

## Lobbying: Common questions & answers

The Office of the Queensland Integrity Commissioner (OQIC) has developed this guide, *'Lobbying : Common questions & answers'* (Lobbying Guide), based on common questions asked about lobbying and the operation of Chapter 4 (Lobbying activity) of the *Integrity Act 2009* (**Integrity Act**).

Where relevant, the Lobbying Guide should be read in conjunction with *'Meeting your post-separation from public service obligations: Common Questions & Answers'* or *'Meeting your post-separation from Ministerial service obligations: Common Questions & Answers'*, (Post-separation Guides), available from the IC's website.

We hope you find the Lobbying Guide useful, however, it is general in nature and the answers do not constitute legal advice. 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 OQIC's website at: <https://www.integrity.qld.gov.au/lobbyists.aspx>

### Who needs to be registered as a lobbyist in Queensland?

In Queensland (Qld) there are certain types of lobbyists and lobbying activities which fall within Chapter 4 (Lobbying activity) of the Integrity Act.

We have a fact sheet *'Who needs to be registered to lobby in Queensland and the Lobbying Register'* which provides a guide about who needs to be registered in Qld. Essentially it is a person or business, who is engaged by a third party client, to influence decision-making of the Qld government, Qld local government or the Qld opposition, for 'a commission, payment, or other reward, whether pecuniary or not' which is agreed to before they provide the lobbying services.

While many members of the community seek to lobby in relation to government or opposition policy or decision making, including on behalf of third parties, it is not lobbying activity as defined in the Integrity Act unless they enter into an arrangement whereby they are lobbying to receive 'a commission, payment, or other reward, whether pecuniary or not'.

### 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 Integrity Commissioner considers there is no relevant exemption under the Act.

The exemption under section 47 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 47 of the Act.

### If I work pro bono, am I lobbying?

While working pro bono (without charge) for a third party client to engage in lobbying activity is theoretically possible, it should be treated with extreme caution. The definition captures engaging for a “commission, payment or other reward, whether pecuniary or not” which is agreed before the lobbying services are provided. It includes rewards which are non-pecuniary in nature.

### 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, ‘commission, payment or other reward’.

### Is it an offence to lobbying in Queensland if you are not registered?

It is an offence<sup>1</sup> in Queensland to engage in a lobbying activity with a Qld government or Qld opposition representative if you are unregistered when you should be, or if you hold yourself out to be a registered lobbyist when you are not.

The IC 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 66H 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;
- c) the registrant performed a substantial role in an election campaign for the current party of Government;
- d) the registrant has failed to comply, without a reasonable excuse, with a compliance notice;
- e) the entity has been charged with an indictable offence;
- f) the registrant’s lobbying registration in another jurisdiction has been cancelled or suspended; or
- g) another ground that the IC 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’.

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<sup>1</sup> Section 66O Integrity Act.

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 IC would not consider it to have amounted to 'lobbying activity'.

I previously worked in Qld Government, Qld Local Government or for the Qld Opposition and wish to become a lobbyist, am I able to do that?

Yes you can but there are certain matters or topics you are prohibited from lobbying on.

Section 62 of the Act prohibits a 'former senior government representative' and 'a former opposition representative', for 2 years after they leave their role, from engaging in lobbying activity for a third party client if the activity relates to 'official dealings' in which the person engaged in the person's official capacity in the 2 years immediately before the person became a former representative.

'Official dealings' means:

- dealings in government or opposition business or activities;
- negotiations, briefings, contracts and the making or receipt of representations relating to government or opposition business or activities;

that were engaged in as part of the person's ordinary duties on a regular basis.

## Questions and further information

If you have questions about whether your business needs to be registered in Queensland, about the application process, or about lobbying regulation more generally in Queensland, you can get in touch by:

- calling us on **07 3003 2888**
- emailing us at [lobbyist@integrity.qld.gov.au](mailto:lobbyist@integrity.qld.gov.au)

Please note that we will always do our best to assist you with your query, however we are not able to provide legal advice so if your question is a legal one, you will need to seek your own legal advice.

Please visit [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) to access new publications and announcements.

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