

Lobbying

Introduction

Our democratic system of government relies on officials having adequate and reliable information on which to base their decisions and actions. The principle of open and equal access to government for all individuals and communities is fundamental to this flow of information.

Information reaches the government from individuals, potential suppliers and contractors, developers, community organisations and other organisations or interest groups. They may approach the government on their own behalf or through specialist lobbyists with skills in presenting persuasive cases. They may also mount public campaigns or seek other ways to influence the thinking and the decisions of public officials.

Lobbyists most commonly try to influence ministers, councillors and senior public servants in a position to make statutory, monetary or policy decisions that can benefit or disadvantage individuals or sections of the community. However, lower ranking officers, particularly those making purchasing decisions or evaluating eligibility for various grants and benefits, may also be subjected to persuasive pressure.

Some types of lobbying activity is regulated in the *Integrity Act 2009*, namely, third-party lobbying.

Regulation of lobbying

The Queensland Integrity Commissioner is an independent officer of the Queensland Parliament and is responsible for administering the registration of third-party lobbyists. That function includes maintaining the [Queensland Register of Lobbyists](#), the [Lobbyists Code of Conduct](#) and the contact log of dealings that lobbyists have with a government or opposition representative.

Under the Act:

- Lobbyists who act on behalf of a third-party client must be registered with the Integrity Commissioner before they contact a government representative for the purpose of lobbying activities.¹
- Lobbyists who act on behalf of a third party must comply with the [Lobbyists Code of Conduct](#).²
- Lobbyists must document their lobbying activity and contact³ with government and opposition representatives.⁴

¹ *Integrity Act 2009*, s. 71

² *Ibid*, s. 68(5)

³ *Ibid*, s. 42 – defines lobbying activity and contact

⁴ Lobbyists code of conduct

- It is an offence to offer or pay a lobbyist any fee that depends on the outcome of the lobbying activity, whether or not lobbyists are paid for their services.⁵
- Former senior government or opposition representatives (i.e. the Premier, ministers, assistant ministers, parliamentary secretaries, councillors, chief executives, senior executives or senior executive equivalents, ministerial staff members, members of a parliamentary secretary's staff or the opposition equivalent) are prohibited from carrying out lobbying activities related to their official dealings as a government representative for two years after ceasing employment.⁶
- Government and opposition representatives must not knowingly meet with anyone who is not a registered lobbyist, if that person (or organisation) intends to carry out a lobbying activity on behalf of a third party.⁷ If any approach has been made, the government or opposition representative must decline further contact and provide the details to the Integrity Commissioner.⁸
- The Act does not limit the activities of people or organisations lobbying on their own behalf, representing the interests of their members (e.g. unions or professional bodies) or carrying out incidental lobbying activities.
- Further information about lobbyists and lobbying can be found on the [Integrity Commissioner's website](#).

Corruption risks

Lobbying can have positive outcomes for business and the community when carried out ethically, transparently and in way that ensures decisions are made fairly in the public interest. However, confidence in the government can be undermined if the public perceive that the decision maker has been improperly influenced by the act of lobbying, particularly if lobbying is not done transparently.

When an official is subject to lobbying, corruption risks can include:

- Lobbying taking on the character of “grooming” an official to receive favourable treatment in relation to a current decision or some future decision. (To read more about the risks associated with grooming, read the [Corruption Prevention Advisory: Gifts and benefits](#).)
- Creating a conflict of interest, if lobbying is undertaken by a person or entity with whom the decision-maker has some personal or professional connection. This could include a political connection or prior working relationship. Agencies need to ensure they have a process for staff to declare any conflict of interest in relation to a decision, record the conflict, document how the conflict will be managed, and ensure the ongoing management of the conflict is done in a transparent manner until it is resolved.

⁵ *Integrity Act 2009*, s. 69

⁶ *Ibid*, s. 70

⁷ *Ibid*, s. 71(2)

⁸ *Ibid*, s. 71(3)



- Biased decision-making, if a decision-maker is improperly influenced by irrelevant matters in relation to the decision or fails to give equal opportunity to other interested or affected parties to submit their case or arguments for or against a particular decision. Biased decision-making can include apprehended bias, that is, whether a reasonable person with an understanding of the facts would perceive that the decision lacked impartiality.

