



# Acknowledgement of Country





# Overview:

# Lobbying Regulation & Risks

## 1. A little bit about us...

- A. *Who We Are*
- B. *What We Do*
- C. *Why We Do It*
- D. *Recent Activity*

## 2. Lobbying Regulation

- A. *Core Concepts*
- B. *Who's Covered*
- C. *Obligations & Prohibitions*
- D. *Risks and Remedies*

## 3. Closing Remarks



# Who We Are:

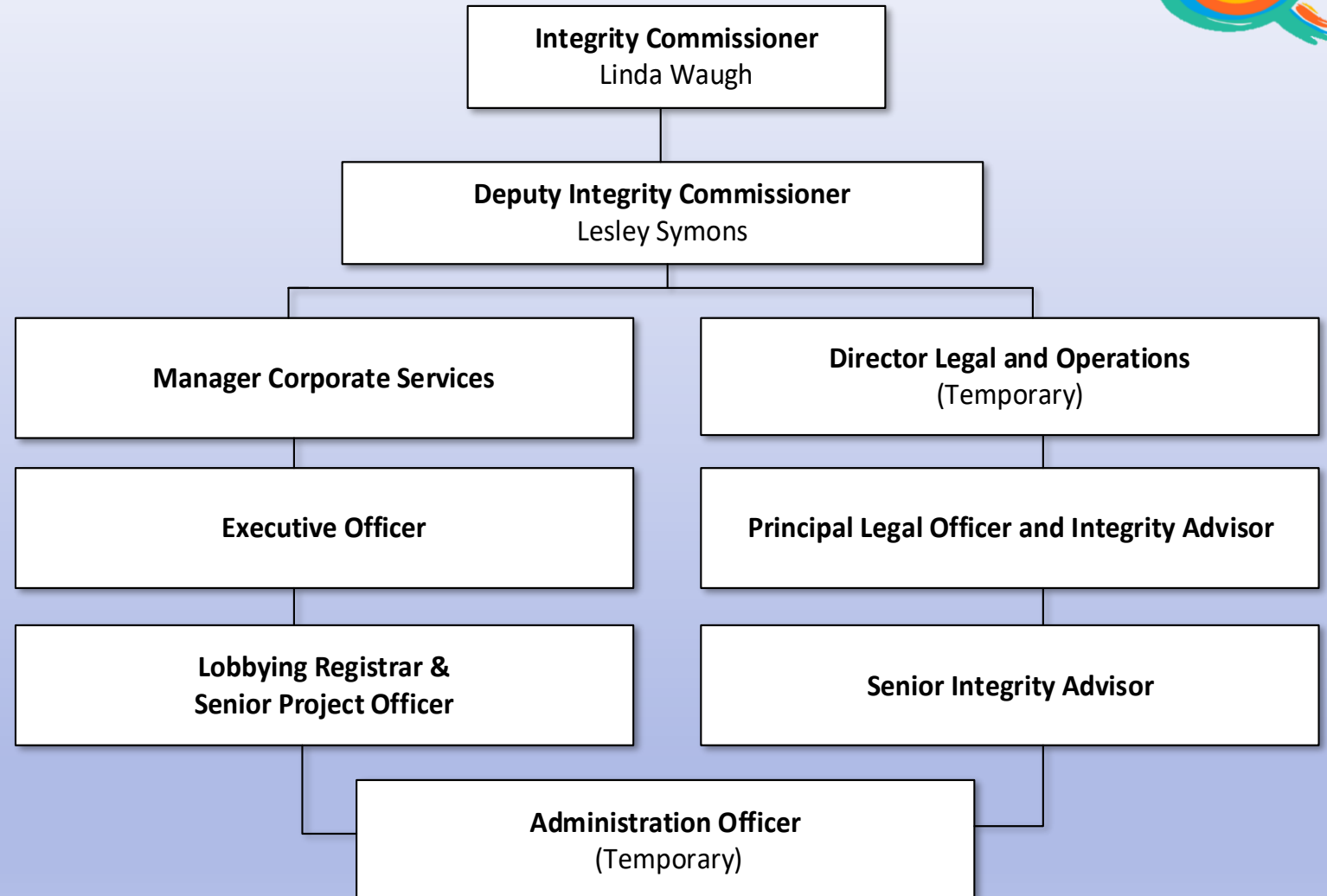
## Structure & Funding of OQIC

### Budget 2022/2023

Estimated \$1.29M  
Actual \$1.57M

### Budget 2023/2024

Estimated \$2.6M



# Who We Are: Establishment and Evolution of the Queensland Integrity Commissioner



1999

- Queensland Integrity Commissioner role established

*Public Sector Ethics Act*

2009

- New Act expanding role to advise all members of Legislative Assembly and added lobbying regulation
- Designated persons able to seek advice for 2 years post-separation
- Local Government Minister... Councillors nominated?

*Integrity Act 2009  
(IA 2009)*

2023

- Independent Office of the Qld Integrity Office (OQIC) established and not subject to direction
- Established Deputy Integrity Commissioner position
- Created offence for conduct by lobbyists if not registered

*IA 2009*

2024

- Adds professions to entities that are required to be registered as a lobbyist in Qld
- Makes the OQIC a Statutory Body (full independence)

*Integrity and Other  
Legislation Amendment  
Bill 2023  
(IOLA Bill 2023)*



# What We Do:

## Functions of the Integrity Commissioner

Advise	Advise designated persons on ethics and integrity issues
Raise	Raise public awareness of ethics and integrity matters
Requests	On request of the Premier, provide advice on standards setting for ethics or integrity issues
