Economics and Governance Committee

Inquiry into the Integrity and Other Legislation Amendment Bill 2023

Sixteen stakeholders provided submissions to the Economics and Governance Committee on the Integrity and Other Legislation Amendment Bill 2023 (the Bill). The following submissions were received:

1. Australian Lawyers Alliance
2. Queensland Audit Office (QAO)
3. Planning Institute of Australia Queensland
4. Queensland Ombudsman
5. Queensland Council of Social Services (QCOSS)
6. Chartered Accountants Australia and New Zealand
7. Australian Professional Government Relations Association (APGRA)
8. Organisation Sunshine Coast Association of Residents Inc (OSCAR)
9. Crime and Corruption Commission (CCC)
10. Local Government Association of Queensland
11. Property Council of Australia
12. South East Queensland Community Alliance Inc. (SECQA)
13. Queensland Law Society (QLS)
14. Brisbane Residents United
15. Office of the Information Commissioner (OIC)
16. Queensland Integrity Commissioner (QIC)

The Department of the Premier and Cabinet's response to the issues raised in the written submissions are set out in the table below:

Topic	Clause	Submitter	Submitter comments	Departmental response
The Bill		8 OSCAR	A review of the legislation, including its policy directions and outcomes is undertaken within a given timeframe, for example four years, and with bipartisan support.	Each of the integrity bodies' respective legislation contains a strategic review provision, requiring a strategic review to be conducted at least every five years.
		12 SECQA	Greater transparency (and integrity) should be achieved through Parliament amending Queensland's RTI laws. Consider there is too much scope for local governments to act secretively by declaring matters to be confidential, thereby restricting access to reports and discussions at Council meetings. Regularise parliamentary reporting by integrity agencies under the auspices of a single portfolio committee led by the Speaker	The Bill proposes a process for a parliamentary committee role in the approval of terms of reference, appointment of the strategic reviewer and tabling of the strategic review report.

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		15 OIC	of the House, similar to the Officers of Parliament Committee in New Zealand. A 5-year statutory review clause in the Bill to enable a review of this process after 5 years have elapsed.	A single portfolio committee is not proposed by Coaldrake.
Financial independence	Clause 11 – section 29G – Funding proposals by Auditor-General to go through Parliamentary Committee for approval Clauses 11, 24, 41, 54 & 66 – Funding proposals for integrity bodies to go through Parliamentary Committee	2 QAO 15 OIC	To achieve the ongoing independence of the Auditor-General from executive government (and all the integrity offices), that shifting the existing responsibilities of Ministers to the Speaker as suggested is required. Amendments should be made to the *Financial Accountability Act 2009* (Qld) (FAA) which resemble provisions in the New Zealand *Public Finance Act*. This could include a role for Queensland Treasury to assist integrity agencies in developing their annual budgets for the Parliamentary Committee consideration and for including these subsequently into the ordinary annual appropriation Act. Goal of budgetary independence would be best achieved by extending the committee role to all funding requests, including the initial appropriation. The concepts of 'funding proposal' and 'implemented' could be better defined.	The Bill provides for the parliamentary committee to approve the funding proposal of the integrity body or an alternative funding proposal. The parliamentary committee is then required to prepare a report on its decision (in consultation with Queensland Treasury) and provide a report to the Minister. The Minister will be required to table a response to the committee report, along with the committee report. If the funding approved by Government is different to that approved by the committee in its report, the response will need to provide reasons for the difference. The ultimate decision on the funding proposal is retained by government. The involvement of the parliamentary committee in the funding proposal provides the necessary independence for integrity bodies' funding decisions, removing any perception of undue influence. 'Funding proposals' are defined as a written request for additional funding for one or more financial years.

