

Ministerial Code of Conduct





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1. Introduction and purpose of the Code

- 1.1 Ministers are entrusted with considerable privilege, wide discretionary power, significant public funds, and extensive executive authority. Their actions and decisions affect the Victorian community every day.
- 1.2 Ministers are therefore expected to act in a manner that pursues the public interest and is consistent with the highest standards of integrity and accountability, to maintain the trust and confidence of Victorians.
- 1.3 Ministers are also responsible for retaining the trust and confidence of their ministerial colleagues in carrying out their duties. Ministers must ensure that their conduct does not discredit the Parliament and is consistent with their obligations to Parliament.
- 1.4 The *Ministerial Code of Conduct* supports Ministers to uphold those principles and prescribes minimum standards of ethical behaviour expected of Ministers. This Code also prescribes internal governance practices to help to ensure that breaches of ethical standards are avoided.
- 1.5 Parliamentary Secretaries must also comply with this Code and a reference to Ministers will be read as including Parliamentary Secretaries, except for sections of the Code that are outside the scope of the role or responsibility of a Parliamentary Secretary. For the avoidance of doubt, the obligations in relation to ministerial diaries in section 5.3 do not apply to Parliamentary Secretaries.
- 1.6 Ministers must comply with their oaths or affirmations of office and not accept any offices of profit under the Crown (apart from their office of Minister) unless there is a statutory exception (see sections 49, 55(d), 58 of the *Constitution Act 1975*). Ministers are subject to a range of civil and criminal laws in their capacity as public office-holders and must not knowingly breach the law or any relevant code of conduct.
- 1.7 The obligations under this Code are in addition to other obligations that Ministers and Parliamentary Secretaries must comply with as a Member of Parliament (MP), such as the requirements under the *Members of Parliament (Standards) Act 1978*.
- 1.8 Unless otherwise stated, in this Code:
 - (a) “business” includes a not-for-profit or charitable undertaking
 - (b) “family member” means the Minister’s spouse or de facto partner, child, grandchild, parent or grandparent, or any other person reasonably considered to be a member of the Minister’s family (including a sibling).

2. Statement of values

- 2.1 In carrying out their duties, Ministers are expected to demonstrate a commitment to:
- **Accountability:** Ministers should demonstrate their accountability through their decisions and actions and submitting themselves to appropriate public scrutiny. This includes accepting accountability for the exercise of the powers and functions of their office, and the representations and decisions of those who act as their delegates or on their behalf.
 - **Integrity:** Ministers should demonstrate integrity by being open, honest and transparent in their dealings, avoiding conflicts of interest, showing respect to all persons, maintaining high standards of behaviour, and earning and sustaining the public trust.
 - **Public Interest:** Ministers should demonstrate their commitment to the public interest by making decisions that will advance the best interests of the people of Victoria, rather than a decision made under any private obligation or interest.

3. Accountability

3.1 Ministerial responsibility


- 3.1.1 Consistent with the Westminster system of government, Ministers have both collective and individual responsibilities.
- 3.1.2 Ministers acknowledge that the collective decisions of Cabinet are binding on them individually. Ministers are required to maintain the confidence of Cabinet discussions, decisions, and papers.
- 3.1.3 The Westminster system requires that Ministers are answerable to Parliament, and through the Parliament to the people.
- 3.1.4 Ministers are expected to be honest in the conduct of public office and take all reasonable steps to ensure that they do not mislead the public or Parliament. It is the Minister's responsibility to ensure mistakes or misconceptions are corrected as soon as possible, and in a manner that is appropriate to the issues and interests involved.
- 3.1.5 Ministers are also accountable to the Premier. Ministers are expected to be aware of their obligations under this Code and their broader ministerial responsibilities. New Ministers must complete a mandatory induction program within three months of being sworn in, and all Ministers must complete regular mandatory training about their obligations (including under this Code).

