

Lobbying : Common questions & answers.

The office of the Queensland Integrity Commissioner (QIC) has developed this series of questions and answers, based on common questions asked in relation to lobbying and working with lobbyists.

The answers are for the purpose of informing as to the QIC's interpretation and application of the Integrity Act 2009 ('Act'). They do not constitute legal advice and anyone engaging in lobbying activity should seek and rely on their own independent legal advice as to their obligations.

Further operational information is found on the QIC's website at:

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

Who is a Lobbyist?

A 'lobbyist' is essentially a person or entity engaged to carry out 'lobbying activity' (influence State, Local Government, or Opposition decision making) for a 'third party client'.

While many members of the community seek to lobby in relation to government policy or decision making, including on behalf of third parties, a 'lobbyist' as defined under the Act does this for 'fee or other reward' which is agreed to before they provide the services.

Is lobbying for a non-profit organisation exempted from the requirements of the Act?

If the non-profit entity is a 'third party client' of a lobbyist, the QIC considers there is no relevant exemption under the Act.

The exemption under section 41(3)(a) of the Act 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.

Are local governments 'non-profit entities'?

No. They do not satisfy the definition of a 'non-profit entity' under section 41(5) of the Act.

If I work pro bono, am I lobbying?

While working pro bono (without charge) as a lobbyist is theoretically possible, it should be treated with extreme caution. Intangible agreements or understandings can also be classified as a 'fee or other reward' and give rise to 'lobbying activity'.

If I am lobbying for a third party in which I have a financial stake, is this lobbying or would this constitute a success fee?

It would depend on the individual facts. Ordinarily, entities and their employees advocating on the entity's behalf are exempted.

However, such an arrangement could also be due to an agreement or understanding which amounts to a pre-agreed, 'fee or other reward'.

Do I need to Register if I am a lobbyist?

The conduct of 'lobbying activity' by an unregistered lobbyist is prohibited. Registration is renewed annually and requires a statutory declaration confirming ongoing suitability and that the information provided on the register remains correct.

The Integrity Commissioner has responsibility for maintaining the register of lobbyists, and where necessary, the cancellation of registration.

Registered lobbyists are listed on the Queensland Register of Lobbyists:

<https://lobbyists.integrity.qld.gov.au/who-is-on-the-register.aspx>

I am a registered lobbyist; can my registration be cancelled?

Yes, your registration can be cancelled by you. Registration can also be cancelled by the Integrity Commissioner pursuant to section 62 of the Act on any of the following grounds:

- a) the registrant was registered because of a materially false or misleading representation
- b) the registrant has failed to comply with obligations under the Lobbyists Code of Conduct; or
- c) another ground that the Integrity Commissioner considers sufficient.

If I arrange a 'meet and greet' for a client with a Minister, is that lobbying?

For 'lobbying activity' to have occurred, it would need to be done with the intention of influencing government decision making.

However, even the mere introduction of a third party client, which successfully leads to further contact with the aim of influencing government decision making, is part of the overall 'lobbying activity'.

Is it 'lobbying activity' if I merely telephone a Minister's office to arrange a meeting between my client and the Minister, that will not include me participating in the meeting?

The contact to arrange a meeting is ‘lobbying activity’ if it results in the successful arrangement of a meeting.

If the contact was unsuccessful in arranging a meeting or further relevant contact, the QIC would not consider it to have amounted to ‘lobbying activity’.

I was a Queensland public sector worker and wish to become a lobbyist, am I able to do that?

Section 70 of the Act prohibits a ‘former senior government representative’ from carrying out ‘related lobbying activity’ for a ‘third party client’ within two years of their separation from Queensland public sector employment.

The restraint only applies to matters in which the ‘former senior government representative’ had ‘official dealings’ in the two years prior to separation. However, the QIC interprets ‘official dealings’ widely; such as including, merely attendance at briefings or receiving confidential papers on a particular matter.

Further questions?

A range of other resources, particularly in relation to administrative and operational requirements is also available to you on the QIC website.

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