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			Consistent with the proposed model, it would appear that approval of cash reserves would sit with the Speaker instead of the Minister and follow the Parliamentary Committee process after consultation with the Under Treasurer, or under the abovementioned amendments. Any proposal to reduce the funding for an Officer of Parliament to be expressly approved by the parliamentary committee rather than it being deemed to be approved if no decision is made.	'Additional funding' means funding from the State for the body in addition to the allocated amount for the financial year. This is intended to mean funding above and beyond the base funding provided to the integrity body. An example of 'implemented' is provided in the Explanatory Notes to the Bill. 'Implemented' in relation to a funding proposal includes, for example, that the decision on a funding proposal has been reflected in the Appropriation Bill. Cash reserves are part of budget allocations and would not be considered 'funding proposals' under the amendments proposed in the Bill. The authority needed to access cash reserves varies between statutory bodies, depending upon their status under the *Financial Accountability Act 2009* (FAA) and the *Financial Accountability Regulation 2019* (FAR). The Information Commissioner's status under the FAA and the FAR is a matter for the government and not dealt with in this Bill. The Bill does not address reductions of an integrity body's budgets. The Department also draws the Committee's attention to the Explanatory Speech given on

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				introduction of the Bill, during which the Premier stated (Hansard, 16 June 2023, 2073): "*The Constitution of Queensland strictly prescribes what the parliamentary appropriations bill, as opposed to the general appropriations bill, must contain. It clearly limits this to the budgets for the Legislative Assembly and Parliamentary Services. It cannot be interpreted to enable inclusion of any other entity's budget.* *Further, the budget proposals for the Legislative Assembly and Parliamentary Services are provided by the Clerk of the Parliament to the Premier as responsible minister, and not the Speaker prior to the budgets' approval. This would mean that, were we to substitute the Speaker for the responsible minister for progressing an integrity body's budget, the incongruous situation that would arise is an officer of the parliament would have greater independence from the executive government than the parliament itself. I am advised this situation was not contemplated in the report, nor was constitutional change, and as such the government is implementing the recommendation as outlined."*
Strategic reviews and independent audits of QAO	Clauses 15,16,18 &19 sections 68, 70 & – Conduct of	2 QAO	The proposed amendments retain responsibilities for the Minister and the Treasurer, appearing to indicate an intent to maintain a level of accountability to the executive government.	The Bill provides for the Parliamentary Committee to approve the terms of reference and nominee for appointment as strategic reviewer. The report of the strategic review is to be provided to the Parliamentary Committee

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	strategic review of audit office & Report of strategic review s.72AA Annual report		There is a lack of clarity around the term 'audit report' in the revised s.72 and it could be interpreted to require that the independent auditor's report including the auditor's opinion, issued on an entity's financial statements be provided OR a report issued by an auditor to management of an entity identifying the results, key findings and any recommendations arising from the audit. If it is a report including the financial statements, this would then be tabled before the QAO's annual report. This is currently prevented by s.42 of the *Financial and Performance Management Standard 2019*. Why the Auditor-General is required to give a copy of the annual report to the Treasurer – again indicating an intent to increase the level of oversight by the executive government.	and the Chair will be responsible for tabling the report. A copy of the report will also need to be provided by the strategic reviewer to the relevant integrity body, the Treasurer and the appropriate Minister. The Bill does not alter the Parliamentary Committee's responsibility to inquire into a strategic review report. The process changes are intended to provide greater oversight responsibility to the relevant Parliamentary Committee for strategic reviews The 'audit report' from an independent audit to be tabled is the same report referred to by the current section 72, which, under current section 72(2) is required to be given to the Premier, the auditor-general and the Treasurer. The report must be included by the auditor-general in the annual report of the audit office. Section 42 of the *Financial and Performance Management Standard 2019* (FPMS) states: *However, the accountable officer or statutory body does not contravene subsection (1) by giving the annual financial statements, or a copy of them, to—* *(a) a person under an authority given by the appropriate*

