

## Contact with a Lobbyist

### 1.0 INTRODUCTION

Under the *Integrity Act 2009* (the Act), Council is required to ensure that it does not participate in 'lobbying activities' with 'unregistered lobbyists' and/or participate in 'related lobbying activities' with a 'former senior government representative' of less than two years post-government employment separation.

Under section 71(2) of the Act, a government representative must not knowingly meet with an entity that is not a registered lobbyist if the entity intends to carry out a lobbying activity for a third party client.

### 2.0 PURPOSE

This procedure has been developed to assist Councillors and employees in complying with the requirements of the Act.

### 3.0 WHAT IS LOBBYING?

'Lobbying activity' is defined as 'contact with a government representative in an effort to influence...local government decision-making...'

**Contact** includes telephone contact, email contact, written mail contact and face-to-face meetings.

Lobbying includes trying to influence the following-

- The introduction or amending of local laws
- The development or amending of a Council policy or program
- awarding a contract or allocating funding
- making a decision about planning or giving a development approval under the *Sustainable Planning Act 2009*.

However, the following contact is not a lobbying activity—

- (a) contact with a committee of a local government;
- (b) contact with a Councillor, in his or her capacity as a local representative on a constituency matter;
- (c) contact in response to a call for submissions;
- (d) petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision;
- (e) contact 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 government representative;
- (i) contact on non-business issues, including, for example, issues not relating to a client of the lobbyist or the lobbyists' sector;
- (j) contact only for the purpose of making a statutory application.

### 4.0 WHO IS A LOBBYIST?

A 'lobbyist' is an entity (body) that carries out lobbying activity **on behalf of a third party** client, or whose employees or contractors do so, based on the payment of a fee or other reward for carrying out the lobbying activity.

However, none of the following entities (including their employees) is a lobbyist -

- (a) a non-profit entity;
- (b) an entity constituted to represent the interests of its members; Examples - an employer group, a trade union, a professional body, eg the Queensland Law Society
- (c) members of trade delegations visiting Queensland;
- (d) an entity carrying out incidental lobbying activities eg accountant or architect;
- (e) an entity carrying out a lobbying activity only for the purpose of representing the entity's own interests.

## 5.0 WHAT IS INCIDENTAL LOBBYING?

An entity carries out **incidental lobbying activities** if the entity undertakes, or carries on a business primarily intended to allow individuals to undertake, a technical or professional occupation in which lobbying activities are occasional only and incidental to the provision of professional or technical services eg architects, engineers, lawyers and accountants.

## 6.0 DEALING WITH LOBBYISTS

Councillors and employees must ensure that their meetings with lobbyists comply with the requirements of the Act. However, it may not always be evident whether employees of lobbyists or consultants come within the Act's scope. Therefore, the protocol set out below should be followed when any representative seeks to meet with a Councillor or Council Officer.

- Inform them that Council is bound by the Act.
- Ask them if they or others attending the meeting are a lobbyist and if so are they registered on the lobbyists register?
- Ask if any other representatives attending were senior government representatives within the past two years and if yes, ask if they are on the lobbyists register?
- Check and ensure that they are on the lobbyist register.

If the person seeking to carry out lobbying activities is not a registered lobbyist, and the officer has reasonable suspicion that the entity is carrying out a lobbying activity, Councillors and Council officers must decline to have further contact with them until they are included on the lobbyist register.

Refer to the flowchart on page five for contact procedure.

## 7.0 WHERE TO GO TO CHECK THE REGISTER?

Councillors and Council officers are encouraged to check that the details provided by the lobbyist are correct by checking the lobbyist register at [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) to confirm that the person and client in question are listed.

## 8.0 RECORDING CONTACT WITH A LOBBYIST

Council is required under the Act to keep a record of all contact with lobbyists for reporting to the Integrity Commissioner.

All staff and Councillors are to take responsibility for reporting their contact with lobbyists.

- 8.1 Staff members working in Planning and Development are to report the contact to the Manager Development and Compliance for recording in Council's lobbyist contact register.

- 8.2 All other staff are to report the contact to the Manager Corporate Governance for recording in Council's lobbyist contact register.
- 8.3 Councillors are to report any contact with lobbyists to the Mayor's Personal Assistant or the Manager Corporate Governance for recording in the lobbyist contact register.

Information required to be reported includes:

- Date of contact
- Name and title of Councillor or officer
- Method of contact
- Purpose of contact
- List of all other public officials present
- Name of registered lobbyist firm (including all lobbyists present)
- Client of lobbyist (including the names of all present)
- Brief description of the issue
- Outcome from contact

**Refer to Form CGF401 to complete the information required for the Contact Register.**

A Councillor or Council officer who knowingly and intentionally participates in lobbying activities with a person who is not on the lobbyist register may be deemed to have breached section 71 of the Act.

## 9.0 DEFINITIONS

**Contact** includes telephone contact, email contact, written mail contact and face-to-face meetings.

**Councillor** is a Councillor, of a local government, including the Mayor, within the meaning of the *Local Government Act 2009*.

### **Former senior government representative**

(a) is one of the following people—

- i. a Councillor;
- ii. a public sector officer, who was a chief executive, senior executive or senior executive equivalent; and

(b) is no longer a government representative.

### **Government representative**

- (a) a Councillor;
- (b) a public sector officer;

**Incidental lobbying activities** - if the entity undertakes, or carries on a business primarily intended to allow individuals to undertake, a technical or professional occupation in which lobbying activities are occasional only and incidental to the provision of professional or technical services. *For example an entity carrying on the business of providing architectural services as, or by using, a practising architect under the Architects Act 2002.*

**Lobbying activity** is contact with a government representative in an effort to influence State or local government decision-making, including -

- (a) the making or amendment of legislation; and

- (b) the development or amendment of a government policy or program; and
- (c) the awarding of a government contract or grant; and
- (d) the allocation of funding; and
- (e) the making of a decision about planning or giving of a development approval under the *Sustainable Planning Act 2009*.

A **lobbyist** is 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, based on the payment of a fee or other reward for carrying out the lobbying activity.

**Lobbyists code of conduct** is the code, approved under section 68 of the Act, of conduct for lobbyists in relation to lobbying activities.

**Lobbyists register** is the register, kept under section 49, of lobbyists registered under this Act.

**Public sector officer** is the chief executive of, or a person employed by, one of the following entities—

- (a) a department;
- (b) a public service office;
- (c) a registry or other administrative office of a court or tribunal;
- (d) a local government;

**Related lobbying activity**, for a former senior government representative, means a lobbying activity relating to the former senior government representative's official dealings as a government representative in the two years before becoming a former senior government representative.

**Senior executive equivalent** means an employee, other than a chief executive, whose remuneration is equal to or greater than the remuneration payable to a senior executive.

**Statutory application** means an application under an Act that is considered and decided by a government representative under that Act.

**Third party client** means an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.

