

21 July 2023

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Committee Chair Mr Linus Power MP,

### **Response to the consideration of the Integrity and Other Legislation Amendment Bill 2023**

Thank you for the opportunity to provide feedback in response to the proposed amendments to the lobbying provisions of the *Integrity Act 2009*.

We understand the intention of the *Integrity and Other Legislation Amendment Bill 2023* is to strengthen the regulation of lobbying under the Integrity Act, and further implement the Queensland Government's response to the recommendations from *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (the Coaldrake Report) and the *Strategic Review of the Integrity Commissioner's Functions* (the Yearbury Report).

On behalf of its members, the Australian Professional Government Relations Association (APGRA) wishes to offer its perspective on the proposed legislation. Overall, the APGRA is broadly supportive of the changes and believes they will assist in supporting transparency. We have however noted a few key recommendations that we believe will support the overall intention of the bill.

Further information on the APGRA's position on key issues is outlined in the attached submission. The APGRA would be happy to speak with the Committee directly as part of the inquiry process.

Thank you once again for the opportunity to provide comment. Should you have any questions please do not hesitate to contact the APGRA on the contact details below.

Yours sincerely

Andrew Cox



**President**  
**Australian Professional Government Relations Association**  
**M: +61 499 599 008 E: [acox@gracosway.com.au](mailto:acox@gracosway.com.au)**

## APGRA's Response to the proposed amendments

### **Recommendation 1: Further clarification on what is and is not lobbying activity**

#### Section 43 What is not a lobbying activity (pg 37)

The APGRA supports the change in emphasis in the legislation to focus on what lobbying is, rather than the description of a lobbyist. The legislation is also strengthened by listing examples of organisations that do not need to become registered lobbyists.

The APGRA notes however that it would be helpful to include additional examples of activities that are **NOT** lobbying activity. There are some circumstances in which professional services firms engage with the government that do not fall under the current definition of lobbying activity but still cause confusion among some public sector workers.

For example:

- Engagement with communications professionals who are seeking to confirm the details of a Government media release as part of a joint announcement with their client. (in this instance example (k) may be sufficient with the inclusion of 'communications professional').
- A formal invitation to government representatives for the opening of a facility or a sod turning.
- An individual seeking information or clarity on a government decision/announcement.

### **Recommendation 2: The disqualification period for practitioners who have served in senior political and election campaign roles should be reduced and aligned with other existing arrangements.**

#### Section 58 Registered lobbyist must not perform substantial role in the election campaign of political party during election period (pg 49)

Consistent with the APGRA Code of Conduct, the APGRA believes that practitioners must not serve in an executive role with a political party or play a senior management role in the conduct of an election campaign.

We believe that the disqualification of an individual who performed a "substantial role" in an election campaign of a political party, ending on the day on which the writ is issued for the first general election after the end of the election period, is too long (4 years).

We recommend a shorter period of disqualification of less than 2 years, consistent with the exclusion period for senior government representatives.

APGRA notes this section only applies to the election period and does not take into account individuals who may hold senior roles within the party executive. As it is currently drafted an individual may be a registered lobbyist while holding an executive role in a political party as long as they step down from the role during an election period. We believe this could be considered a significant loophole. To amend this, the APGRA recommends the inclusion of wording such as:

*Disqualification of registration for individuals holding an Executive Role within a registered political party.*

*"Executive Role" is any leadership, office-bearer, fundraising or decision-making role in a registered political party or associated entity but does not include ordinary membership of a political party.*

**Recommendation 3: Approved training is beneficial if it is not cost or time prohibitive.**

Section 56 Approved training (pg 47)

Consistent with our Code of Conduct the APGRA supports the inclusion of approved training, provided that training isn't cost or time prohibitive. The APGRA also recommends incoming Members of Parliament also undergo training as part of their induction process.

**Recommendation 4: The proposed directive powers of the Integrity Commissioner should be clarified.**

Section 57 Directives (pg 48)

The APGRA recognises the importance of an effective and suitably resourced Integrity Commissioner however there is concern that the proposed expansion in power for the Integrity Commissioner to make a directive, including into 'c) *any other matter the integrity commissioner considers appropriate*' in effect means unchecked power, and the potential for major changes to be made through regulation, not legislation, and with little Parliamentary oversight.

**Recommendation 5: Reporting obligations for government representatives should be accompanied by additional education and awareness raising.**

Part 6 Obligations of representatives (pg50)

The APGRA is supportive of the wording surrounding the obligation that a government representative must give the Integrity Commissioner notice if they are subject to lobbying activity by an unregistered person. APGRA recommends further education among public servants and Ministerial staff to ensure a widespread understanding of lobbying regulation, its definition and reporting obligations.