Set	Set conduct standards for registered lobbyists
Regulate	Regulate lobbyist activity and maintain the register

# Why We Do It: The Regulation of Lobbying in Queensland



*“Lobbying has a role in informing good policy development, but it is necessary to ensure the practice does not curb or interfere with two elements which are ‘central to good government’: equal access to decision-makers; and ensuring decisions are free from undue influence.”* - Professor Coaldrake, ‘Let the sunshine in’, 28 June 2022

Through:

- Enhancements to the functionality of the Lobbying Register (Phases 1 and 2);
- Implementing QIC specific legislative amendments in relation to lobbying – IOLA 2022 and IOLA Bill 2023;
- A planned review and uplift of the Lobbying Code of Conduct; and
- Ongoing support, guidance, training, and advice to key stakeholders and the regulated population

We support the **recommendations from the Coaldrake and Yearbury Reports** about lobbying regulation – implementation will contribute to **greater transparency and accountability** across this activity and sector.

# Why We Do It: Qld Public Sector Integrity Framework



- Reinforces the transparency and accountability of policy decision-makers and all levels of government
- Sound governance builds trust and confidence in policy and public institutions
- Demonstrates we're working in the public interest

## **QIC provides trusted, confidential and expert ethics & integrity advice**

- Informed advice which is practical and proportionate
- Seeks feedback to continuously improve services
- Provides conflict-of-interest, post-separation and ethics advice