Strategies to prevent corruption risks

Guidance (including the Ministerial Handbook) already exists for some government and opposition representatives about how to manage some of the corruption risks associated with lobbying.

All public sector agencies should ensure that they have clear policies and procedures to guide their staff and remind them of their obligations if they are contacted by a lobbyist, whether a registered lobbyist or someone representing their own interests (an in-house lobbyist). The policies and procedures should:

- Set out a process for ensuring that any contact with agency officials which appears to be lobbying is not continued until a decision is made about whether the *Integrity Act 2009* applies to the contact.
- Set out a process for managing all contacts between officials and registered third-party lobbyists, including a convenient method for checking the currency and completeness of their registration.
- Require that officials refuse to have any contact with a third-party lobbyist who is not registered on the Integrity Commissioner's [Register of lobbyists](#).
- Require officials to report any attempted contacts by unregistered third-party lobbyists or former government representatives who, under s. 45 of the Act, are restricted from lobbying government on any matter with which they had dealings as an official for a period of two years after leaving government service. Staff should report improper contacts through their chief executive officer, and ministers and councillors can report directly to the Integrity Commissioner.
- Establish and maintain a central register of contacts with lobbyists. Although there is no legislative requirement to maintain a central register of contacts with lobbyists, records of meetings are still required to be kept in accordance with the *Public Records Act 2002*. Maintaining a centralised register ensures that information about meetings with lobbyists is easy to identify and report on.
- Set out a process for ensuring that all contacts with lobbyists are properly recorded in the agency's register of contacts with lobbyists, and that the register is available for appropriate scrutiny.
- Provide a template for staff on which to record contact with lobbyists and enter the information into the central register.
- Provide clear instructions for effectively managing any conflicts of interest that may arise — for example, by cross-reference to another policy or relevant legislation (e.g. a code of conduct or the [Public Sector Ethics Act 1994](#)).

Where the lobbying activity was also related to a decision made by an officer of the agency or a person lobbied, the agency/person should document the key components of the decision-making process



including:

- The names of all officials involved in assembling or assessing information relevant to the decision, how the decision was made, and by whom.
- Any contact with any person lobbying in relation to the matter. These contacts are to be recorded in the register of contacts with lobbyists.
- The reasons for making a particular decision. Decision makers may at any time be required to provide a statement of these reasons.

Meetings with lobbyists should occur in official locations and, whenever possible, with more than one official representative in attendance. Ministers and councillors should avoid one-on-one meetings.

All records such as diary entries, file notes, meeting agendas and minutes need to be managed in accordance with the [Public Records Act 2002](#) and in a way that connects the records to the decision-making process and makes it easy for anyone authorised to enquire into the process to identify and access them.

Transparency is key to preventing corruption. To this end, agencies should consider publishing details of contacts with lobbyists under the agency's publication scheme as provided for in the [Right to Information Act 2009](#)

Other risk factors related to lobbying

A culture of awareness and integrity is the best defence against undue influence.

Officials must ensure that staff are fully aware of their responsibilities under the agency's policy on receiving gifts or other benefits, and that accepting them, even as permitted under the policy, may still result in improper influence, or the perception of improper influence, on decisions.

Staff in high-risk roles should be provided with regular training on managing contacts with interested parties as part of their regular training requirements.

Further information and resources

- [Integrity Act 2009](#)
- [Local Government Act 2009](#)
- [Public Records Act 2002](#)
- [Public Sector Ethics Act 1994](#)
- [Right to Information Act 2009](#)
- [Lobbyists Code of Conduct](#)
- [Queensland Register of Lobbyists](#)
- Queensland Integrity Commissioner website: www.integrity.qld.gov.au
- General Retention and Disposal Schedule for Local Government, Queensland State Archives All Queensland legislation is available at www.legislation.qld.gov.au



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