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				Minister for the department or statutory body; or *(b) the Treasurer under section 26 of the Act; or* *(c) another person if the accountable officer or statutory* *body is required or permitted under another law to give* *the statements or a copy to the person* The amended provision would provide for the Auditor-General Act to override the FPMS. The new requirement for copies of the annual reports to be provided to the Treasurer as well as the Minister when the final annual report is provided to the Parliamentary Committee, is not intended to increase authority or oversight by the Treasurer in the financial arrangements of the integrity bodies. Instead, it will simply provide contextual awareness for the Treasurer and Treasury Department for matters relating to the state budget. The proposed process is consistent across the integrity bodies.
Appointments of Integrity Bodies	Clauses 4, 37, 50 & 64 - Parliamentary committee involvement in integrity body	2 QAO	The 20 business day deemed approval provision could be perceived as a limitation on the independence of the process as it could be seen as an appointment by the Minister, not the committee.	The intent of the timeframe is to ensure there are no unnecessary delays in making appointments. The measures seek to balance the need to enhance the independence of integrity bodies,

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	appointment processes		The Queensland Remuneration Tribunal's determination of the remuneration and allowances to the auditor-general would be in line with best practice.	while not placing administrative obligations on Parliamentary Committees. Parliamentary Committee consideration of processes for key appointments boosts their independence from government and, as far as possible, provides for consistency of process of the integrity bodies. Current practice aligns remuneration and allowances of statutory officers with the chief executive remuneration framework. This framework is guided by a standard job evaluation framework and contains flexibility to consider factors like market competition for similar roles and experience of the candidate. This approach is rigorous, transparent and independent from political interference. The Queensland Independent Remuneration Tribunal determines the salaries, allowances and entitlements of members and former members of the Queensland Legislative Assembly. It does not have any role in remuneration for other public or private sector positions. Sections 91A to 91C of the *Parliament of Queensland Act 2001* provide for the membership and operation of each of the portfolio committees, including voting protocols,
		13 QLS	Bipartisan support from relevant parliamentary committees for the key integrity appointments is beneficial but there is an innate difficulty of achieving true bipartisan appointments in circumstances where the parliamentary committee Chair holds the casting vote. An option could include requiring the parliamentary committee to reach agreement by a majority which includes the chair and deputy chair of the committee.	

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				which differ, depending upon the committee's membership composition. Generally, questions are decided by majority. If the votes on a question are equal, the question is decided in the negative but may be put again at any time. The relevant Minister and administering department will undertake the organisational and administrative tasks relating to the appointment process.
Amendments to Integrity Act General	Clauses 28 and 29 – Replacement of long title and Amendment of section 7 (Functions of integrity commissioner)	8 OSCAR 14 Brisbane Residents United 16 QIC	The Bill to include the Coaldrake recommendation that the Auditor-General carry out performance audits of the lobbying register, ministerial diaries and public records to ensure recordkeeping obligations are being complied with. Amendments to the 'Long Title' of the Act and the functions of the Integrity Commissioner omit a key responsibility of her role to develop and after consultation with the parliamentary committee, approve a registered lobbyists Code of Conduct. This is important when applying legal interpretation to the proposed legislation.	As the Queensland Audit Office is an independent integrity agency, this is a matter for it to consider. Long titles of Acts are not intended to be overly prescriptive and can be broad provided they do not contradict the body of the legislation. Clause 36, new Chapter 4, Part 4 specifically prescribes the functions and powers the Integrity Commissioner has with respect to the Code of Conduct, training and directives. These new sections are consistent with the proposed new Long Title. The preference for long titles is for them to be concise.