**Recommendation 6: Registration requirements**

Part 10, 66M Particulars to be recorded in lobbying register, Subsection f (pp61)

*"(f) if the registered lobbyist has officers (or employees—the name of each officer or employee of the registered lobbyist other than— (i) an officer or employee who is a registered lobbyist; or (ii) an employee whose role involves only administrative duties; (iii) an employee whose role within the entity involves work only outside Queensland;"*

The proposed legislation makes changes to the details of who is required to register on the lobbyist register and the additional details that must be provided as part of that registration. The APGRA does **not** support the requirement to list other officers or employees of the registered lobbyists within Queensland, given they do not undertake lobbying activities. We have concerns that this change will place a significant administrative and compliance burden on Government and on registered firms but is unlikely to have any material benefit in terms of addressing unregistered or incidental lobbying.

APGRA believes it is not reasonable or relevant to be required to list staff members who are not engaging with government representatives in a lobbying capacity. This is particularly the case for registered firms that work across multiple jurisdictions and disciplines. For example, we do not believe it is necessary for the integrity commission to record the names of an Investor Relations or Communications advisor who works for a registered firm on Queensland matters from time to time – and is potentially based in another state.

These employees are not lobbyists and to register them as such would misrepresent the roles they undertake in their organisations. Similarly, a number of our members are primarily communications firms with a limited government relations team. Under this requirement, we could see hundreds of individuals registered to ensure just a handful of staff (who would be registered) at a single firm are compliant.

Expanding the registration requirements to apply to all members of a registered firm would also place an unreasonable administrative burden on the Integrity Commission officials who are responsible for reviewing applications for registration. At present, the process of registering a new lobbyist can take up to two weeks and we expect that the wait time would increase exponentially if the registration requirement was expanded to cover all people employed in a registered firm. The proposed legislation would also cause firms to update their registration every time a new staff member is employed, which for some larger firms happens on a weekly to monthly basis. This is a significant concern for our members who rely on the efficient processing of applications to do business effectively while also meeting their compliance obligations.

### **Recommendation 7: Code of conduct**

The centerpiece of APGRA is a Code of Conduct (**Appendix A**) that regulates the conduct of members and promotes high ethical standards within the government relations profession. It operates alongside Queensland's lobbying regulatory framework and similar legislation and codes in place at a federal level and in other states and territories. We believe that this Code of Conduct could serve as the basis for the code of conduct recommended to be formulated as part of these reforms.

### **Appendix A: APGRA Code of Conduct**

#### **Introduction**

The individual and firm members of the Association believe that government relations practitioners must be honest, open and transparent at all times in their dealings with government and clients, and are committed to high standards of integrity in the conduct of their businesses and activities.

This Code of Conduct has been developed by the Association to clearly articulate the professional and ethical framework for the way in which members relate to government in Australia. Members' primary obligations are to abide by the relevant legislation and government codes in place around Australia. It is intended that this Code will operate alongside those schemes, but in any and all cases of inconsistency, relevant legislation and government codes will prevail to the extent of that inconsistency.

Membership of the Association is open to any firm or person for whom the making of representations to government in Australia constitutes part of their professional activities, and who is prepared to abide by and implement this Code of Conduct and Membership Rules, and continues to comply with them on an ongoing basis.

This Code of Conduct covers the activities of members in their interaction with Australian governments at all levels. Members can include specialist government relations firms and their staff, professional communications firms that also offer government relations support as part of their services, 'in-house' and individual government relations practitioners as well as any other professionals who make representations to government.

It is a pre-requisite and condition of membership of the Association that members adopt and abide by this Code of Conduct, and that all practitioners involved in providing government relations services and making representations to government observe the duties and principles set out in the Code. Members are required to renew their commitment to the Code each year as a condition of membership.

Failure to adopt and abide by this Code of Conduct and Membership Rules are grounds for declining or cancelling membership of the Association, or other sanctions deemed appropriate and proportionate.

### Definitions

**“Consulting Practitioner”** means a Government Relations Practitioner who is engaged as a third party to Make Representations on behalf of an individual, a company or an organisation.

**“Client”** means an individual, association, organisation or business who:

- a) has engaged the Practitioner, or the organisation for whom the Practitioner works, on a professional basis to Make Representations to an Government Representative; or
- b) in relation to an ‘in-house’ Practitioner, means the Practitioner’s employer.

**“Executive Role”** is any leadership, office-bearer, fundraising or decision making role in a registered political party or associated entity but does not include ordinary membership of a political party.

**“Government Institutions”** includes Parliament, local government, the ministry, the bureaucracy, and government owned trading organisations.

**“Government Relations Practitioner”** or **“Practitioner”** is an individual who may be a person, body corporate, unincorporated association, or partnership who Makes Representations.

**“Government Representative”** means a Government Institution or a person elected to be a member of a Government Institution such as a Member of Parliament or local councillor as well as their staff, such as Ministerial staff, staff employed by a Member of Parliament, staff employed by a local or shire council, or staff employed in the public sector.