# Recent Activity – Trends in Advice and Lobbying

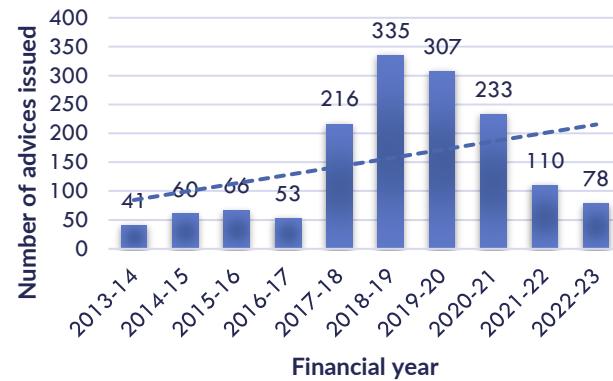
## Advice Function

 6 Full-time staff  
1 Deputy Integrity Commissioner  
1 Integrity Commissioner

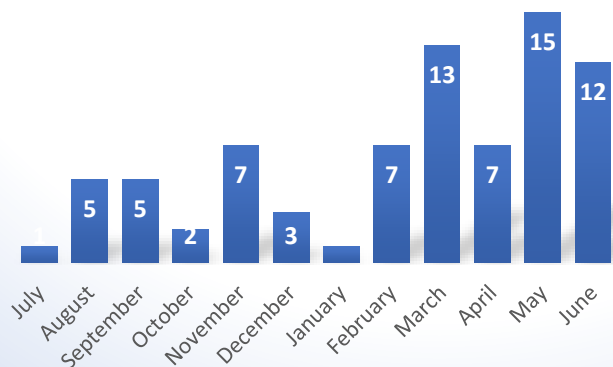
 61 Meetings with Designated Persons

 78 advice requests and 72 advices provided

### Advice trends over time 2013-2023



### Advices requested FY22/23



### 72 Advices provided to Designated Persons



- Statutory Office Holder (S12b)
- Advisor - Ministerial Staff or Person (S12f)
- Mayors and Councillors (S12h)
- CEO or SO nominated by Minister (S12e)
- Ministers, Assistant Ministers, Other MPs (S12a)

# Recent Activity – Trends in Advice and Lobbying

## Lobbying Function



334 Registered listed persons - Current

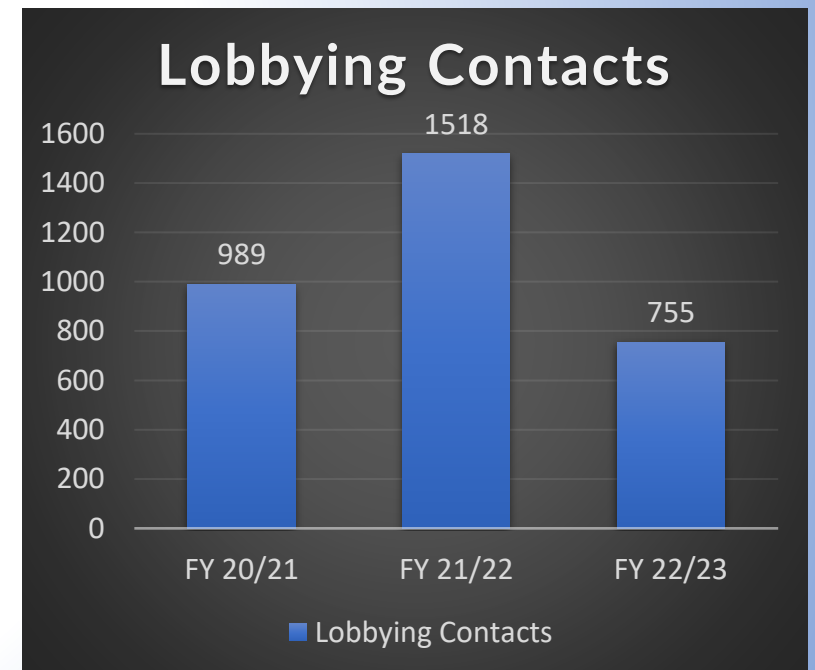
109 Registered lobbying entities - Current

'In Queensland, the most recent annual report of the Integrity Commissioner observed that:

*108 notifications were received relating to potential breaches of the lobbying provisions of the Act and the Lobbyist Code of Conduct.*

*This heightened level of concern regarding the conduct of lobbyists (both registered and unregistered) corresponded with a significant increase in recorded lobbying activity, increasing from an average of 239 recorded contacts per year between 2010 and 2019 to 988 recorded contacts this past financial year (based on data recorded in the Lobbying Contact Register).'*