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Designated Persons	Clause 31 – Amendment of s15 (Request for Advice)	13 QLS	Concerned it may deter a designated person from seeking advice from the integrity commissioner about the Minister themselves, should the need arise. There may be a need for an exception to enable a designated person to seek integrity advice about the Minister without needing to disclose these intentions to the person subject of the advice.	Clause 31 is implementing a recommendation of the Yearbury Report to ensure Ministers and Assistant Ministers are aware of integrity commissioner advice being sought their Chief of Staff and that full contextual information is provided to the integrity commissioner. Yearbury considers that Minister's cannot fulfil the obligation in The *Queensland Ministerial Handbook* to ensure their staff are aware of, and comply with, the *Code of Conduct - Ministerial Staff Members* if they are not aware of the advice being sought by a staff member and for what purpose. Section 15(1) of the Integrity Act (which is not being amended) specifies that the designated person may seek advice on an ethics or integrity issue 'involving the person'. The Bill makes no change to the current framework that only a Minster or Assistant Minister may seek advice on an ethics of integrity issue involving another person. The current provisions in the Integrity Act only allow a Minister or Assistant Minister to seek Integrity Commissioner advice on an ethics or integrity issue involving certain listed designated persons (see sections 17 and 18). New section 20B, introduced by the *Integrity and Other Legislation Amendment Act 2022*, provides that a Minister may ask for the

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				Integrity Commissioner's advice on an ethics or integrity issue involving a ministerial advisor who gives advice to the Minister. The Yearbury Report notes that change to the definition of designated person will not impact the ability of Ministerial staff members to 'disclose alleged impropriety.' The Yearbury Report references the actions a Ministerial staff member may take under the Public Interest Disclosure Act. If a Ministerial staff member is concerned about corrupt or criminal conduct of a Minister, that staff member may also refer the conduct to the Crime and Corruption Commission or the Queensland Police Service. The *Code of Conduct - Ministerial Staff Members* and the *Ministerial Code of Conduct* are available from the website www.premiers.qld.gov.au. Copies of the Codes of Conduct can be provided to the Committee on request to the department. All of this above action may be taken without informing the relevant Minister.
Lobbying Definitions	Clause 36 – Replacement of chapter 4 (Regulation of lobbying activities) –	16 QIC	To avoid confusion for a lay person, there should be a definition of ***'entity'***, given the numerous references in the Bill 'entity', 'person' and 'individual' to describe the requirements and obligations imposed.	The term 'entity' is a generic term defined in the *Acts Interpretation Act 1954*, and as per standard drafting practice it is unnecessary and overly prescriptive to restate it.

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	Section 41 definitions Clause 36,Section 42 - What is a lobbying activity'; Section 43 - 'What is not a lobbying activity'		To achieve consistency in the application of the definition of 'official dealings', across the lobbying function and the advice function, the definition should apply to Chapters 3 and 4 of the Integrity Act. The definition would therefore need to be included in the Schedule 2 (Dictionary) of the Integrity Act. In relation to the definition of ***'official dealings'*** the application of 'regularly' will be subject to different interpretation, as will 'ordinary duties'. Therefore the definition should remove 'regularly' and 'ordinary' so as not to restrict the application of the term. The use of the word 'means' also limits the application of the definition and an alternative word such as 'includes' should be considered. These amendments would result in the following definition for 'official dealings': in relation to a person who is a former representative, includes any of the following dealings the person engaged in as part of the person's duties – (a) government or Opposition business or activities; and (b) negotiations, briefings, contracts and the making or receipt of representations relating to government or opposition business or activities.	The term 'official dealings' does not feature anywhere in proposed chapter 3 amendments or chapter 3 in the current *Integrity Act 2009*. Having the definition moved to Schedule 2 would have no effect. The intention of the definition of 'official dealings' was to assist the regulator, government representatives and former government representatives to understand and adhere to the post-separation restrictions. Removing 'regular' and 'ordinary' would greatly expand the areas in which former representatives would be barred from engaging in lobbying activity post separation. For example, if an agricultural matter is brought before Cabinet, all Minister's would be unable to engage in any lobbying activity related to agriculture as it was part of their official dealings on limited or rare occasions This potentially impedes rights under the *Human Rights Act 2019*.

