

# MEETINGS WITH LOBBYISTS: ARE YOU ADEQUATELY MINIMISING CORRUPTION RISKS?

Lobbying or advocacy on issues of public concern or in the public interest can have many beneficial outcomes for the people of Queensland. However, lobbying can be a corruption risk when its aim is to improperly influence decision-makers to not act in the public interest.

During 2022–23, the Crime and Corruption Commission (CCC) conducted an audit to identify areas where frameworks for managing and recording contact between government representatives and lobbyists could be enhanced.<sup>1</sup>

This publication has been prepared to assist all public authorities to be aware of the corruption risks relating to regulated lobbying and ensure they have suitable frameworks in place to prevent these risks.<sup>2</sup> The findings from this audit have been shared with the participating public authorities to support the strengthening of their frameworks to manage lobbying activities.

## WHO WE AUDITED<sup>3</sup>

Public authorities with the highest number of contacts with lobbyists during the period 1 July 2021 to 31 May 2022 were selected to be audited.<sup>4</sup> These authorities included:

### Local councils

- Brisbane City Council
- Gold Coast City Council

### Departments

- Department of State Development, Infrastructure, Local Government and Planning
- Department of Transport and Main Roads
- Queensland Treasury

### Ministers and Assistant Minister

- The Honourable Dr Steven Miles MP
- The Honourable Scott Stewart MP
- Mr Michael Healy MP

### Ministerial offices

- Office of the Premier and Minister for the Olympics and Paralympic Games
- Office of the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure
- Office of the Treasurer and Minister for Trade and Investment
- Office of the Minister for Health and Ambulance Services

## WHAT WE AUDITED



Local councils' and departments' frameworks for managing contacts with lobbyists.



Supporting forms and registers used by local councils and departments to coordinate, collect and manage information about contacts with lobbyists.



Public authorities' records relating to a random sample of 139 contacts with lobbyists during the period 1 July 2021 to 31 May 2022.



Monitoring and reporting activities relating to lobbying implemented within local councils and departments.

*\*\*For key terms and definitions, refer to the back of this document\*\**

<sup>1</sup> Pursuant to section 24(c), *Crime and Corruption Act 2001*.

<sup>2</sup> Pursuant to section 24(e), *Crime and Corruption Act 2001*.

<sup>3</sup> The CCC's audit did not include Opposition representatives as the *Public Records Act 2002* does not apply to them and they are not defined as public authorities under schedule 2 of the Act. However, it is important to note that the regulation of lobbying activities under the *Integrity Act 2009*, and the risks and issues associated with it, also apply to Opposition representatives.

<sup>4</sup> Data was obtained from the Lobbying Register maintained by the Integrity Commissioner as of 13 June 2022.



## WHAT WE FOUND

The audit found areas where frameworks for managing and recording contacts between government representatives and registered lobbyists could be enhanced. In line with those observations, the audit proposed the following opportunities for some public authorities to strengthen their frameworks by:

1. identifying risks relating to improper influence by lobbyists in the risk register
2. improving the guidance provided to government representatives about contacts with lobbyists
3. amending the contact with lobbyists form to capture additional information to enhance accountability and transparency
4. implementing better controls to support government representatives in checking obligations of a lobbyist and a former senior government representative before continuing with the contact
5. improving recordkeeping of meetings with lobbyists to comply with the *Integrity Act 2009* and the *Public Records Act 2002*.

Public authorities audited have already taken, or plan to take, all the relevant steps to address the opportunities identified.

The following sections discuss these opportunities and how public authorities can promote transparent interactions between government representatives and lobbyists and minimise corruption risks associated with these contacts.

## IDENTIFY AND ASSESS THE RISK OF IMPROPER INFLUENCE BY LOBBYISTS

A public authority is required to have a governance framework which includes an internal control structure and risk management system to mitigate the risk associated with its operations and delivery of services.

