

Queensland Registered Lobbyists Code of Conduct

Preamble

Free and open access to the institutions of government is a vital element of our democracy.

Lobbying is undertaken by many people in the community in relation to a broad range of matters. In effect, lobbying can be any communication by a member of the community seeking to express their views or interests to a government representative on a matter that is subject to a decision of the Government.

Professional lobbyists are a legitimate part of, and make a legitimate contribution to, the democratic process by assisting individuals and organisations to communicate their views on matters of public interest to the government, and so improve outcomes for the individual and the community as a whole.

The public has clear expectations that lobbying activities will be carried out ethically and transparently, and that government representatives and Opposition representatives who are approached by lobbyists are able to establish whose interests the lobbyists represent so that informed judgments can be made about the outcome they are seeking to achieve.

The *Integrity Act 2009* (**the Act**) and this Queensland Registered Lobbyists Code of Conduct (**Code**) ensure that communication between lobbyists and government representatives (including local government) and Opposition representatives is conducted in accordance with public expectations of transparency and integrity, and in the public interest.

1. Application

This Code, which has been approved under section 55(1) of the Act, applies in conjunction with the Act and the Ministerial Code of Conduct and other relevant codes, including departmental and ministerial staff codes of conduct.

2. The Act

This Code operates in addition to the Act. The Act defines "third party client" in section 41 and "lobbying activity" in section 42 - see definitions, below. The Act sets out a number of conditions and prohibitions with which lobbyists are required to comply. This Code provides for standards of conduct with which lobbyists must comply. The Act also imposes obligations on lobbyists to provide information about some lobbying activities carried out by them - see section 55(5).

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Under the Act, the Integrity Commissioner keeps a register of lobbyists (section 66L(1)), and publishes the register on the commissioner's website (see s 66L(2)(b))

The Act also provides that:

- (a) success fees must not be paid to, or received by, lobbyists (see section 66P(1)-(2))
- (b) for two years after leaving office or the public service, former senior government representatives and former Opposition representatives must not carry out a lobbying activity relating to official dealings they had in the two years before leaving office or the public service (see section 62(2))
- (c) a government representative or an Opposition representative must not knowingly permit the carrying out of a lobbying activity of the kind described in paragraph (b) (see section 64)
- (d) an entity that is not a registered lobbyist must not carry out lobbying activity for a third party client (see section 46(1))
- (e) a government representative and an Opposition representative must not knowingly permit a lobbying activity of the kind described in paragraph (d) (see section 63).

Regard should be had to the Act itself for further information about the operation of these provisions, and to ensure compliance with the Act.

3. Standards of Conduct for Lobbyists

3.1 Lobbyists shall observe the following principles when engaging with government representatives and Opposition representatives.

- (a) Lobbyists shall conduct their business to the highest professional and ethical standards, and in accordance with all relevant law and regulation with respect to lobbying.
- (b) Lobbyists shall act with honesty, integrity and good faith and avoid conduct or practices likely to bring discredit upon themselves, government representatives, their employer or client.
- (c) Lobbyists shall not engage in any conduct that is corrupt, dishonest, or illegal, or cause or threaten any detriment.
- (d) Lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided to parties whom they represent, the wider public, governments and agencies.
- (e) If a material change in factual information that the lobbyist provided previously to a government or Opposition representative causes the information to become inaccurate and the lobbyist believes the government or Opposition representative may still be relying on the information, the lobbyist should provide accurate and updated information to the government or Opposition representative, as far as is practicable.

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- (f) Lobbyists shall not knowingly make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to institutions of government or to political parties or to persons in those institutions.
- (g) Lobbyists shall keep strictly separate from their duties and activities as lobbyists any personal activity or involvement on behalf of a political party.
- (h) Lobbyists shall indicate to their client their obligations under the Act, and their obligation to adhere to this Code.
- (i) Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, or disclosure is required by law.
- (j) Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.
- (k) Lobbyists shall advise government representatives and Opposition representatives that they have informed their clients of any actual, potential or apparent conflict of interest, and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
- (l) Lobbyists shall not place government representatives or Opposition representatives in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on them.
- (m) Lobbyists should inform themselves of the policies of the Queensland Government and local governments restricting the acceptance of gifts by officials.

3.2 When making an initial communication with a government representative or Opposition representative about a particular issue on behalf of a third party client, the lobbyist must inform the government representative or Opposition representative that they are:

- (a) a lobbyist currently listed on the register of registered lobbyists;
- (b) that they are making the communication on behalf of a third party;
- (c) the name of the third party;
- (d) the nature of that third party's issue; and
- (e) the reasons for the approach.

3.3 When making an initial communication with a government representative or Opposition representative about a particular issue on behalf of a third party client, a lobbyist who became a former senior government representative or former Opposition representative less than two years earlier must indicate:

- (a) that they are a former senior government representative or a former Opposition representative;
- (b) when they became a former senior government representative or a former Opposition representative; and

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- (c) that the matter is not an activity prohibited under section 62 of the Act (lobbying activity relating to official dealings of previous 2 years).