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			The definition of **'*third party client'*** constitutes a loophole in that 'third party client' requires that the fee or reward 'is agreed to before the other entity provides the services'. In a commercial context, a quote may be agreed upon with a third party client before the provision of services commence, but payment is often dependent upon the amount of services that are provided. It can therefore be argued that no fee or reward was agreed to prior to providing the services. Similarly, it is easy to deliberately thwart the intent of the scheme by simply undertaking lobbying work without formally agreeing on an exact fee or reward until after the services have been delivered. The definition of 'third party client' should exclude the requirement for the amount to be agreed before the services are provided. For example: ***third party client*** *means an entity that engages another entity to provide services constituting, or including, a lobbying activity for a commission, payment or other reward, whether pecuniary or otherwise.* 'The exercise of discretionary power' often bestowed on a government representative should be included in what a '***lobbying activity'*** is at section 42(1)(a). It would be an illustrative and useful inclusion, given that a lobbyist is likely to be engaged by a client on a matter where the Government representative has a discretion.	The definition of 'third party client' reflects the definition in the current Act. Neither the Coaldrake Report, nor the Yearbury Report discussed or recommended any change to the definition of 'third party client'. The definition of lobbying activity in the Bill is the same as the current Integrity Act except for a small number of minor changes recommended such as inclusion of 'repeal' of an Act, and replacing 'contact' with 'communicating' to capture modern and emerging forms of communication such as electronic messaging.

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			To require the interpretation and application of new section 42(1) be read subject to the list of activities in new section 43, unnecessarily complicates the question of **what does and what does not constitute a lobbying activity** for the purposes of the proposed legislation. New subsection 42(2), on its application to new subsection 42(1), may create conflict and limit the application of new section 42(1). It is recommended that subsection 42(2) be removed and that the conflict or ambiguity created by the new subsection 42(1)(v) and 43(i) be resolved so that there is certainty as to what does, and what does not constitute lobbying activity in relation to planning.	Proposed new section 42(1) essentially replicates current section 42(1) and proposed new section 43 replicates current section 42(2) Neither the Yearbury nor Coaldrake Reports made any recommendations or suggestions for changes to the definition of lobbying activity or what is not lobbying activity other than in relation to 'incidental lobbying' which is dealt with in proposed new section 43(k).
			Recommends adopting the Western Australian *Integrity (Lobbyists) Act 2016* wording in relation sub-sections 43(b) and (h) to bring clarity.	Sections 43(b) (communicating with MP or councillor) and 43(h) (communicating in a public forum) are replicated from the current definition of what is not lobbying activity and neither the Coaldrake Report nor the Yearbury Report recommended changes to these recommendations. The Western Australian provisions incorporate policy changes from the policy intent of the current definitions and would expand the matters that a Member of Parliament, who is also Minister, cannot discuss with a constituent.

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			The definition of '***substantial role'*** should include voluntary or pro bono work and should be modified to *'involves employment or engagement by the party, a candidate or other entity or person'.* A definition should also be provided for '***media liaison'***.	The definition of substantial role already includes voluntary or unpaid work. The role of 'media liaison' is a generally understood role concerning the relationship between an entity or individual and the media. It is not commonly used to describe a role that provides substantive policy or strategic input.
			In relation to sub-section 43(j), the Queensland Integrity Commissioner considers the application of the subsection could be narrowed to exclude incidental meetings involving representatives and registered lobbyists. It would mean whether the lobbying activity was scheduled or not, it would be required to be entered into the lobbying register.	Contact on 'non-business' issues is currently in the Integrity Act. The addition of 'non-commercial' is intended to make it clear that communications unrelated to the commercial or business activities of a registered lobbyist (i.e. not related to providing a lobbying service to a third party client), are not captured as lobbying activities. The example provided in the Bill explains this provision is not intending to exclude all unscheduled meetings. However, it would be unreasonable for every interaction however short and incidental to be required to be registered.
			In relation to sub-section 43(k), the Queensland Integrity Commissioner considers that if the intent is to capture professional and technical services firms, then this can only be done by removing new	The current Integrity Act (section 41(5)) provides a definition of incidental lobbying activities that do not need to be registered. The Coaldrake Report discussed the risk that a person was able to 'escape' regulation by virtue of their position or employment.