In line with these requirements, public authorities should consider if a risk involving lobbying needs to be identified, assessed and appropriate controls documented in their risk register. These risks could include:

- improper influence by lobbyists and other members of the private sector (such as former government and Opposition representatives) on policy directions and outcomes, potentially resulting in decisions that are not in the public interest, and/or
- insufficient awareness among staff about their requirements if they are contacted by a lobbyist or former government or Opposition representatives, which may inadvertently result in unethical practices and/or improperly influence decision-making.

## IMPROVE PROCEDURES TO GUIDE GOVERNMENT REPRESENTATIVES WITHIN A PUBLIC AUTHORITY WHO ARE CONTACTED BY LOBBYISTS

Procedures assist public authorities in complying with their legislative requirements and ensuring they are effectively managing risks associated with improper forms of lobbying.

Providing government representatives with clear guidance for managing and documenting contact with lobbyists can help them understand their obligations when interacting with lobbyists and promote greater transparency of these interactions.

For example, procedures should detail the obligations of government representatives in relation to key actions, recordkeeping and decisions involving contact with lobbyists, former senior government representatives and the processes for these activities.



## IMPROVE CONTACT WITH LOBBYIST FORMS (INCLUDING THE REGISTER OF CONTACTS WITH LOBBYISTS)

Capturing key information about contacts between government representatives and lobbyists can help ensure a public authority's recordkeeping is open and transparent. For example, the form should include details of the person who made the initial contact, whether the person is a registered lobbyist/listed person, the date the contact occurred, the client of the lobbyist, the title and name of the government representative and the purpose of the contact<sup>5</sup>, and other information such as the issue and outcome from the contact.

Contact with lobbyist forms and registers can assist with:

- reporting on lobbying activities to senior management and/or the Integrity Commissioner
- informal monitoring of corruption risks and compliance with relevant procedures.

The Contact with lobbyist form should be completed by the government representative responsible for the lobbyist contact (e.g. coordinating or hosting the contact) soon after the contact occurred and provide sufficient detail about the meeting.

## IMPLEMENT ADDITIONAL INTERNAL CONTROLS

The *Integrity Act 2009* and the Lobbyists Code of Conduct impose restrictions on the lobbying activities that can be undertaken by former government and Opposition representatives and registered lobbyists.

- Former senior government or Opposition representatives are prohibited from carrying out a related lobbying activity for a third-party client within two years of their separation from employment or office (section 70(1)).<sup>6</sup>
- 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 (section 71(1)).<sup>7</sup>

It is the responsibility of government representatives to ensure any interaction with lobbyists and former government and Opposition representatives complies with their obligations under the *Integrity Act 2009* and the Lobbyists Code of Conduct. Refer to the Public Sector Commission's [Post separation employment provisions policy](#) for guidance on this matter.

A government representative should check to see if the information entered by the lobbyist on the Integrity Commissioner's Contact logs is accurate and consider reporting any discrepancies to the Integrity Commissioner under section 72A(2) of the *Integrity Act 2009*. This will also assist the Integrity Commissioner in its audit.

Public authorities should consider including the following additional internal controls in the Contact with lobbyists form (register) to support government representatives checking these obligations:

- Check 1: The person making the contact is registered as a lobbyist with the Integrity Commissioner (check the Lobbying Register and note the result on the form).
- Check 2: The person is a former senior government representative and can conduct lobbying activity (check when the person left their government role and whether it complies with the *Integrity Act 2009*, and note the result on the form).
- Check 3: The lobbyist has completed the Integrity Commissioner's Contact logs correctly (check and note the result on the form).

<sup>5</sup> Lobbyists Code of Conduct, page 5.

<sup>6</sup> Note: The restriction only applies to matters in which former senior government or Opposition representatives have had "official dealings" in the two years prior to separation. The *Integrity and Other Legislation Amendment Bill 2023* is proposing to introduce a definition for "official dealings" in relation to a person who is a former representative (refer section 41).

<sup>7</sup> Note: The provision may change slightly under the *Integrity and Other Legislation Amendment Bill 2023* (refer section 46(1)).