**“Lobbying Rules”** means rules established by legislation or a Government Institution to regulate lobbying or government relations practitioners or their activities. For an up to date list, see the Association’s website.

**“Making Representations”** includes substantive contact with a Government Representative for the purpose of influencing government decision-making including making or changing legislation, developing or amending policy or programs, the awarding of a tender, a grant or allocation of funding, and meeting or other requests, but does not include non-substantive matters such as requests for publicly available information or modifying logistical arrangements for a meeting.

**“Management Committee”** means the Management Committee of the Association or their designate.

### Operation of this Code

1. This Code applies in respect of all circumstances in which a Government Relations Practitioner is Making Representations on behalf of a Client.
2. Any breach of this Code of Conduct will be dealt with in accordance with the Membership Rules and it is an obligation of membership that each member (and their relevant staff) is bound by those Rules.
3. This Code commences on 1 July 2014.

### Professionalism

4. Practitioners will act with honesty and decency at all times towards Government Representatives.
5. Practitioners will not act in a manner detrimental to the reputation of the Association or the professional practice of government relations in general.
6. Practitioners will not engage in any conduct that is corrupt, dishonest or illegal.

7. Practitioners will use reasonable endeavours to satisfy themselves of the truth or accuracy of all statements made or information provided to Government Representatives and will exercise proper care to avoid giving false or misleading information.
8. Practitioners will diligently advance and advocate their Client's interest.
9. Practitioners will devote time, attention, and resources to the Client's interests that are commensurate with Client expectations, agreements, and compensation.

#### Interactions with Government

10. When interacting with Government Representatives, Practitioners will disclose on whose behalf they are acting, and will not misrepresent their interests.
11. Where the proposed or actual activities of a Client may be illegal, unethical or otherwise contrary to a Lobbying Rule or this Code, Practitioners will advise the Client accordingly and refuse to act in relation to the relevant activity.
12. Practitioners will not make misleading, exaggerated or extravagant claims regarding, or misrepresent, the nature or extent of their access to, or relationship with, Government Representatives, political parties, or members of political parties. This clause extends to claims of 'guaranteed' access to, or outcomes from, particular Government Representatives.
13. Practitioners will not offer or give, or cause a Client to offer or give, any financial or other incentive to any Government Representative that could be construed as a bribe or inducement.

#### Personal Political Activity

14. Practitioners will keep strictly separate their professional activities and any personal activity or involvement on behalf, or as a member, of a political party.
15. Practitioners will not serve in an Executive Role with a political party.
16. Practitioners will not play a senior management role in the conduct of an election campaign.

#### Employment of Government Representatives

17. Practitioners will not employ, or otherwise commercially engage, any current Government Representative.
18. Practitioners who were formerly elected Government Representatives will not, for a period of 18 months after they ceased to hold office, Make Representations on behalf of a client, with respect to any matter on which they had official dealings in the 18 months prior to leaving that role.
19. Practitioners, who were formerly non-elected Government Representatives will not, for a period of 12 months after they ceased their former role, Make Representations on behalf of a Client, with respect to any matter on which they had official dealings in the 12 months prior to leaving that role.

### Compliance with Laws, Regulations and Rules

20. Practitioners will comply with any relevant Lobbying Rules and with this Code. Where any conflict exists between this Code and a Lobbying Rule, Practitioners must abide by the Lobbying Rule.
21. Practitioners will comply with any legislation, government resolution or rule relating to donations to political parties and any other matter.
22. Practitioners will conduct themselves in accordance with the rules of parliament or any other Institution of Government while within their precincts (including rules relating to any access pass that might have been issued to them).
23. Practitioners will abide by the rules for obtaining, distribution and release of parliamentary and governmental documents.
24. Practitioners will not obtain information from Government Representatives by improper or unlawful means.
25. Practitioners will not cause a Government Representative to breach any law, regulation or rule applicable to them.

### Obligations Only Applying to Consulting Practitioners

26. Consulting Practitioners will have a written agreement with their Client regarding the terms and conditions for their services, including the amount of and basis for compensation.
27. The fees charged by a Consulting Practitioner will be reasonable, taking into account the facts and circumstances of the engagement.
28. Upon termination of their relationship, Consulting Practitioners will take steps to the extent reasonably practicable to protect a Client's interests, such as giving reasonable notice to the Client, allowing time for employment of another Practitioner, and surrendering papers and property to which the Client is entitled.
29. Consulting Practitioners will indicate to their Clients their membership of the Association, and the existence of obligations under this Code and the Lobbying Rules.
30. Consulting Practitioners will avoid conflicts of interest in Making Representations on behalf of a Client to a Government Representative.
31. Consulting Practitioners will disclose any known conflict of interest to their relevant Clients and resolve the conflict issue promptly.