### Trends in Lobbying 'Contacts'



# Lobbying Regulation: Core Concepts – Lobbying Activity



*Lobbying activity* is defined in the IA 2009 as:

*Contact* with a **Government or Opposition representative** in an effort to influence State or local government decision-making

*Contact* includes telephone contact, email contact, written mail contact and face-to-face meetings

A *lobbyist* is essentially a person or an 'entity' engaged to carry out **lobbying activity** for a **third-party client** for a fee or other reward which is agreed to before they provide the services

An *entity* includes a person and an unincorporated body (see Schedule 1, *Acts Interpretation Act 1954* (Qld))

A **third-party client** is an entity that engages another entity to provide services constituting, or including, a lobbying activity for a free or other reward

# Lobbying Regulation: Core Concepts – Government & Opposition Representatives



Part of what makes an activity, **lobbying activity**, is with whom the activity is conducted, i.e., not all communications with the intention to influence will amount to **lobbying activity**

Section 42 of the IA 2009 defines **lobbying activity** as a particular type of **contact** with **Government/Opposition Representatives**. For the purposes of this definition, Government/Opposition Representatives include:

**Government Representatives** such as:

- The Premier or another Minister
- An Assistant Minister
- A councillor
- A public sector officer
- A ministerial staff member, or
- An assistant minister staff member

**Opposition Representatives** such as:

- The Leader of the Opposition
- The Deputy Leader of the Opposition
- A staff member in the Office of the Leader of the Opposition

# Lobbying Regulation: Core Concepts – Exceptions



The following are not *lobbyists*:

- A non-profit entity
- An entity constituted to represent the interests of its members, e.g., trade unions, professional bodies
- Members of trade delegations visiting Queensland
- An entity carrying out incidental lobbying activities
- An entity carrying out a lobbying activity only for the purpose of representing the entity's own interests

*N.b. The exemption in relation to non-profit entities only applies if the non-profit entity itself (through its employees, contractors or other persons generally engaged) is conducting the lobbying activity.*

*For instance, if a non-profit entity engages a registered lobbyist to provide paid lobbying services on its behalf,  
this would typically give rise to 'lobbying activity'.*

# Lobbying Regulation: Core Concepts - Exceptions



The following contact is not *lobbying activity*:

- Contact with a committee of the Legislative Assembly or a local government
- Contact with a member of the Legislative Assembly or a councillor in relation to a constituency matter;
- Contact in response to a call for submissions
- Petitions or contact of a grassroots campaign nature in an attempt to influence government policy or decision
- Contact in response to a request for tender
- Statements made in a public forum
- Responses to requests by Government/Opposition representatives for information
- Incidental meetings beyond the control of a Government/Opposition representative, e.g., unscheduled discussions with lobbyists at a conference
- Contact on non-business issues, e.g., not relating to the lobbyist's third-party client or the lobbyist's sector
- Contact only for the purposes of making a statutory application, i.e., an application under an Act decided by a 'government representative under that Act', e.g., applications for licences, permits etc.

# Lobbying Regulation: Becoming a Lobbyist - The Registration Process



## ***The Registration Process:***

- Set up an account online via the Register (see the 'how to register' information on the website at: <https://www.integrity.qld.gov.au/lobbyists/how-to-register.aspx>)
- Provide details about the entity and individual lobbyists who are 'listed persons'
- Each individual must complete a statutory declaration for the relevant jurisdiction



## ***Clauses in the Statutory Declaration:***

- Never been sentenced to a term of imprisonment of 30 months or more
- Not been convicted, as an adult, in the last 10 years of an offence
- Not aware of any current charge or investigation about conduct for dishonestly or an alleged offence
- Not been deregistered or refused registration as a lobbyist or employee of a lobbyist in any Australian jurisdiction

# Lobbying Regulation: Contact with Lobbyists - Disclosure



When a registered lobbyist makes initial contact with a **Government/Opposition representative** about a particular issue on behalf of a **third-party client**, the lobbyist must inform the representative:

- That they are a lobbyist currently listed on the Register of registered lobbyist, or
- A listed person for a lobbyist entity who is currently on the Register
- They are making contact on behalf of a third-party client
- The name of the third-party client
- The nature of that third-party client's issue, and
- The reasons for the approach

The decision is for the **Government/Opposition Representative** whether to meet with a registered lobbyist or not

**No Lobbyists  
Beyond  
This Point**

# Lobbying Regulation: Recording Contact with Lobbyists



- **Timely Recording of 'Contacts'** - Lobbyists are required to record details of all registered lobbying contact by the 15<sup>th</sup> day of the following month (e.g., all August 2023 contacts must be entered by 15 September 2023)

Contact details are published on our website at:

<https://lobbyists.integrity.qld.gov.au/ContactLog.aspx>

- **Departmental Contact Audits** - Departments and agencies maintain their own register of contact with lobbyists. Each year, the Integrity Commissioner writes to each department and agency requesting that they conduct an audit of their register to ensure lobbyists have been properly recording their contacts
- **Ministerial Diaries** – On a monthly basis Ministers are required to proactively disclose portfolio related meetings with external parties in their diaries

# Lobbying Regulation: Key Obligations and Offences



- **Regulated Activity** - Lobbying is a regulated activity in Queensland and 'lobbyists' must be registered (s 71 IA 2009)
- **Offences and Penalties** – It is an offence to carry out 'lobbying activity' for a third-party client if you are unregistered – Maximum Penalty is 200 penalty units (approx. \$31,000 per breach) (s 71A IA 2009)
- **Offence of 'Holding Out'** – It is also an offence to 'purport to carry on' a business which includes the provision of lobbying activities, to hold oneself out as a registered lobbyist/listed person, or to use a title/name/description which reasonably indicates the entity/person is authorised to carry out lobbying activity (s 71A IA 2009)
- **Registration and Recording Particulars in the Lobbying Register** – A lobbying 'entity' must register while 'listed persons' and certain 'contacts' must be recorded in the Lobbying Register (Chapter 4, Part 2 – Registration of Lobbyists, IA 2009)
- **Timely Updates to Particulars and the Annual Audit by 31 July**
  - Registration information must be updated within 10 business days of becoming aware of a change (s 50 IA 2009)
  - Registered lobbyists must update their registration particulars by 31 July annually (s 51 IA 2009)

# Lobbying Regulation: Limitations & Prohibitions

## Lobbyists



- ***Lobbyist Code of Conduct*** – The QIC may approve a Lobbyists Code of Conduct which will be published on the website. Lobbyists must comply with the Code of Conduct (s 68 IOLA 2009)  
See: <https://www.integrity.qld.gov.au/lobbyists/obligations-code-of-conduct.aspx>
- ***Success Fees Prohibited*** – This prohibition extends to both the giving (by a client) and receiving (by a lobbyist or related person) of a success fee for lobbying activity - Maximum penalty 200 penalty units (s 69 IA 2009)
- ***Prohibitions on Related Lobbying by Former Senior Government/ Opposition Representatives – 2 years***  
Former senior government/Opposition representatives are prohibited from carrying out ‘related lobbying activity’ (i.e., activity relating to the person’s official dealings as a representative) for 2 years after they became a former representative (s 70 IA 2009)