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			subsection 43(k). This places professional services and technical firms on the same footing as a professional lobbying firm. If they wish to undertake work for a paying client which constitutes lobbying activity (irrespective of what proportion of services to the client it forms), then they must be registered. If in the course of providing services to that client, they communicate with a representative in an attempt to influence decision-making as defined in new section 42, then they must record that contact.	The notion of 'incidental lobbying' has been incorporated in the Bill into proposed new section 43(k). The intention of this subsection is not to alter which activities or who should be subject to lobbying regulation, but to mitigate the risk in the current section 41(5) interpretation raised by the Coaldrake Report. The Coaldrake Report did not otherwise recommend any changes to the scope of lobbying activity to capture other professional services provided by (e.g.) lawyers, town planners, engineers. The Coaldrake Report does state (page 48) "…it is important to avoid the temptation of overregulation, as this can drive activity underground."
		7 APGRA	It would be helpful to include additional examples of activities that are not lobbying activity but still cause confusion – for example a formal invitation to government representatives for the opening of a facility or a sod turning.	
		13 QLS	Reference to legal services in the example in new section 43(k) should refer to legal services as defined in the *Legal Profession Act 2007* (Qld) to avoid confusion about which entities or persons provide legal services of the kind contemplated.	The term 'legal services' is a commonly understood term used extensively across Queensland legislation.
Lobbying – Other types of		9 CCC	There are gaps in the scope of lobbying activities which are subject to registration	The Bill focuses on capturing the activity of lobbying rather than particular individuals or

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lobbying such as In House Lobbyists			requirements and regulation, which are not addressed by the Bill. The CCC notes its *Influence and transparency in Queensland's public sector* report recommended amending the definition of 'lobbyist' to ensure it focuses on the activity of influencing rather than particular individuals or organisations, or the frequency of that behaviour. This includes broadening the Queensland scope to include in-house lobbyists and other groups and individuals seeking to influence government decisions.	organisations, or the frequency of that behaviour. Neither the Coaldrake nor Yearbury Reports recommended extending registration requirements to in-house lobbyists.
		16 QIC	Registered lobbyists may circumvent the requirements arising from registration, by being employed on a casual or temporary part-time basis (e.g. one day per week) when the registered lobbyists and/or third party client want to avoid reporting contacts as required in the Integrity Act and the Bill. This may be achieved by employing the registered lobbyist as an employee, consequently any lobbying undertaken is done so as an employee (i.e. an in-house lobbyist) so the requirements of the lobbying regulation do not apply.	
		14 Brisbane Residents United	The framework could be further strengthened by improving the definition of a 'lobbyist' to include acting for even non-profit entities that represent private industry, such as the Queensland Resource Council and better enforcing existing limitations on lobbyists	Communicating with a government representative in an effort to influence decision making of the State government or a local government on behalf of a third party client is lobbying activity and will require registration.

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			moving between government and the private sector.	This is the case regardless of who is the 'third party client'. The exemption that applies to non-profit entities that represent industry members applies to the actions of the non-profit entity (as opposed to the actions of a professional firm engaged to lobby for the non-profit) that could otherwise be described as lobbying (e.g. making representations on behalf of members) Enforcement as raised by the Brisbane Residents United is a matter for the Integrity Commissioner.
Lobbying – incidental lobbying	Clause 36, Section 43 'What is not a lobbying activity'	11 Property Council of Australia	Consider the definition of 'lobbying activity' to be overly broad and includes 'communicating' with a government representative to influence decision-making…. Lack of clarity of sub-sections 43(i) and (k) to explicitly apply to planning, given the nature of planners' day-to-day roles to provide professional technical advice to government representatives. Recommend that section 43(k) references 'town planners' as one of the examples on the basis that planning is specifically referenced in section 42(a)(v) as a lobbying activity. Seeks greater clarity in relation to 'in the ordinary course of' within sub-sections 43(i) and (k) to either introduce a new clause to wholly exempt planners providing	Section 43 provides a non-exhaustive list of examples. It is not necessary to list all types of professional or technical services. Planning has been mentioned in the Explanatory Notes to aid interpretation in the event of any uncertainty. The provision aims to capture activity that is intended to influence the decision making of a government official. The ordinary course of providing information on (not advocating for) a planning submission would not be captured. The Coaldrake Report did not recommend any particular profession be wholly exempt and in instead indicated that 'registration and recording of lobbyist activities should cover third party lobbyists as well as those carrying

