



7 January 2011

Spatial Industries Business Association Limited

Queensland Office

ABN 23 010 425 724

3/38 Cordelia Street

South Brisbane, QLD 4101

(PO Box 3046, South Brisbane QLD 4101)

T +61 7 3217 2599

F +61 7 3217 2966

Queensland Integrity Commissioner

PO Box 15290

City East QLD 4002

Dear Dr Solomon

www.spatialbusiness.org

Thank you for the opportunity to comment on a review of the Integrity Act. You will recall that the Chair and I met with you before Christmas along with a number of other professional organisations, particularly in relation to work in the land development industry. We expressed some concern in relation to the commercial confidentiality aspects of complying with the legislation for consultants.

At that meeting you advanced the idea that perhaps the register should be one of "lobbyists and consultants".

While we recognise that consultants will, in the normal course of their work, sometimes seek to change government or local government policy, we are still of the view that "consultants" and "lobbyists" are performing fundamentally different activities.

For consultants, the main objective is to complete a development or building, or some other project for a client who has to comply with government regulation. It may be that a small percentage of the activity for the client is to discuss those regulations with local government in an attempt to have it approved. Often, the consultant will put forward items of more recent technology or intelligence which was not considered at the time the regulation was framed and the regulation and its objective is often enhanced as a result of the discussion.

A lobbyist, on the other hand has only one objective, and one purpose for the client — to change government policy.

Sometimes, consultants and lobbyists act together in discussions with government or local government. In these instances, the lobbyist is using his skills as such to seek to change the policy while the consultant is a technical adviser.

For these reasons, we are of the view that "consultants" and "lobbyists" are not the same and that the activities of consultants were not contemplated in the purpose of the Integrity Act 2009 —

"An Act to provide for an integrity commissioner, to facilitate the giving of advice to Ministers and others on ethics or integrity issues and to establish a register of lobbyists and provide appropriate limitations on the contact between lobbyists and

government representatives, including by providing for a code of conduct and prohibiting the payment of success fees"

If it is the government's intention to widen the operation of the Act, then we believe that the treatment of consultants should be different to that of lobbyists. We believe it is unconscionable to require the exposure of commercial relationships relating to a wide range of activities which consultants carry out for their clients in order to register a small activity which, in some circumstances, may be construed to fall within the definition of "lobbying" under the Act.

We would be happy to discuss this further at your convenience.

As I will be on leave during the period you nominated for the review, please contact our chairman, Alistair Byrom on 07 3780 2161.

Yours faithfully



Jack de Lange
Chief Executive