

# Public Records Brief

A recordkeeping update for Queensland public authorities – July 2012

## Recording contact between government and lobbyists

The purpose of this Public Records Brief is to outline the recordkeeping requirements for documenting contact between government representatives and lobbyists.

### What is a lobbyist?

The *Integrity Act 2009* defines a lobbyist as an entity that carries out a lobbying activity for a third-party client or whose employees or contractors carry out a lobbying activity for a third-party client.<sup>1</sup> In broad terms, lobbying can be any form of communication by a member of the community seeking to express views or interests to a government representative on a matter that is subject to a decision of the government.<sup>2</sup>

Lobbyists who act on behalf of a third-party client are generally obliged to register with the Office of the Integrity Commissioner before they engage in a lobbying activity. However, the *Integrity Act 2009* provides examples of individuals who may engage in lobbying activity, but are not required to register with the Office of the Integrity Commissioner. These include:

- non-profit entities
- entities constituted to represent the interests of their members
- members of trade delegations visiting Queensland
- entities that carry out incidental lobbying activities
- entities carrying out a lobbying activity for the purpose of representing the entity's own interests.

Unless stated otherwise, this Public Record Brief does not discriminate between individuals who are required to register with the Office of the Integrity Commissioner before lobbying government (i.e. professional lobbyists), and individuals who are exempt from this requirement. Instead, the term 'lobbyist' in this Public Records Brief refers to any individual who approaches or corresponds with a government representative in an effort to influence state or local government decision-making (as defined in section 42 of the *Integrity Act 2009*).

### What is a public record?

In the context of lobbyist interactions with government, a public record is information in any format that provides evidence of contact that has occurred between a government representative and a lobbyist. The *Integrity Act 2009* defines 'contact' between government representatives and lobbyists as including:

- telephone contact
- email contact
- contact by mail
- face-to-face meetings.

This list is not exhaustive as contact between government and lobbyists is no longer restricted to traditional modes of communication. Public authorities should be aware that newer means of communication have the potential to generate record types – such as text messages and digital voice recordings – that also need to be captured, managed and preserved to ensure their ongoing integrity and accessibility.

<sup>1</sup> *Integrity Act 2009*, p25.

<sup>2</sup> Text derived from the *Lobbyists Code of Conduct*, p1.



Records of decisions and actions must be created and maintained within the public authority's recordkeeping systems, and additional contextual information may also need to be captured to ensure the completeness of the record. This will allow information about lobbyist interactions, and decisions made by the government that are directly or indirectly influenced by such interactions, to be easily retrieved, understood, and reported as required. Records should be made simultaneously or as soon as practicable following the communication, event or action to which they relate.

## How long should you keep records relating to lobbyist interactions?

Reference 1.7.3 in the *General Retention and Disposal Schedule for Administrative Records* (GRDS) outlines the minimum retention period for records associated with government contact with lobbyists.

The GRDS states that records documenting contact between a public authority and registered lobbyists are temporary and must be retained for 10 years after the last action under reference 1.7.3. This includes:

- records of telephone, email or written contact
- meeting reports
- entries in a contact register (including name of lobbyist, date of contact, issue discussed, actions or outcomes, contact person in public authority).

Where these records are maintained on files documenting the business activity to which the lobbyist contact relates (e.g. the development of a policy decision), public authorities will need to:

- sentence the file according to the retention period which applies to records of that business activity under a Retention and Disposal Schedule approved by the State Archivist
- retain the records for a minimum of 10 years if the relevant retention period for that business activity is less than 10 years.

With regard to government interactions with lobbyists who are not required to register with the Office of the Integrity Commissioner, these should be documented as any external contact relating to official business is recorded. These records should be sentenced according to the business activity to which they relate under the GRDS. For example, records relating to consultations on the development of new legislation would be sentenced under section 15.6 of the GRDS.

In accordance with recordkeeping best practice, records documenting lobbyist interactions should be reviewed prior to disposal to ensure they are no longer required for business, legal or other purposes. Further advice on sentencing and disposing of public records is available in the [Guideline for the Implementation of Retention and Disposal Schedules](#).

## Can paper records relating to lobbyist interactions be scanned and the original destroyed?

The destruction of original paper records that have been digitised or scanned is regulated by the [Digitisation Disposal Policy](#) issued by Queensland State Archives. Under this policy, original paper records that are not deemed to be of permanent retention value under a Retention and Disposal Schedule authorised by the State Archivist may be destroyed after digitisation if certain conditions have been met.

Before destroying original paper records, public authorities must take into account business and regulatory requirements to retain the original record. Remember also to document the disposal of original paper records as disposal records must be kept permanently in accordance with the GRDS.

## Further information

For further information on the management of public records, visit the Queensland State Archives website [www.archives.qld.gov.au](http://www.archives.qld.gov.au). Alternatively, you can call us on (07) 3131 7777 or email us at [info@archives.qld.gov.au](mailto:info@archives.qld.gov.au).

Other useful information can be found at [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) and [www.cmc.qld.gov.au](http://www.cmc.qld.gov.au).