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			professional or technical services or that greater guidance be provided to assure planners they can continue to make representations at the required times for each project throughout an application process, ensuring timely and accurate planning technical advice is made available for decision makers.	out lobbying functions as part of their suite of professional services'.
Lobbying – government and Opposition representatives	Clause 36, Section 44 ' who is a government representative' Clause 36, Section 45 'who is an opposition representative'	9 CCC 11 Property Council of Australia	The amendments do not expand on ***'government representative'*** or ***'opposition representative'***, in particular, Members of Parliament and electorate employees are not captured, although local government councillors are. There is no clear rationale for differential treatment. The '***government representative***' definition includes a public sector officer. Suggest this broad definition potentially captures any interaction with government and council officers, including those assessing an application or negotiating an infrastructure agreement. This will result in reluctance from government and council officers to engage with a proponent. There is the potential for the reforms to result in governments taking a cautionary approach by either not meeting with proponents or requiring anyone wanting a discussion about a development application to be a registered lobbyist. This could be problematic for small consultants and mum	Proposed new sections 44 and 45 replicate the existing sections 44 and 47A in the Integrity Act. The Coaldrake and Yearbury Reports do not recommend amending the definition of government or opposition representative. The Bill does not introduce new definitions that would change interactions with government representatives that should be subject to registration. Discussing the technicalities of a development application is not now and will not be captured as lobbying activity. Education of government representatives will allow them to identify when the threshold of lobbying activity is satisfied.

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			and dad investors undergoing a small subdivision.	
Lobbying – Requirement for registration and offence	Clause 36, section 46 – Lobbying activity by unregistered entity prohibited	16 QIC	The Queensland Integrity Commissioner identifies an inconsistency in the Bill between the new and former section 46. These two new sections referring to the same issue should be consistent, and as new section 46 is more specific and clearer, the definition of 'third party client' should be amended to state "for a commission, payment or other reward, whether pecuniary or otherwise".	The definition of 'third party client' reflects the definition in the current Act. Neither the Coaldrake Report, nor the Yearbury Report recommended any change to the definition of 'third party client'. The use of additional descriptors in new section 46 with respect to 'third party client' provide greater clarity for the commissioning of an offence. It is not inconsistent with the definition in new section 41.
	Clause 36, Section 47 - 'Particular entities not required to be registered'.	5 QCOSS	The section 47 definition of 'non-profit entity' needs to be amended to ensure the policy position is reflected (and argues that many non-profit organisations operating in Queensland would not meet the current definition given either their constitutions or legal structures). QCOSS suggests amendment to 'A charity, organization, entity or other body that is not carried on for the profit of its individual members'.	The definition of non-profit entity has been taken from the *Electronic Transaction Act 2001*. If any of the groups, or their member not captured by this definition are only advocating for their own interests, they will still not be required to register (that is, not engaging in lobbying activity for a third party client as per new section 46).
Lobbying – Code of Conduct, Directives and training	Section 55 – Code of conduct Section 56 – Approved training	7 APGRA	Offered Code of Conduct to serve as a basis for the code of conduct recommended under this section. APGRA recommends incoming Members of Parliament also undergo training as part of induction.	The development of the Code of Conduct is a matter for the Integrity Commissioner. Training is a matter for the Integrity Commissioner.

