



Reporting contact with lobbyists procedure

Version: 3.0 | Version effective: 17/07/2018

Audience

Department-wide

Purpose

To outline the process to be followed under the [Integrity Act 2009 \(Qld\)](#) (the Act) when a government representative is in contact with or may have contact with a registered or unregistered lobbyist, a former senior government representative or former opposition representative.

Overview

Ethical lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to the government and opposition and, in doing so, improve outcomes for the community as a whole.

Responsibilities

Employees

- Report any contact with a registered or unregistered lobbyist, a former senior government representative or former opposition representative.
- Disclose any relationship with a lobbyist, former senior government representative and/or former Opposition representative and take reasonable steps to avoid any conflict of interest between official duties and personal interests.

Managers, supervisors, principals

- Report any contact with a registered or unregistered lobbyist, a former senior government representative or former opposition representative.
- Ensure employees are aware of their responsibility to report any contact with a registered or unregistered lobbyist, a former senior government representative or former opposition representative.

Integrity and Employee relations

- Provide advice relating to the department's protocols for reporting contact with lobbyists, former senior government or opposition representatives.

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/reporting-contact-with-lobbyists-procedure> to ensure you have the most current version of this document.

- Maintain the department's register for recording contact with lobbyists, former senior government or opposition representatives and relevant records.
- Report any suspected lobbying activity:
 - by an unregistered lobbyist to the Queensland Integrity Commissioner (QIC) as soon as practicable, and
 - by a registered lobbyist upon request by the QIC.

Process

1. Identify

If contacted by:

- a lobbyist entity, its employees or contractors, or
- a former senior government representative or opposition representative, who:
 - left their government or opposition position less than two years previously, and
 - is carrying out lobbying activity related to their government or opposition role, for a third party client

employees must determine whether the entity, its employers or contractors are registered on the [Register of lobbying contacts](#) (maintained by the QIC).

If the lobbyist is not listed on the register, employees must discontinue lobbying activity with them. If the lobbyist is registered, employees may continue lobbying activity. In either case, employees must declare the contact on a departmental [declaration of contact with a lobbyist](#) form.

2. Declare

The officer responsible for the lobbying contact coordinates the completion, signature and movement of the declaration of contact with a lobbyist form through the department's document management system to the appropriate Assistant Director-General, Deputy Director-General or the Director-General, and subsequently to the Integrity and Employee relations unit.

3. Report

Integrity and Employee relations unit collates all completed declaration of contact with a lobbyist forms and reports to the QIC as required.

Definitions

Term	Definition
Contact	Includes telephone, email or other electronic means of contact, written mail contact and face-to-face interactions or meetings.

Term	Definition
Conflict of interest	In the context of this procedure, a conflict of interest is a conflict or possible conflict between an employee's personal interest and their official responsibilities.
Former senior government representative	<p>A person is a former senior government representative if the person was one of the following:</p> <ul style="list-style-type: none"> • Premier or another Minister • an Assistant Minister • a councillor • a public sector officer who was a chief executive, senior executive or senior executive equivalent • ministerial staff member • an assistant minister staff member, and • that person is no longer a government representative and is not an Opposition representative. <p>Under the Act former senior government representatives are prohibited from carrying out lobbying activities related to their official dealings as a government representative, for two years after ceasing employment.</p>
Former opposition representative	<p>A person who was one of the following:</p> <ul style="list-style-type: none"> • the Leader of the Opposition • the Deputy Leader of the Opposition • a staff member in the office of the Leader of the Opposition, and • is no longer an Opposition representative and is not a government representative. <p>Under the Act, former Opposition representatives are prohibited from carrying out lobbying activities related to their official dealings as a government representative, for two years after ceasing employment.</p>
Government representative	<p>A person who currently holds one of the following positions:</p> <ul style="list-style-type: none"> • Premier or another Minister • an Assistant Minister • a councillor • a public sector officer • a ministerial staff member • an assistant minister staff member.

Term	Definition
Lobbying	<p>For the purposes of the Act, “lobbying” means any attempt to influence the decision making of a government or opposition representative in the exercise of their official functions on behalf of a third party, for a fee or other reward.</p> <p>The key to understanding whether an action is or is not considered ‘lobbying’ under the Act is “contact with a government representative in an effort to influence ... decision making”. It should also be noted that, under section 41 of the Act, a lobbyist is an entity that carries out a lobbying activity for a third party client and receives a fee or other reward for providing those services.</p> <p>Lobbying does not include contact:</p> <ul style="list-style-type: none"> • with a committee of the Legislative Assembly or a local government • with a member of the Legislative Assembly or a councillor in their capacity as a local representative on a constituency matter • in response to a call for submissions • as a result of a petition or a grassroots campaign • in response to a request for tender • in response to a request by government representatives or Opposition representatives for information • on non-business issues • only for the purpose of making a statutory application • during incidental meetings beyond the control of a government representative e.g. at a conference or seminar; or • via statements made in a public forum.
Lobbyist	<p>An entity that carries out a lobbying activity or whose employees or contractors carry out a lobbying activity. Under the Act, lobbyists must be registered with the QIC before they contact a government representative for the purpose of lobbying activities.</p>
Officer responsible for lobbying contact	<p>The officer responsible for the lobbying contact is to coordinate the process of completing and submitting the declaration of contact with a lobbyist form.</p> <p>In relation to a meeting or teleconference, the responsible officer is the person who hosted or coordinated the contact. In relation to an email or letter, the responsible officer is the person who signed the letter or whose signature block appeared on the email.</p>
Opposition representative	<p>A person who is one of the following:</p> <ul style="list-style-type: none"> • the Leader of the Opposition • the Deputy Leader of the Opposition

Term	Definition
	<ul style="list-style-type: none"> a staff member in the office of the Leader of the Opposition.
Public sector officer	<p>A public sector officer is the chief executive of, or a person employed by, one of the following entities:</p> <ul style="list-style-type: none"> a department a public service office a registry or other administrative office of a court or tribunal a local government a corporate entity under the <i>Local Government Act 2009</i> (Qld) the parliamentary service a government owned corporation a rail government entity under the <i>Transport Infrastructure Act 1994</i> (Qld) an entity, prescribed by regulation, that is assisted by public funds.
Third party client	<p>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.</p>
Unregistered lobbyist	<p>An external person or entity that is carrying out lobbying activity on behalf of a third party client but does not appear on the Queensland Register of lobbying contacts.</p>

Legislation

- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Integrity Act 2009 \(Qld\)](#)
- [Judicial Review Act 1991 \(Qld\)](#)
- [Public Sector Ethics Act 1994 \(Qld\)](#)
- [Public Service Act 2008 \(Qld\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Right to Information Act 2009 \(Qld\)](#)

Delegations/Authorisations

- [HR delegations manual](#) (DoE employees only)

Policies and procedures in this group

- Nil

Supporting information for this procedure

- [Declaration of contact with a lobbyist](#)

Other resources

- [Code of Conduct for the Queensland public service](#)
- [Department of Education – Standard of Practice](#)
- [General Retention and Disposal Schedule \(GRDS\)](#)
- [Lobbyists code of conduct](#)
- [Register of lobbying contacts](#) (maintained by QIC)
- [Australian Government Lobbyists Register](#) (maintained by the Australian Government, Department of the Prime Minister and Cabinet – Integrity Commissioner)

Contact

For further information, please contact:

Integrity and Employee Relations unit

Email: ethicalstandards@qed.qld.gov.au

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17/07/2020

Superseded versions

Previous seven years shown. Minor version updates not included.

2.0 Contact with Lobbyists and Former Senior Government or Opposition Representatives

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