

**QUEENSLAND POLICE SERVICE (QPS) RESPONSE ON
THE QUEENSLAND INTEGRITY COMMISSIONER'S REVIEW OF THE *INTEGRITY ACT 2009* AND
LOBBYIST CODE OF CONDUCT**

COMMENTS AND ISSUES

Lobbyist Code.

Application

In making the following observations and comments, it is noted that the QPS supports the broad range of integrity reforms that have been undertaken in Queensland. The following comments and observations are derived from the QPS experience in contributing to that reform process.

Importantly, the current Queensland Government Lobbyists Code of Conduct (QGLCC) provides for a machinery section that links the application of the QGLCC and the *Integrity Act 2009 (the Act)*; it also relates to a limited class of third party lobbyists, as defined in s.41 of the *Integrity Act 2009*; and sets out the standards of conduct for lobbyists.

The QPS is of a view that this is an appropriate framework for the administration of lobbyists.

Definition - Lobbyist

Similar to the New South Wales (NSW) Government Lobbyist Code of Conduct (GLCC), the QGLCC is limited to a class of "third party lobbyists" as defined in section 41 of the Act. The NSW Independent Commission Against Corruption report (ICACCR) into the lobbying of public officials/authorities acknowledged this limitation in the NSW GLCC; suggesting a widening of the definition to include peak bodies, in-house lobbyists etc. The Service is supportive of the widening of this definition being considered during a review of the Act.

Sanctions

It appears the sanctions available under the QGLCC regarding failing to comply with the standards of conduct relate to:

- Refusing an application for registration as a lobbyist (s 55(b) the Act); and
- Cancelling a lobbyist's registration (s 62(b) the Act).

The intent of the legislation appears to indicate that it is more than likely these sanctions would only be activated for serious breaches. A similar observation was made in the ICACCR with suggestions that a scale of sanctions may be more appropriate to deal with less serious breaches. The QPS is supportive of the sanction regime being more expansive and inclusive.

Further, it may also be advantageous to have in existence as part of the administrative law process, a precedent/comparative sanctions register to ensure consistency and equity in decision making.

Public Sector Meeting Protocol

Chapter 4 of the Act provides for the regulation of lobbying activities, including the meaning of a *lobbying activity*, and the requirement for the integrity commissioner to keep a register of registered lobbyists. The Act and the *Lobbyists Code of Conduct* is silent on how meetings with lobbyists by government agencies should be conducted and decisions recorded.

A similar observation was made in the ICACCR in relation to the recording of meetings with government representatives with a third party lobbyist. The Service is supportive of a whole of government standard concerning the conduct of meetings with lobbyists, and the making and retention of records. Such an approach would reflect the accountability and transparency values enshrined in the *Public Sector Ethics Act 1994*. In addition, the Service is of the view any mandatory standards could be given legislative binding through the inclusion of an appropriate section within the Act; for example, section 60 of the *Public Interest Disclosure Act 2010*.

Gifts and Benefits

The QGLCC outlines that lobbyists should inform themselves of the Queensland Government policies regarding restricting acceptance of gifts and benefits by government officials. This statement alludes to a responsibility on the part of the lobbyist not to offer gifts or benefits which would compromise the government representative but makes no requirement in this regard. However, government officials are required to reject gratuities as per policy on receipt of gifts and benefits. The ICACCR recommends a code of conduct contain a clear statement prohibiting a lobbyist (or client) from offering, promising or giving any gift or benefit to a government representative who is being lobbied. The review concluded there were no circumstances where such conduct would be considered appropriate.

The Service is supportive of a definitive statement being included in the QGLCC prohibiting lobbyists providing gifts and benefits to government representatives being lobbied. Such a statement clearly contributes to an obligation and accountability on all parties involved in lobbying to resist creating actual or perceived conflicts of interest. The Service is of the view consideration could also be given to legislative binding of this principle through amendment to Chapter 4 of the *Integrity Act 2009*.

Conclusion

The QPS is supportive of the review of the lobbying provisions of the *Integrity Act 2009*.

QPS response to be sent to:	Dr David Solomon AM, Queensland Integrity Commissioner Integrity.commissioner@qld.gov.au
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