



*Dedicated to a better Brisbane*

3 March 2011

Dr David Solomon AM  
Queensland Integrity Commissioner  
PO Box 15290  
CITY EAST QLD 4002

Dear Dr Solomon

**Re: Review of the operation of the lobbying provisions of the *Integrity Act 2009***

Thank you for your letter of 3<sup>rd</sup> February 2011 inviting Council to comment on your review of the operation of the lobbying provisions of the *Integrity Act 2009*.

Council officers have a few brief comments to make in response to the November 2010 report by the Independent Commission Against Corruption entitled "Investigation into corruption risks involved in lobbying" ("the ICAC report").

Council's response is focused on Chapter 11 of the ICAC report. Whilst the recommendations made by this chapter about a process to regulate contact between local government staff and applicants for development proposals are of interest; they do not accord with the operational reality of Brisbane City Council, and possibly that of a number of other large local governments in Queensland. Additionally, a strict Code of Conduct applies to all Council staff, whether "permanent, temporary, casual or part-time employees, contractors or volunteers".

"Lobbying activities" in terms of provisions of the *Integrity Act 2009* are far wider in concept than those contemplated in the local government chapter of the ICAC report. However, "lobbyist" would not normally include a developer within the Queensland legislation – nonetheless this response is written to the ICAC report on the basis that a developer could constitute a lobbyist.

Accordingly, the recommendation that contact be regulated between Council staff and development applicants relates to only a narrow segment of potential contact in lobbying activities in Queensland; a segment where the existing checks and balances against overtly corrupt contact are numerous. Lobbying may also occur in "community areas" – for benefits to clubs, associations, etc – within the local government sphere (again, disregarding the Queensland definition of "lobbyist").

In any event, in Brisbane the numbers of development applications from numerous sources ensure a large pool of developers, and thereby narrow the potential for "grooming opportunities".

Additionally, the operational reality for Council is that a team of technical experts work on all applications (development or otherwise), so the possibility of improper outcomes due to corrupt influence on an individual officer is non-existent or minimal. My understanding is that the smallest team possible comprises 2 people, and this is for a 1 into 2 reconfiguration of a lot.

Next, the declaration of affiliation, while attractive in theory, would only be useful where an affiliated officer may be dealing with, or in a position to influence, a Council decision.

Accordingly, in Brisbane City Council with approximately 6,000 employees, an affiliation declaration with any Council employee is, of itself, without benefit. Declarations of affiliation should encompass only employees who are working in the relevant area of decision making, and able to influence the outcome; or senior employees who are outside the area concerned but able to influence the decision maker.

Fortunately, in a Council of this size, the need to manage applications to supervise affiliated Council officers is not likely to be necessary, when there are a large number of alternate technical experts available, should one be affiliated. Council acknowledges that this may not be the case for smaller local governments.

"Informal chats" between Council officers and outsiders about options – such as pre-lodgement meetings in the development field, when ideas are debated - should be excluded from oversight under the *Integrity Act 2009*. The nature of the contact is more important than the timing of the contact – I suggest that whether or not such meetings are held during office hours is less relevant than whether they are in the normal course of Council business or not.

As a final point, my view is that a specific register of local government lobbyists is unnecessary.

Council officers are available to discuss these issues, and may be contacted through my office. Thank you again for the opportunity to comment.

Yours sincerely



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