3.2 Use of public resources

- 3.2.1 Ministers and their offices are provided with resources and facilities at public expense for the effective conduct of public business. Ministers must only use public resources in connection with public duties and must not waste public resources. Ministers must not use public resources for improper personal or private advantage or benefit for themselves or any other person, or for non-public purposes including for activities solely relating to administration, organisation or management of a political party.
- 3.2.2 Ministers must ensure that any claim for Ministerial or Parliamentary allowances is accurate and legitimate, and complies with relevant legislation, guidelines, and policies.
- 3.2.3 Ministers must comply with relevant guidelines for the use of Parliament House, Government House, and any other Victorian Government premises. Ministers should avoid creating an impression that these venues are being used for their own or for another person's private benefit or gain.
- 3.2.4 Ministers must comply with the requirements of the Victorian Government's *Ministerial Guidelines for Official International Travel* and any other requirements regarding ministerial travel.

3.3 Relationship with the Public Sector

- 3.3.1 The skills and abilities of the Victorian Public Sector are a public resource and Ministers are expected to deploy public servants only for appropriate purposes.
- 3.3.2 Ministers and their offices must respect that the role of the Victorian Public Sector is to serve the government of the day, to provide frank and impartial advice, and to implement government policy, and that the Victoria Public Sector must remain apolitical so that it is able to serve successive governments of different political persuasions.
- 3.3.3 Ministers acknowledge and expect public sector employees to act in accordance with the *Code of Conduct for Victorian Public Sector Employees*, and the Public Sector Values outlined in the *Public Administration Act 2004*. A Minister must not knowingly issue a direction or make any request that would require a public sector employee to act contrary to these obligations.
- 3.3.4 Ministers must observe relevant protocols and conventions in providing instructions to, and communicating with, departments.
- 3.3.5 A Minister must not knowingly issue any direction or make any request that would require a public sector body, a public sector employee or any other person to act contrary to law.

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- 3.3.6 A Minister who seeks advice from a public sector body that is subject to the Minister's direction must not direct that body to provide advice with which the body does not agree.
 - 3.3.7 A public sector body may change its advice if its own view changes, including following discussions with the Minister.
 - 3.3.8 For the avoidance of doubt, section 3.3 does not prevent Ministers:
 - (a) discussing or disagreeing with the advice of a public sector body,
 - (b) making a decision contrary to advice, or
 - (c) directing a public sector body to implement the Minister's decision (whether or not the body agrees with it).

3.4 Ministerial staff

- 3.4.1 Ministerial Staff are employed by the Premier and in line with Westminster principles of Ministerial accountability, Ministerial staff are accountable to their Minister, and the Minister is accountable to the Parliament.
- 3.4.2 Ministers are responsible for ensuring that members of their office are made aware of their legal and ethical responsibilities, including under the *Ministerial Staff Code of Conduct*, and requirements relating to engaging with lobbyists, accountability for the use of public resources, and relevant protocols and conventions for engaging with the public service.
- 3.4.3 Ministers must ensure that their offices have effective arrangements for the supervision and accountability of staff, escalation of issues, and clear lines of communication.
- 3.4.4 Ministers must not direct or allow a person to undertake activities relating to the administration, organisation, or management of a political party during work hours while that person is employed to assist the Minister in discharging their public duties.
- 3.4.5 Ministers will require the disclosure and management of staff interests as deemed appropriate by the Premier or the Premier's Chief of Staff. This may include divestment of interests in the area of the Minister's portfolio responsibility.
- 3.4.6 A family member of a Minister must not be:
 - (a) employed in that Minister's office, or
 - (b) appointed to a public sector body in the Minister's own portfolio if the appointment is subject to the approval of the Minister or the Cabinet.

3.5 Caretaker conventions

- 3.5.1 A Minister must adhere to guidelines issued in relation to the caretaker period.
- 3.5.2 Ministers must ensure that their Ministerial Staff in their offices also adhere to guidelines issued in relation to the caretaker period.

4. Integrity

4.1 Integrity

- 4.1.1 To support integrity, ethical decision-making and the appropriate use of public resources, it is important that Ministers both disclose their interests, and avoid and manage any conflicts of interest that may arise.

