

QUEENSLAND CONTACT WITH LOBBYISTS CODE

1. Preamble

Free and open access to the institutions of government is a vital element of our democracy.

Lobbying is undertaken by many people in the community in relation to a broad range of matters. In effect, lobbying can be any communication by a member of the community seeking to express their views or interests to a Government Representative on a matter that is subject to a decision of the Government.

Professional Lobbyists are a legitimate part of the democratic process by assisting individuals and organisations to communicate their views on matters of public interest to the Government, and so improve outcomes for the individual and the community as a whole.

The public has a clear expectation that lobbying activities will be carried out ethically and transparently, and that Government Representatives who are approached by Lobbyists are able to establish whose interests the Lobbyists represent so that informed judgements can be made about the outcome they are seeking to achieve.

The *Queensland Contact with Lobbyists Code* ensures that contact between Lobbyists and Government Representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

2. Application

The *Queensland Contact with Lobbyists Code* applies in conjunction with the *Ministers' Code of Ethics* and other relevant codes, including departmental and ministerial staff codes of conduct.

The *Queensland Contact with Lobbyists Code* creates no obligation on the part of a Government Representative to have contact with a particular Lobbyist or Lobbyists in general.

The *Queensland Contact with Lobbyists Code* does not operate to restrict contact with Government Representatives where the law requires a Government Representative to take account of the views advanced by a person who may be a Lobbyist.

QUEENSLAND CONTACT WITH LOBBYISTS CODE

3. Definitions

“Contact with a Government Representative” for the purposes of lobbying activities by a Lobbyist includes telephone contact, electronic mail contact, written mail contact; and face to face meetings.

“Director-General” means the Director-General of the Department of the Premier and Cabinet.

“Former Public Official” means a person who has previously held office as a Queensland Government Minister or Parliamentary Secretary, or been employed by the Queensland Government as a chief executive, senior executive, Ministerial Staff Member or a person employed at CEO and SES equivalent levels within a public sector entity.

“Government Representative” means a Minister, Parliamentary Secretary, Ministerial Staff Member or a member of the public service.

"Lobbyist" means a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

"Lobbyist" does not include:

- (a) an association or organisation constituted to represent the interests of its members (e.g. an employers group, a trade union or a professional body such as the Queensland Law Society);
- (b) a religious or charitable organisation;
- (c) an entity or person whose business is a recognised technical or professional occupation which, as part of the services provided to third parties in the course of that occupation represents the views of the third party who has engaged it to provide their technical or professional services (e.g. lawyer or accountant); or
- (d) a full-time employee of an organisation or firm that represents their own interests to a Government Representative.

“Lobbying activities” means communications with a Government Representative in an effort to influence 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 or the allocation of funding, but does not include:

- (a) communications with a committee of a Parliament;
- (b) communications with a Minister or Parliamentary Secretary in his or her capacity as a local Member in relation to non-ministerial responsibilities;
- (c) communications in response to a call for submissions;
- (d) petitions or communications of a grassroots campaign nature in an attempt to influence a Government policy or decision;

QUEENSLAND CONTACT WITH LOBBYISTS CODE

- (e) communications in response to a request for tender;
- (f) statements made in a public forum;
- (g) responses to requests by Government Representatives for information;
- (h) incidental meetings beyond the control of a Minister or Parliamentary Secretary; or
- (i) communications on non-business issues (including those which do not relate to the Lobbyists clients or their sector).

“Lobbyist’s Details” means the information described under clause 5.1.

“Ministerial Staff Member” means a person employed in a Ministerial Office by the Director-General of the Department of the Premier and Cabinet under the *Public Service Act 2008* or a person seconded to a Ministerial Office.

“Public Sector Entity” means any of the following—

- (a) the Parliamentary Service;
- (b) the administrative office of a court or tribunal;
- (c) a department;
- (d) a local government;
- (e) a university, university college, TAFE institute, statutory TAFE institute or agricultural college;
- (f) a commission, authority, office, corporation or instrumentality established under an Act or under State or local government authorisation for a public, State or local government purpose; or
- (g) an entity, prescribed by regulation, that is assisted by public funds;

but does not include any of the following—

- (a) a Government Owned Corporation;
- (b) a corporatised corporation;
- (c) the following entities within the meaning of the *Education (General Provisions) Act 2006*—
 - (i) a parents and citizens association;
 - (ii) a non-State school;
 - (iii) an advisory committee;
 - (iv) an international educational institution; or
- (d) an entity prescribed by regulation under the *Public Sector Ethics Act 1994*.

“Success fee” means money or other remuneration payable to a person that is wholly or partly contingent on the person’s degree of success in securing a Government contract for a bidder.

QUEENSLAND CONTACT WITH LOBBYISTS CODE

4. No Contact between Government Representatives and Certain Lobbyists

4.1 A Government Representative shall not at any time permit lobbying by:

- (a) a Lobbyist who is not on the Register of Lobbyists;
- (b) any employee, contractor or person engaged by a Lobbyist to carry out lobbying activities whose name does not appear in the Lobbyist's Details noted on the Register of Lobbyists in connection with the Lobbyist;
- (c) any Lobbyist or employee, contractor or person engaged by a Lobbyist to carry out lobbying activities who, in the opinion of the Government Representative, has failed to observe any of the requirements of clause 8.2; or
- (d) any Lobbyist or employee, contractor or person engaged by a Lobbyist who is a Former Public Official and has ceased to hold office or has ceased public sector employment:
 - (i) less than two years prior, in the case of former Ministers who have resigned or retired from office;
 - (ii) less than eighteen months prior, in the case of former Parliamentary Secretaries who have resigned or retired from office; or
 - (iii) less than eighteen months prior, in the case of former chief executives, senior executives, Ministerial Staff Members and persons employed at CEO and SES equivalent levels who were employed within a public sector entity;

where the matter on which they are lobbying falls within their official dealings in the two years before they left office in the case of former Ministers or Parliamentary Secretaries; or the last eighteen months of their employment in the case of former Ministerial Staff Members or senior public servants.

