require the Minister to stand aside or resign; or
 - (c) refer the matter to an appropriate authority for investigation and require the Minister to stand down during the investigation; or
 - (d) discuss the matter with the Minister and then seek the view of Cabinet before making a determination as to how the conduct of the Minister should be addressed.

5. Register of Lobbyists

- 5.1 CM&C must establish and maintain a Register of Lobbyists with the following information for each lobbyist:
 - (a) the business registration details of the lobbyist, including the names of owners, partners,
 - (b) company directors and major shareholders, as applicable;
 - (c) the name and position of each person employed, contracted or engaged by the lobbyist to conduct lobbying activities;
the details of clients on whose behalf the lobbyist, or persons employed, contracted or engaged by the lobbyist, conducts lobbying activities.
- 5.2 A lobbyist wishing to conduct (or to employ, contract or engage a person to conduct) lobbying activities with a Minister must register with CM&C to have their registration details recorded in the Register of Lobbyists.

6. Registration obligations

- 6.1 A lobbyist and each person employed, contracted or engaged by the lobbyist to conduct lobbying activities must submit an approved form which incorporates a statutory declaration to have registration details included on the Register.
- 6.2 The statutory declaration must provide that the lobbyist or person:
 - (a) has not been convicted, as an adult, in the last ten years, of an offence which involves dishonesty such as theft or fraud;
 - (b) has not engaged in any conduct that is corrupt, dishonest or illegal or unlawfully cause or threaten any detriment to any person when engaging with Ministers; and
 - (c) has not previously committed a serious breach of this Code.

Note: **Serious breach** is defined in section 3.
- 6.3 However, if the lobbyist or person has previously committed a serious breach of this Code, the statutory declaration must include details of any such breaches instead of the statement in section 6.2(c).
- 6.4 A lobbyist must notify CM&C within 10 business days of any material change to the information provided or before engaging in any lobbying activities on behalf of a client not disclosed in the Register of Lobbyists, whichever occurs first.

7. Access to the Register of Lobbyists

The Register of Lobbyists must be a public document that is published online.

8. Prohibition on lobbying activities

- 8.1 Persons who retire from office as a Minister, must not, for a period of six months after they cease to hold office, engage in lobbying activities relating to any matter that was within the Minister's portfolio responsibilities held during the last six months as a Minister.
- 8.2 Persons who were employed as Chief of Staff or a senior advisor in the Office of a Minister must not, for a period of six months after the person ceases such employment, engage in lobbying activities relating to any matter that the person had official dealings within the person's last six months of that employment.

9. Engagement with Ministers

A lobbyist or person listed on the Register of Lobbyists must observe the following when engaging with Ministers:

- (a) the lobbyist or person must not engage in any conduct that is corrupt, dishonest or illegal, or unlawfully cause or threaten any detriment to a person;
- (b) the lobbyist or person must use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to clients whom they represent, the wider public and Ministers;
- (c) the lobbyist or person must not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to Ministers, members of political parties or to any other person;
- (d) the lobbyist or person must keep strictly separate from their lobbying activities any personal activity or involvement on behalf of a political party;
- (e) when making initial contact with a Minister with the intention of conducting lobbying activities the lobbyist or person must inform the Minister's office of the following:
 - (i) that they are a lobbyist or a person employed, contracted or engaged by a lobbyist;
 - (ii) whether they are currently listed on the Register of Lobbyists;
 - (iii) the details of each of their clients referred to in section 5.1(c); and
 - (iv) the nature of the matters that each such client wishes them to raise with the Minister.

10. Limits on registration

- 10.1 The name of a lobbyist or person on the Register of Lobbyists must not be published unless the lobbyist or person complies with section 9.
- 10.2 CM&C may decide not to register a lobbyist or person for a period of up to 3 months if, in the opinion of CM&C, the lobbyist or person has, at any time after this Code commences, committed a serious breach of this Code.
- 10.3 Before making a decision under section 10.2, CM&C must:
 - (a) advise the lobbyist or person of the reasons why CM&C proposes not to register the lobbyist or person on the Register; and

- (b) give the lobbyist or person an opportunity to state why the proposed course of action should not be followed.

11. Removal from the Register

- 11.1 CM&C may remove a lobbyist or a person's details from the Register of Lobbyists if, in the opinion of CM&C:
 - (a) the lobbyist or person has committed a breach of this Code; or
 - (b) the details on the Register in relation to the lobbyist or person are inaccurate; or
 - (c) the lobbyist or person fails to answer questions within a reasonable period of time relating to the lobbyist's or person's details on the Register or the lobbyist's or person's lobbying activities (in particular questions relating to allegations of breaches of the Code) or provides inaccurate information in response to those questions; or
 - (d) the lobbyist or person fails to notify CM&C in the event of any material change to the information provided or the details of a new client in accordance with section 6.4.
- 11.2 Before removing a lobbyist or person's details from the Register, CM&C must:
 - (a) advise the lobbyist or person of the reasons why CM&C proposes to remove the lobbyist or person's details from the Register; and
 - (b) give the lobbyist or person an opportunity within 10 business days to state why the proposed course of action should not be followed.
- 11.3 A lobbyist or a person employed, contracted or engaged by the lobbyist to conduct lobbying activities, may submit a written request to CM&C for removal from the Register of Lobbyists. Once removed, the lobbyist or person is prohibited from engaging in lobbying activities with a Minister.

12. Lobbyists Watch List

- 12.1 CM&C will maintain a Lobbyists Watch List that contains the names and other identifying details of any lobbyist, and any person employed, contracted or engaged by the lobbyist to conduct lobbying activities whom CM&C determines should be placed on the Lobbyists Watch List because the lobbyist or person has committed a breach of this Code.
- 12.2 CM&C may remove persons from the Lobbyists Watch List if CM&C is satisfied that they should no longer be placed on the Watch List.
- 12.2 The Lobbyists Watch List is to be published on the website on which the Register of Lobbyists is published.