## IMPROVE RECORDKEEPING OF CONTACTS WITH LOBBYISTS

The *Public Records Act 2002* governs recordkeeping in Queensland. Public authorities must make and keep full and accurate records of their activities.<sup>8</sup>

A public record includes:

- a record created, received or kept by a public authority, other than a Minister or Assistant Minister, in the course of its business or conduct of its affairs (section 6(a) and (b))
- a ministerial record (section 6(c))
- a record of an Assistant Minister (section 6(d)).

Some public records are created as part of a business process, for example, when sending or receiving an email. However, some activities must be captured deliberately, for example, by making a file note of a conversation or a meeting.

The requirements that apply to Ministers and Assistant Ministers to make and keep full and accurate records also apply to ministerial staff. The obligation for ministerial staff is outlined in the Ministerial Records Policy issued by the State Archivist on 13 December 2017.

The *Queensland Ministerial Handbook* (section 2.2) provides that Ministers, Assistant Ministers and their ministerial staff are responsible for creating, managing and keeping full and accurate public records of their ministerial portfolio responsibilities.

Public authorities should regularly remind government representatives who have contact with lobbyists about the requirement to create or capture public records. They should also undertake regular internal audits of lobbying processes for compliance with recordkeeping requirements, including the adequacy of frameworks and training delivered to government representatives.

## WHERE TO FROM HERE?

The findings from this audit, together with the reforms being proposed to the *Integrity Act 2009*<sup>9</sup> and the Queensland Audit Office's (QAO) planned performance audit<sup>10</sup> of lobbying practices in 2024–25, will assist public authorities to strengthen frameworks for managing lobbying activity and ensure corruption prevention strategies are tailored to the needs of their agencies and government representatives.

### Further information and resources

- CCC, [Influence and transparency in Queensland's public sector: minimising the corruption risks associated with improper influence on government decisions](#), January 2023.
- CCC, [Corruption Prevention Advisory: Public records, Advice for all employees of a public authority](#), April 2020.
- Public Sector Commission, [Post separation employment provisions policy](#), January 2011.
- Queensland Integrity Commissioner, [Lobbying: Common questions & answers](#), January 2021.
- Queensland Integrity Commissioner, [Common Questions & Answers in relation to post-separation employment from public service: general guidance for those who are leaving, or have left, a public service role](#), January 2021.
- Queensland Government, [Queensland Ministerial Handbook](#), September 2023.

<sup>8</sup> Section 7, *Public Records Act 2002*.

<sup>9</sup> *Integrity and Other Legislation Amendment Bill 2023*.

<sup>10</sup> Refer to QAO's [Forward Work Plan 2023–26](#) on its website.



## KEY TERMS AND DEFINITIONS

**Lobbying activity** means contact with a government representative to influence state or local government decision-making, including the making or amendment of legislation; the development or amendment of a government policy or program; the awarding of a government contract or grant; the allocation of funding; and the making of a decision about planning or giving of a development approval under the *Sustainable Planning Act 2009*.

However, it does not include:

- contact with a committee of a Legislative Assembly or a local government
- contact with a member of the Legislative Assembly, or a Councillor, in their capacity as a local representative on a constituency matter
- contact in response to a call for submissions
- petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision
- contact in response to a request for tender
- statements made in a public forum
- responses to requests by government representatives for information
- incidental meetings beyond the control of a government representative, or
- contact on non-business issues e.g. issues not relating to a client of the lobbyist or the lobbyists' sector. (as defined in section 42, *Integrity Act 2009*).

**Government representative** means the Premier or another Minister, an Assistant Minister, a Councillor, a public sector officer, a ministerial staff member or an assistant ministerial staff member as defined in section 44, *Integrity Act 2009*.

**Opposition representative** means the Leader of the Opposition, the Deputy Leader of the Opposition or a staff member in the Office of the Leader of the Opposition as defined in section 47A, *Integrity Act 2009*.

**Public authority** means a Minister, an Assistant Minister, a government owned corporation, a department, a local government, a statutory body, or other entities as defined in Schedule 2, *Public Records Act 2002*. It does not include Opposition representatives.

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For further information on other terms and definitions, refer to the *Integrity Act 2009* and the *Public Records Act 2002*.