4.2 Disclosure of interests

General requirement to disclose interests

- 4.2.1 A Minister must comply with their obligations as an MP under the *Members of Parliament (Standards) Act 1978* in relation to the disclosure of their interests to Parliament. Section 4.2 of this Code of Conduct sets out additional disclosure obligations that apply to a Minister, which aims to reflect their additional responsibilities as a Minister.
- 4.2.2 The disclosure of an interest by a Minister under the Code does not replace that Minister's obligations to disclose a conflict of interest at the time that the conflict arises.

Disclosing private interests

- 4.2.3 A Minister must provide the Premier and the Secretary of the Department of Premier and Cabinet:
 - (a) a copy of any return that is provided to the Clerk of the Parliaments under Part 4 of the *Members of Parliament (Standards) Act 1978* at the same time that it is provided to the Clerk. Where a new Minister is appointed, that Minister must provide a copy of the last return provided to Parliament as soon as practicable after appointment.
 - (b) a copy of any notification of a material change to a primary or ordinary return form that is provided to the Clerk of the Parliaments under the *Members of Parliament (Standards) Act 1978* at the same time that it is provided to the Parliament.

Ministerial Register of Interests

- 4.2.4 The disclosures made under this section 4.2 must be kept on the Ministerial Register of Interests.
- 4.2.5 The Secretary of the Department of Premier and Cabinet will maintain the Ministerial Register of Interests on behalf of the Premier.

Example:


Minister X is a newly appointed Minister. Following their appointment, Minister X provides the Premier and the Secretary of the Department of Premier and Cabinet with their most recent return to Parliament and a declaration that they have considered their ministerial responsibilities against the interests disclosed on that return and any relevant events or interests that have since occurred, and identifying any conflicts (see section 4.3.9). The Minister discloses that their partner is the director of Company ABC and provides information about their partner's interests. The Secretary places the disclosure on the Ministerial Register of Interests.

4.3 Conflicts of interest

- 4.3.1 Ministers must avoid or otherwise manage appropriately any conflicts of interest with their private interests.
- 4.3.2 For the purposes of section 4.3, references to Minister's private interests include a Minister's own private interests, as well as the private interests of a 'specified person' as defined in the *Members of Parliament (Standards) Act 1978*, and any other persons with whom a Minister determines that they have a close personal association.
- 4.3.3 A Minister must comply with their obligations as an MP under the *Members of Parliament (Standards) Act 1978* in relation to conflicts of interest. Section 4.3 of this Code of Conduct sets out additional obligations relating to conflicts of interest that apply to a Minister, which aims to reflect their additional responsibilities as a Minister.

Identifying conflicts of interest

- 4.3.4 A conflict of interest arises when there is a conflict between the public duties and private interests of the Minister, in which the Minister's private interests could objectively have the potential to influence the performance of their public duty. A private interest includes both financial and non-financial interests (such as personal relationships).



4.3.5 Without limiting the above, a Minister is taken to have a conflict of interest in respect of a particular matter on which a decision may be made or other action taken if any of the possible decisions or actions (including a decision to take no action) could reasonably be expected to benefit the Minister's private interest, and the nature and extent of the interest is such that it could objectively have the potential to influence a Minister in relation to the decision or action.

4.3.6 A benefit to a private interest can involve a personal advantage, or the avoidance of a personal loss, whether financial or non-financial.

4.3.7 A conflict exists whether it is actual, potential or perceived:

- An **actual** conflict of interest is one where there is a *real conflict* between a Minister's public duties and their private interests.
- A **potential** conflict of interest arises where a Minister has private interests that *could* conflict with their public duties.
- A **perceived** conflict of interest can exist where, in the reasonable view of the public or a third party, a Minister's private interests *could* improperly influence their decisions or actions. The perception is that the Minister may not be objective in their dealings as a result of the conflict.

Disclosing conflicts of interest

4.3.8 A Minister must not knowingly conceal a conflict of interest from the Premier.

4.3.9 In accordance with 4.2.2, a Minister must promptly disclose any conflict of interest that arises in relation to any matter, unless that conflict has already been fully disclosed and is being managed in accordance with the Code.