# Lobbying Regulation: Limitations and Prohibitions

## Representatives

- ***Prohibitions on Related Lobbying with Government/Opposition Representatives – 2 years***  
This prohibition also extends to Government/Opposition representatives who must not ‘knowingly permit’ a former senior Government/Opposition representative to carry out a ‘related lobbying activity’ with them within the relevant 2 year period (s 70(2) and (3) IA 2009)
- ***Prohibition on Unregistered Lobbyist Activity with Government/Opposition Representative*** – The prohibition against unregistered lobbyist activity also extends to Government/Opposition representatives who must not ‘knowingly permit’ an unregistered lobbyist to carry out lobbying activity with them (s 71(2) IA 2009)
- ***Obligation to Report Unregistered Lobbyist Activity*** – If a Government/Opposition representative is aware that an unregistered lobbyist is seeking to carry out lobbying activity with them, the relevant ‘responsible person’ for the ‘representative’ must provide the entity’s details to the QIC as soon as practicable (s 71(3) IA 2009)
- ***Discretion to Report Potential Non-Compliance*** – Where a lobbyist carries out lobbying activity with a Government/Opposition representative, the relevant ‘responsible person’ may give the QIC information about the lobbyist or lobbying activity which may be relevant to the functions or powers of the QIC under the IA 2009 (s 72A IA 2009)

# Lobbying Regulation: Risks and Remedies



## **A. Risks for Lobbyists/Listed Persons**

- Could a lobbyist be denied registration (and the opportunity to earn a living) – if so how/why?
- Can a lobbyist/listed person be de-registered and if so, how/why?
- How can lobbyists/listed persons protect themselves from actions for non-compliance, penalties, etc.?

## **B. Risks for Government/Opposition Representatives**

- How can Government/Opposition representatives protect themselves from lobbying risks, e.g., if subject to incidental lobbying activity what obligations arise?

## **C. Issues for Interpretation – IOLA Bill 2023 – Amendments to Come**

- What is ‘incidental lobbying’?
- Must professional service firms (e.g., consulting, legal, accounting, town planning, architectural, etc.,) register if part of their services include ‘lobbying activity’?
- Is lobbying for a non-profit organisation exempt?
- What if I’m working pro bono?
- If all I do is set up a meeting with a relevant Government/Opposition representative but I don’t attend the meeting, is this still ‘lobbying activity’?

# Lobbying Regulation: Where to From Here?



- Await Committee Outcome on IOLA Bill 2023 – Key Changes:
  - Definition of ‘official dealings’: part of person’s ordinary duties on a regular basis
  - Dual-hatting : lobbying and election campaigning
  - Who is required to be registered : professional and technical services entities
  - Definitions of what is, and what is not, lobbying
- Review of Lobbying Code of Conduct
  - Discussion paper (include training needs & policy positions)
  - Roundtable and/or workshops
- Monitoring – Will now have resources to enable better monitoring of trends and issues
- Establishment of Network / Community of Practice – Connecting with department and entity staff with responsibility for integrity and ethics

# OQIC Resources & Contact Details

## Integrity and ethics advice email:

[integrity.commissioner@integrity.qld.gov.au](mailto:integrity.commissioner@integrity.qld.gov.au)

## Lobbying queries email:

[lobbyist@integrity.qld.gov.au](mailto:lobbyist@integrity.qld.gov.au)

Or call us on (07) 3003 2888



OQIC Website:

<https://www.integrity.qld.gov.au/>

Link to the *Integrity Act 2009* (Qld):

<https://www.integrity.qld.gov.au/about-us/what-we-do.aspx>

Lobbying Resources:

<https://www.integrity.qld.gov.au/lobbyists.aspx>

How to Register:

<https://www.integrity.qld.gov.au/lobbyists/how-to-register.aspx>

Obligations and Code of Conduct:

<https://www.integrity.qld.gov.au/lobbyists/obligations-code-of-conduct.aspx>

Lobbying Forms & Statutory Declarations by Jurisdiction:

<https://www.integrity.qld.gov.au/lobbyists/forms.aspx>

Lobbying Register User Guide:

[https://www.integrity.qld.gov.au/assets/document/catalogue/web\\_upgrade/queensland\\_lobbying\\_register\\_user\\_manual.pdf](https://www.integrity.qld.gov.au/assets/document/catalogue/web_upgrade/queensland_lobbying_register_user_manual.pdf)





THANK  
YOU