3.4 Failure to comply with these standards of conduct may provide grounds under the Act for:

- (a) refusing an application for registration as a lobbyist (section 51(3)(b)(ii)); and
- (b) cancelling a lobbyist's registration (section 66H(1)(c)(ii) and section 66H(2)(c)); or
- (c) alternatively, the Integrity Commissioner may issue a warning (section 66J(1)(c)) to the registered lobbyist, or take action the Integrity Commissioner considers appropriate such as suspending the registration for a stated period of not more than 12 months (section 66J(1)(b)).

4. Information about lobbying activities

Lobbyists must provide the Integrity Commissioner with information about lobbying activities carried out by them (section 55(5)). The lobbying register must be published on the Integrity Commissioner's website (section 66L(2)(b)).

Lobbyists must file directly onto the Integrity Commissioner's website, no later than 15 days after the end of every month, information for a register of lobbyists' communication with government and Opposition representatives, reporting on each and every lobbying communication by them, during that month, with a government or Opposition representative.

The information that is to be provided for each such lobbying communication is:

- (a) the name of the registered lobbyist;
- (b) whether in arranging the communication, the lobbyist complied with the requirements of 3.2 of this Code and, if relevant, 3.3;
- (c) the date of the lobbying communication;
- (d) the client of the lobbyist;
- (e) the title and/or name of the government or Opposition representatives present (identifying the Minister/Department/ agency or, in the case of a Member of Parliament, his or her name);
- (f) the purpose of communication [drop down menu]: allocation of funding; applying for a liquor licence; applying for or giving of a development approval under the *Planning Act 2016*; arranging meetings and events; awarding of a government contract; awarding of a government grant; commercial-in-confidence; development or amendment of a government policy or program; introduction; making of a decision about planning under the *Planning Act 2016*; making or amending legislation; other.

5. Definitions

For ease of reference, the following definitions are summarised from the Act:

A **lobbying activity** is -

- (a) communicating with a government representative in an effort to influence decision-making of the State government or a local government, including, for example, the making of a decision relating to any of the following matters— (i) the making, amendment or repeal of legislation; (ii) the development, amendment or abandonment of a government policy or program; (iii) the awarding of a government contract or grant; (iv) the allocation of funding; (v) the making of a decision about planning or the giving of a development approval under the *Planning Act 2016*; or
- (b) communicating with an Opposition representative in an effort to influence decision-making of the Opposition, including, for example, the making of a decision relating to any of the following matters— (i) the making, amendment or repeal of legislation; (ii) the development, amendment or abandonment of an Opposition policy or program; (iii) the position or view of the Opposition in relation to a decision of the State government or a local government, including, for example, a matter mentioned in paragraph (a) (section 42(1)).

What is not lobbying activity

None of the following activities is a lobbying activity—

- (a) communicating with a committee of the Legislative Assembly or a local government;
- (b) communicating with a member of the Legislative Assembly or a councillor in the member's or councillor's capacity as local representative on a constituency matter;
- (c) responding to a call for submissions;
- (d) petitioning or campaigning of a grassroots nature;
- (e) responding to a request for tenders;
- (f) communicating with a representative in a public forum;
- (g) responding to a request by a representative for information;
- (h) communicating with a representative about a non-business or non-commercial matter;
- (i) communicating with a representative in the ordinary course of making an application, or seeking a review or appeal about a decision, under an Act;
- (j) participating in an incidental meeting with a representative beyond the control of the representative;
- (k) communicating with a representative in the ordinary course of providing professional or technical services to a person.
(section 43)

third party client means an entity that engages another entity to provide services constituting, or including, a lobbying activity for a commission, payment or other reward, whether pecuniary or otherwise, that is agreed to before the other entity provides the services. (section 41).

A **government representative** is any of the following persons - the Premier, a Minister, an Assistant Minister, a councillor, a public sector officer, a ministerial staff member or an Assistant Minister staff member (section 44).

A **former senior government representative** is a person who held, but no longer holds, any of the following offices - the Premier, a Minister, an Assistant Minister, a councillor, a ministerial staff member, an Assistant Minister staff member, or an office of a public sector officer that is an office of chief executive, senior executive or senior executive equivalent (section 59).

public sector officer means a person who is an officer or employee of any of the following entities—

- (a) a public sector entity under the *Public Sector Act 2022*, section 8;
- (b) a local government;
- (c) a corporate entity under the *Local Government Act 2009*;
- (d) the parliamentary service;
- (e) a government owned corporation;
- (f) a rail government entity under the *Transport Infrastructure Act 1994*;
- (g) an entity, prescribed by regulation, that is assisted by public funds (section 41).

An **Opposition representative** is any of the following persons - the Leader of the Opposition, the Deputy Leader of the Opposition, an opposition spokesperson (e.g. a Shadow Minister) or an opposition assistant spokesperson (e.g. an assistant Shadow Minister), or a staff member in the office of the Leader of the Opposition (section 45).

A **former Opposition representative** is a person who held, but no longer holds, any of the following offices - the Leader of the Opposition, the Deputy Leader of the Opposition, or a staff member in the office of the Leader of the Opposition (section 60).

Approved and issued by Integrity Commissioner on 12 September 2013.

Changes to the Integrity Act in May 2024 required technical corrections to this Code. Those corrections were made, and the Code was reissued on 5 August 2024.

Changes to the Integrity Act in August 2024 (definition of Opposition Representative) required a technical change to the definition in contained in the Code. The Code was reissued on 3 September 2024.