Disclosure of a conflict of interest must:

- (a) be in writing to the Premier and the Secretary of the Department of Premier and Cabinet, signed by the Minister
- (b) specify the nature and extent of the relevant interest, the matter to which it relates, the reason why a conflict of interest arises, and a proposed plan to manage the conflict, and
- (c) be placed on the Ministerial Register of Interests.

Example:

Minister X has disclosed that their partner is director of Company ABC, and the interest is recorded on the Ministerial Register of Interests. At the time of disclosure, Company ABC does not have any involvement with the Minister's portfolio or matters for Cabinet consideration. On this basis, it is considered that no conflict exists between the Minister's personal relationship and their public duties.

However, since the disclosure was made, Company ABC has bid on a government contract that will be considered by Cabinet. This creates a conflict between the Minister's personal relationship and their Cabinet responsibilities. Even though the Minister has already disclosed the interest, they are now required to disclose the conflict as soon as they become aware of it. The Minister makes the disclosure in writing to the Premier and the Secretary of the Department of Premier and Cabinet, and includes all relevant information about the conflict. The Secretary places the disclosure on the Ministerial Register of Interests.

- 4.3.10 A Minister who is aware that a particular decision to be made or other action to be taken by that Minister could reasonably be expected to confer a benefit on another MP belonging to the governing political party or coalition of parties or any of their family members must give notice to the Premier and the Secretary of the Department of Premier and Cabinet of the matter before making the decision or taking the action. The notice must:
- (a) be in writing, signed by the Minister
 - (b) specify the decision to be made or action to be taken and the benefit that is expected to be conferred, and
 - (c) be placed on the Ministerial Register of Interests.
- 4.3.11 A Ministerial decision that relates to another MP's electorate does not necessarily confer a private benefit on the MP if the benefit:
- (a) only arises because the MP is a part of the relevant community and that benefit is common with, and similar to, the benefit to other members of the community, or
 - (b) comprises only the prospect that the MP's standing in their community is enhanced.
- 4.3.12 If during a meeting of the Executive Council, the Cabinet or a Cabinet Committee, a matter arises in which a Minister has a conflict of interest the Minister must (whether or not the Minister has previously disclosed the conflict of interest to the Premier):
- (a) as soon as practicable after the commencement of the meeting, disclose to those present the conflict of interest and the matter to which it relates

- (b) ensure that the making of the disclosure is recorded in the official record of the proceedings, and
- (c) ensure the disclosure is otherwise consistent with section 4.3.9.


Example:

Minister X has disclosed to the Premier and the Secretary of the Department of Premier and Cabinet that they have a conflict of interest in relation to a matter for Cabinet consideration that involves their partner. At the commencement of the relevant Cabinet meeting, the Minister discloses the conflict to the other Cabinet members and the disclosure is recorded in the official record of the proceedings.

Minister Y realises that they also have a conflict of interest in relation to the matter due to the impact it may have on a property they own. Minister Y discloses the interest to Cabinet and a record is made. Following the Cabinet meeting, Minister Y also discloses the conflict of interest to the Premier and Secretary in writing, and the disclosure is placed on the Ministerial Register of Interests.

Managing conflicts of interest

- 4.3.13 Ministers must resolve and manage any conflicts of interest to the satisfaction of the Premier.
- 4.3.14 Where a conflict of interest or potential conflict of interest has been identified, appropriate professional advice may be obtained (for example, engaging a probity auditor) and the development of a tailored Conflict of Interest Management Plan may be required. Conflict of Interest Management Plans must be reviewed regularly to ensure they remain fit-for-purpose.
- 4.3.15 A Minister must not make or participate in the making of any decision or take any other action in relation to a matter in which the Minister is aware they have a conflict of interest unless the Premier is satisfied that no conflict of interest arises or that any potential conflict of interest can be appropriately managed.
- 4.3.16 Arrangements to manage conflicts of interest can include:
 - (a) referral of decision-making powers to the leading Minister in a department or to another Minister appointed by the Premier to act on behalf of the Minister in question
 - (b) divestment of an interest (noting that the transfer of interests to a family member is not an acceptable divestment)
 - (c) being absent from all Cabinet, Cabinet Committee or Executive Council discussions about an issue on the basis of a conflict of interest
 - (d) such other arrangements to the satisfaction of the Premier.