5. Register of Lobbyists

5.1 There shall be a Register of Lobbyists which shall contain the following information:

- (a) the business registration details of the Lobbyist, including names of owners, partners or major shareholders as applicable;
- (b) the names and positions of persons employed, contracted or otherwise engaged by the Lobbyist to carry out lobbying activities;
- (c) the names of third parties for whom the Lobbyist is currently retained to provide paid or unpaid services as a Lobbyist, whether or not the Lobbyist is paid for providing these services, and whether or not the Lobbyist is receiving a success fee for providing these services; and

QUEENSLAND CONTACT WITH LOBBYISTS CODE

(d) the names of persons for whom the Lobbyist has provided paid or unpaid services as a Lobbyist during the previous twelve months.

5.2 A Lobbyist wishing to have contact with a Government Representative for the purposes of lobbying activities may apply to the Director-General to have their Lobbyist's Details recorded in the Register of Lobbyists.

5.3 For an application under 5.2 to be valid the applicant must include statutory declarations made by the Lobbyist and each of the persons specified at 5.1(b) that he or she has never been sentenced to a term of imprisonment of 30 months or more, and has not been convicted, as an adult, in the last ten years, of an offence, one element of which involves dishonesty, such as theft or fraud.

5.4 Should a Lobbyist make a false declaration they may be liable to criminal law sanctions. For example, s.194 of the *Criminal Code 1899* provides for a maximum penalty of three years imprisonment for persons who knowingly make a false declaration. Failure to declare spent convictions (where the rehabilitation period has expired) will not be unlawful pursuant to the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

5.5 The Lobbyist shall submit updated Lobbyist's Details to the Director-General in the event of any change to the Lobbyist's Details as soon as practicable, but no later than ten business days after the change occurs.

5.6 Lobbyists shall submit to the Director-General within ten business days of 30 June each year, confirmation that the Lobbyists details are up to date together with statutory declarations for all persons employed, contracted or otherwise engaged by the Lobbyist to carry out Lobbying activities, as specified at 5.1(b).

5.7 The registration of a Lobbyist shall lapse if a confirmation is not provided to the Director-General by the dates referred to under clauses 5.3, 5.5 and 5.6.

6. Access to the Register of Lobbyists

6.1 The Register of Lobbyists is a public document that is published on the website of the Department of the Premier and Cabinet.

QUEENSLAND CONTACT WITH LOBBYISTS CODE

7. Prohibition of Lobbying Activities

- 7.1 Persons who have held office as a Queensland Government Minister shall not, for a period of two years after they cease to hold office, engage in lobbying activities (as defined in section 3) relating to their official dealings as a Minister in their last two years in office.
- 7.2 Persons who have held office as a Queensland Government Parliament Secretary, shall not, for a period of eighteen months after they cease to hold office, engage in lobbying activities (as defined in section 3) relating to their official dealings as a Parliamentary Secretary in their last two years in office.
- 7.3 Persons who have been employed as a chief executive, senior executive, Ministerial Staff Member and persons employed at CEO and SES equivalent levels within a public sector entity shall not, for a period of eighteen months after they cease public sector employment, engage in lobbying activities (as defined in section 3) relating to any matter that they had official dealings within their last eighteen months in public sector employment.

8. Principles of Engagement with Government Representatives

- 8.1 Lobbyists shall observe the following principles when engaging with Government Representatives:
- (a) Lobbyists shall not engage in any conduct that is corrupt, dishonest, or illegal, or cause or threaten any detriment;
 - (b) Lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided to parties whom they represent, the wider public, governments and agencies;
 - (c) Lobbyists shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to institutions of government or to political parties or to persons in those institutions; and
 - (d) Lobbyists shall keep strictly separate from their duties and activities as Lobbyists any personal activity or involvement on behalf of a political party.
- 8.2 When making an initial contact with a Government Representative about a particular issue on behalf of a third party for whom the Lobbyist has provided paid or unpaid services, the Lobbyist must inform the Government Representative:
- (a) that they are a Lobbyist or employee, contractor or person otherwise engaged by the Lobbyist who is currently listed on the Register of Lobbyists;

QUEENSLAND CONTACT WITH LOBBYISTS CODE

- (b) that they are making the contact on behalf of a third party;
- (c) the name of the third party; and
- (d) the nature of that third party's issue.

9. Registration

9.1 The Director-General may at his or her discretion:

- (a) refuse to accept an application to be placed on the Register of Lobbyists; and
- (b) remove from the Register of Lobbyists the details of a Lobbyist if, in the opinion of the Director-General:
 - (i) any prior or current conduct of the Lobbyist or their employee, contractor or person otherwise engaged to provide lobbying services for the Lobbyist has contravened any of the terms of this Code;
 - (ii) any prior or current conduct of the Lobbyist or association of the Lobbyist with another person or organisation is considered to be inconsistent with general standards of ethical conduct;
 - (iii) the registration details of the Lobbyist are inaccurate;
 - (iv) not confirmed in accordance with the requirements of section 5; or
 - (v) there are other reasonable grounds for doing so.