

# Who needs to be registered to lobby in Queensland and which lobbying activities must be recorded in the Qld Lobbying Register?

In Queensland (Qld) there are certain types of lobbyists and lobbying activities which fall within Chapter 4 (Lobbying activity) of the *Integrity Act 2009* (Qld) (**Integrity Act**).

In order to determine if you ought to be registered in Qld, and which of your activities need to be entered into the Qld Lobbying Register, you need to answer three questions:

- Am I an individual or entity which needs to be registered in Qld?
- Am I lobbying position-holders in the Qld government, the Qld opposition and/or Qld local government, who are identified in the Integrity Act as a 'government representative' or an 'opposition representative'?
- Am I engaging in lobbying activity, which needs to be recorded in the Qld Lobbying Register, when I contact a Qld government or opposition representative?

This Fact Sheet is a guide only and should be read in conjunction with Chapter 4 (Lobbying activity) of the **Integrity Act** and the registered **Lobbyists' Code of Conduct**.

The **Qld Lobbying Register** is a public register on the Office of Queensland Integrity Commissioner [website](#) – its purpose is to provide transparency to the community about contact between registered lobbyists and the clients they represent, with Qld government and opposition representatives.

## Who needs to register?

You will need to be registered to lobby a Qld 'government representative' or 'opposition representative' if:

- you (or your employees or contractors) carry out lobbying for a third party client<sup>1</sup>
- the third party client has engaged you to provide services that constitute 'lobbying activities' for a commission, payment or other reward, whether pecuniary or otherwise
- the commission, payment or other reward is agreed to before you provide the lobbying services.

1. Third party client is defined in s 41 Integrity Act.

2. Section 47 Integrity Act.

3. Non-profit entity means an entity that is a) not carried on for a profit or gain to its individual members and b) under the entity's constitution, the entity is prohibited from making any distribution, whether in money, property or otherwise, to its members (definition within s 47 Integrity Act).

4. Section 44 Integrity Act.

5. Section 41 Integrity Act.

You do not need to be registered<sup>2</sup> in Qld if:

- you are a non-profit entity<sup>3</sup> (e.g. charity, club) and you will only lobby to represent the interests of your own entity
- you are an entity constituted to represent the interests of your members (e.g. an industrial organisation/union, a professional body) and you will only lobby to represent the interests of your members
- you are a member of a trade delegation visiting Queensland and you will only lobby to represent the interests of the delegation.

## Who is a Qld government or opposition representative?

The Integrity Act defines who is a Qld 'government representative' and a Qld 'opposition representative' – these are both important definitions for understanding the operation of Chapter 4 (Lobbying Activity) of the Integrity Act. Understanding these terms is also essential for determining if you need to be registered as a lobbyist in Qld, and once you are registered, if the activity you are engaging in, is one which you need to record in the Qld Lobbying Register.

A **government representative**<sup>4</sup> is any of the following persons within Qld government and local government –

- the Premier
- a Minister
- an Assistant Minister
- a councillor
- a ministerial staff member
- an assistant minister staff member
- a public sector officer<sup>5</sup>.

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

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

An **opposition representative**<sup>6</sup> is any of the following persons within the Qld opposition —

- the Leader of the Opposition
- the Deputy Leader of the Opposition
- a staff member in the office of the Leader of the Opposition.

## What is a lobbying activity?

A **lobbying activity** is<sup>7</sup>:

- communicating with a government representative in an effort to influence decision-making of the Qld government or a Qld local government
- communicating with an opposition representative in an effort to influence decision-making of the Qld opposition.

The Integrity Act provides examples of the sorts of decisions that are made by Qld government, Qld local government and the Qld opposition. They might be decisions about legislation, policy, programs, and funding. They could also be decisions about planning or giving of a development approval under the Planning Act 2016 (Qld), or awarding a grant or contract.

A **lobbying activity** is **not**<sup>8</sup>:

- communicating with a committee of the Qld Legislative Assembly or a Qld local government
- communicating with a member of the Qld Legislative Assembly or a Qld local government councillor in the member's or councillor's capacity as local representative on a constituency matter
- responding to a call for submissions
- petitioning or campaigning of a grassroots nature

- responding to a request for tenders
- communicating with a Qld government or opposition representative in a public forum
- responding to a request by a Qld government or opposition representative for information
- communicating with a Qld government or opposition representative about a non-business or non-commercial matter
- communicating with a Qld government or opposition representative in the ordinary course of making an application, or seeking a review or appeal about a decision, under a Qld Act
- participating in an incidental meeting with a Qld government or opposition representative beyond the control of the representative

### Example—

A Qld Minister or the Qld Leader of the Opposition speaks at a conference and has an unscheduled discussion with a Qld registered lobbyist who is a conference participant.

- communicating with a representative in the ordinary course of providing professional or technical services to a person

### Example—

An entity is engaged by a person to provide accounting, architectural, engineering or legal services. The entity communicates with a Qld government or opposition representative on behalf of the person. The communication is not a lobbying activity if the communication is part of the ordinary course of the entity providing the services to the person.

## Which lobbying activities must be recorded on the Qld Lobbying Register?

All lobbying activities as defined in the proceeding section, which are undertaken by an individual or entity who is required to be registered in Qld as a lobbyist, with a Qld government or opposition representative, must be entered into the Qld Lobbying Register.

6. Section 45 Integrity Act.

7. Section 42 Integrity Act.

8. Section 43 Integrity Act.

## What if I don't register when I should?

It is an offence<sup>9</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.

### *660 Particular conduct of unregistered person prohibited*

A person who is not a registered lobbyist must not—

- a. carry on, or purport to carry on, a business of providing services constituting, or including, a lobbying activity for another person; or
- b. hold out that the person is a registered lobbyist; or
- c. take or use a title, name or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate the person is a registered lobbyist.

Maximum penalty—200 penalty units.

A Qld government or opposition representative **must** provide notice to the Qld Integrity Commissioner if they become aware that an entity that is not a registered lobbyist is seeking to carry out, or has carried out, lobbying activity with the representative<sup>10</sup>.

**Success fees** are also prohibited in Qld so it is also an **offence** to give, or agree to give, to another person (a lobbyist), or a related person of the lobbyist, a success fee in relation to a lobbying activity carried out by or for the lobbyist<sup>11</sup>.

## 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.

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.

You can also follow us at [Queensland Integrity Commissioner](#) or [sign up](#) to our email subscription service to get the latest news and updates from the Office of the Queensland Integrity Commissioner.

9. Section 660 Integrity Act.

10. Section 66B Integrity Act.

11. Section 66P Integrity Act.