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- 4.3.17 A Blind Trust will require appropriate legal and accounting certification. Where a conflict of interest may arise based on the assets held in trust, if known, a Minister must declare the interest to the Cabinet and Premier, absent themselves from any Cabinet discussions on the issue, and make arrangements for any decisions to be made by another Minister.
- 4.3.18 A Minister may, if they have a substantial personal connection with a matter for any reason, declare an interest and abstain from decision making in relation to a matter, even if the interest may not be a conflict of interest.
- 4.3.19 If there is any change in the responsibilities of the Minister, the Minister must review their portfolio of interests to determine if that change warrants a divestment of any interests held by the Minister.

Example:

Minister X and Minister Y have disclosed conflicts in relation to a Cabinet matter. They recuse themselves from the Cabinet meeting when the matter is discussed and do not partake in any decision-making. They are not advised of the outcome of the meeting.

Both Ministers propose actions to avoid or appropriately manage any conflicts that may arise in future in relation to their respective interests.

Minister X proposes a conflict management plan that includes their department not briefing them about any matter relating to Company ABC, referring decision-making powers to the Coordinating Minister where a decision in Minister X's portfolio relates to Company ABC, and Minister X recusing themselves from any Cabinet consideration of matters relating to Company ABC.

Minister Y proposes that they dispose the relevant property.

The Premier is satisfied that the potential conflict of interest for Minister X can be appropriately managed, and that Minister Y has resolved their potential conflict of interest.

4.4 Dealing with directorships, shareholdings and other interests

Directorships and other positions in private companies

- 4.4.1 Ministers must resign from or decline directorships of public or private companies.
- 4.4.2 An exception is where a Minister holds a directorship in a private company or entity that operates a personal or family business of the Minister, such as a family farm or family investments (such as self-managed superannuation funds), provided that the directorship is not likely to conflict with the public duties of the Minister and the Premier approves the retention of the directorship.

Shareholdings


- 4.4.3 Ministers must not hold or acquire, whether legally or beneficially, any security or other interest in any public or private company or business except where the Premier, being satisfied that the interest is unlikely to raise any conflict of interest or that any potential conflict of interest can be appropriately managed, has agreed that the particular interest may be held or acquired, or where it is otherwise permitted by this section.
- 4.4.4 A Minister must divest any such interest before or, if that is not practicable, as soon as possible after, appointment. Transferring the interest to a family member or to a trust in which the Minister or a family member has a beneficial interest is not an acceptable form of divestment.
- 4.4.5 Despite section 4.4.3 above, Ministers may retain or acquire an interest in a superannuation fund, publicly-listed managed fund, or other trust arrangement, provided that the fund is broadly diversified, the Minister has no influence over particular investment decisions of the fund, and the fund does not invest to any special extent in a particular business or business sector that could reasonably give rise to a conflict of interest.
- 4.4.6 Consistent with 4.3.17 above, a Minister may retain or establish a Blind Trust, provided that the Minister is not aware of the particular interests and investments of the fund, that the day-to-day management of the fund is undertaken by a person who is independent of the Minister, and that the Minister and that person have entered into a legally binding written agreement that the particular investments of the fund are not to be disclosed or discussed with the Minister. The Minister may seek a ruling from the Premier that a particular fund meets these criteria.
- 4.4.7 Section 4.4.3 does not apply to a legal interest in a company or other entity (including a State-owned corporation) that is held by a Minister in their official capacity on behalf of the State.

4.5 Post-separation employment

- 4.5.1 A Minister who,

- (a) while in office, or
- (b) within 18 months after ceasing to hold office,

wishes to consider accepting an offer of post-separation employment as a lobbyist must, if it relates to any of their current portfolio responsibilities or any portfolio responsibilities held during the previous two years, first obtain the advice of the Parliamentary Integrity Adviser. This obligation does not apply to any offer of employment by the State of Victoria or any body representing the State.

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- 4.5.2 The Parliamentary Integrity Adviser may advise against the acceptance of an offer of post-separation employment as a lobbyist as outlined in 4.5.1, either generally or unless certain conditions are met.
 - 4.5.3 A Minister should not, while in office, accept any offer of post-separation employment as a lobbyist as outlined in 4.5.1 if the Parliamentary Integrity Adviser has advised against it.
 - 4.5.4 If a Minister or former Minister accepts an offer of post-separation employment as a lobbyist as outlined in 4.5.1 (whether or not against the advice of the Parliamentary Integrity Adviser), any advice obtained from the Parliamentary Integrity Adviser in respect of that offer is to be tabled in the House of Parliament to which the Minister belongs or belonged.

4.6 Misuse of information

- 4.6.1 A Minister must not improperly use any information acquired in the course of their official functions, including in the course of Cabinet deliberations, for the private benefit of themselves or any other person.
- 4.6.2 A Minister must not improperly disclose confidential information obtained through their public functions, including Cabinet-in-Confidence and any other classified information.
- 4.6.3 To protect Victoria's information assets, Ministers must ensure the physical security of printed material and portable computing devices (such as laptops, USBs, work provided mobile phones) that are provided to them as part of their official functions.
- 4.6.4 The obligations in this section continue to apply to former Ministers.

4.7 Electronic communications

- 4.7.1 Ministers are provided with access to the internet, email, and electronic communications through the ministerial network. The use of private email accounts for ministerial portfolio related business is strictly prohibited.

4.8 Personal conduct

- 4.8.1 Ministers are expected to behave according to the highest standards of personal conduct in the performance of their duties and to behave in a way that upholds community expectations.
- 4.8.2 Ministers must take all reasonable steps to maintain respectful and appropriate working relationships with their staff, staff of other Ministers and MPs, Parliamentary staff, VPS staff, and Ministerial and Parliamentary colleagues. Ministers must not engage in sexual relations with their staff.

4.8.3 Harassment, bullying, sexual harassment, victimisation, discrimination or other inappropriate behaviour wherever it takes place is not consistent with this Code.

4.8.4 Ministers must take reasonable care for their own health and safety in the workplace and also take reasonable care for the health and safety of others in the workplace. This includes being aware of and complying with any relevant legal obligations, and otherwise promoting a safe and respectful workplace.

4.9 Diversity

4.9.1 Ministers must maintain a commitment to diversity, inclusion and equity, and ensure that they treat everyone with respect.

4.9.2 Ministers must act in accordance with the spirit as well as the letter of the law in relation to harassment, bullying, sexual harassment, victimisation and discrimination.

5. Public Interest

5.1 Gifts, benefits and hospitality

5.1.1 Gifts, hospitality, and benefits over the threshold amount accepted by a Minister must be disclosed in writing by the Minister to the Secretary of the Department of Premier and Cabinet.


5.1.2 Under this Code, a "gift" in relation to a Minister has the same meaning as a "gift" in relation to an MP as defined under the *Members of Parliament (Standards) Act 1978*.

5.1.3 The threshold amount is the amount set by s 23(2)(d) of the *Members of Parliament (Standards) Act 1978* and indexed yearly in accordance with s 24 of that Act.

Overarching duty to avoid conflicts and refuse inducements

5.1.4 Ministers must not seek or solicit gifts or benefits. A Minister must not accept any gift, hospitality or other benefit of any kind that:

- (a) could reasonably be expected to give rise to a conflict of interest, or
- (b) could reasonably be perceived as an inducement (or attempted inducement) or reward for doing or not doing something in the exercise of official functions or for showing or not showing favour or disfavour to any person in the exercise of official functions.

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- 5.1.5 Ministers must take all reasonable steps to ensure that their family members and staff do not receive benefits or gifts that create a conflict of interest or that could give the appearance of an indirect attempt to secure the influence or favour of the Minister.

Gifts of a token kind and reasonable acts of hospitality

- 5.1.6 Gifts of a token kind and reasonable acts of hospitality may be accepted by the Minister and need not be disclosed under this Code.
- 5.1.7 In deciding whether to accept such gifts or hospitality, Ministers must satisfy themselves that doing so will not give rise to a conflict of interest.
- 5.1.8 If the gift or hospitality which has been accepted has a market value of more than the threshold amount, the Minister must promptly disclose in writing the receipt of the gift or hospitality in accordance with section 5.1.1.

Customary and goodwill gifts

- 5.1.9 Subject to the requirement in section 5.1.4 and any obligations concerning gifts in the *Members of Parliament (Standards) Act 1978*, Ministers, in their official capacity, may accept customary official gifts, hospitality and similar formal gestures.
- 5.1.10 A Minister can elect to hand a gift to the State.
- 5.1.11 If a Minister elects to hand the gift to the State, the Minister must arrange for the gift to be delivered together with a written declaration signed by the Minister:
- (a) identifying the giver of the gift, and
 - (b) stating that the Minister wishes to surrender the gift to the State and relinquish any future claim to ownership, and
 - (c) stating any recommendation the Minister may wish to make as to the manner in which the gift should be kept, displayed or otherwise dealt with by the State.
- 5.1.12 Gifts handed to the State by the Minister become the property of the State.

Ministerial Register of Gifts

- 5.1.13 The Secretary of the Department of Premier and Cabinet will keep a Ministerial Register of Gifts containing a copy of any declaration or disclosure of a gift or hospitality accepted by a Minister and disclosed under this Code.

Multiple gifts and gifts provided by others

5.1.14 For the purposes of section 5.1:

- (a) multiple gifts provided by the same person within any six month period are to be treated also as if they were a single gift by that person, and
- (b) a gift provided by one person on behalf of another person is to be treated also as a gift provided by that other person.

Example:

The Minister for Sport, in their capacity as minister, attends a function held by an AFL club. The function includes light refreshments. As this would be considered a reasonable act of hospitality that would not give rise to a conflict of interest, would not be perceived as an inducement or reward, and is below the threshold amount, the Minister may accept the hospitality and is not required to disclose it. At the function, a representative of the AFL club presents the Minister with the team's jumper. The Minister accepts the gift as it is a customary official gift but elects to hand the gift to the State. The Minister delivers the gift with a signed declaration recommending that the jumper is loaned to a local school or community organisation to display, and the gift is included on the Ministerial Register of Gifts, Benefits and Hospitality.

Following the function, a club representative invites the Minister to attend the game and provides the Minister with a ticket. The Minister accepts the ticket as it is a customary official gift, and the Minister is not required to disclose it as it is below the threshold amount.

Following the game, the Minister is offered a membership to the club worth \$600 in recognition of their support for public funding for the club's new facilities. The Minister refuses the membership as it could be reasonably perceived as a reward for the Minister's support.

5.2 Lobbyists

5.2.1 Ministers must comply with their obligations under the *Victorian Government Professional Lobbyist Code of Conduct* as issued by the Premier.

5.2.2 Ministers must report non-compliance of relevant obligations by those who seek to lobby them to the Victorian Public Sector Commission.

5.3 Publication of ministerial diaries

5.3.1 Ministers must publish summaries from their diaries on a quarterly basis, detailing scheduled meetings with stakeholders, external organisations, third-party lobbyists, Government Affairs Directors, and external individuals. Summaries should disclose the meeting date, company or organisation with whom the meeting occurred, meeting attendees, including registered lobbyist details (where applicable), purpose of the meeting and any other additional information required by the Premier.



6. Compliance

- 6.1 This Code has been developed to provide broad guidance to Ministers about the conduct the public expects of them and to which they should aspire. This Code is not a comprehensive statement of ethical conduct and integrity and probity obligations for ministers.
- 6.2 Enforcement of this Code, including any sanctions for a breach, is a matter for the Premier.
- 6.3 The Premier may require Ministers and Parliamentary Secretaries to stand aside if:
 - (a) charged with any criminal offence, or
 - (b) if the Premier regards their conduct as constituting a breach of this Code.
- 6.4 Ministers and Parliamentary Secretaries must resign if convicted of a criminal offence.
- 6.5 Ministers and Parliamentary Secretaries 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.
- 6.6 The Premier may seek advice from the Secretary of the Department of Premier and Cabinet on any matter in this Code. In providing advice, the Secretary may, as required, seek professional advice.

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