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	Section 57 – Directives		The proposed directive power of the Integrity Commissioner should be clarified. The proposed expansion in power for the Integrity Commissioner including '(c) any other matter the integrity commissioner considers appropriate', in effect, means unchecked power, with little Parliamentary oversight.	The Integrity Commissioner is limited by the Integrity Act to only use the powers in the Act to undertake the functions prescribed in the Act. Directives may be used to provide for operational, procedural and technical matters for registered lobbyists. If a conflict arises between the Act and a directive, the Act will override the directive to the extent of the conflict or inconsistency. The relevant parliamentary committee (currently the Economics and Governance Committee) has general oversight of the Integrity Commissioner and the OQIC functions. This will also include consideration of any inappropriate exercise of authority.
Lobbying – Time frame for dual hatting prohibition	Part 5 – Restrictions on particular lobbying – Dual hatting – sections 41, 49 and 58	16 QIC	The timeframe or length of time of application of the disqualification period would need to have regard to when substantive work on an election campaign might be done. There is a need to identify when substantive work is typically done in formulating an election campaign strategy (including policy development) and implementing it. This might be at least a six or twelve month period before a general election and could be operationalized by applying a term such as 'pre-election period' for the purposes of new section 49(1)(a) and giving that term a definition under the new section 41. For example, "'pre-election period' means the	The Coaldrake Report did not include any discussion of an appropriate period of time before an election that would be considered the election period or a start point for an election campaign. In the circumstances where an extraordinary general election or by-election occurs with short warning, this could significantly harm the ability of individuals to be employed as a lobbyist. Commencing the 'election period' on the day the Writ is issued, provides a definable and exact date for a registered lobbyist to respond to, and will not result in inadvertent breach of the prohibition if an extraordinary or by-election occurs.

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		7 APGRA	period of six months starting on the day that is six months before polling day for an election". The definition of 'election period' in section 41 taken together with the new section 49(1)(a) use of 'immediately' means the disqualification period is the three weeks and five days before polling day – it can be argued that this close to an election, the substantive work on the long-term election campaign strategy (including most if not all policy development) is completed, and at this point political parties would be well into the implementation stage and strategizing on unexpected and emerging issues that often arise in those last few weeks of an election. This is not consistent with the Coaldrake recommendation and a reasonable disqualification period should be at least 6 or 12 months prior to a general election. This section only applies to the election period and doesn't take into account an individual who may be a registered lobbyist and hold senior roles within the party executive (and who may step down from the role during the election period – constituting a loophole). The disqualification period of four years for an individual who has performed a 'substantial' role in an election campaign is too long and recommend 2 years, consistent with the	As identified in the Coaldrake Report, the influence or perceived influence will endure for the entirety of the term of new government. Neither the Yearbury nor Coaldrake Reports recommended an exclusion on political party members engaging in lobbying. Any restriction of this king would engage human rights within the *Human Rights Act 2019*. Preventing political party members from lobbying will: • prevent them from exercising their freedom of expression and taking part in public life • prevent them from practising a profession as part of their private life • Inhibit them from exercising their freedom of expression • Inhibit them from associating with a political party. The justification for a restriction on these rights would need to be recognised and lawful, such as knowledge acquired through pre-existing relationships which is then used to gain an advantage over others in the community in seeking to influence future decisions of government for a client. From this understanding, restricting political party members from engaging in lobbying activity would breach human rights as described under the Act, which goes against the purpose of the Bill.

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		13 QLS	exclusion period for senior government representatives. The inclusion of the term 'substantial' is open to interpretation and introduces uncertainty. The qualifier 'substantial' does not reflect the Coaldrake Report recommendations. Recommendation 3 called for an explicit prohibition of lobbyists 'dual hatting'. QLS recognizes use of the word 'substantive' in the Report commentary but highlights the final recommendation comprises an explicit prohibition of lobbyists 'dual hatting' as political campaigners. As drafted the provision will not prevent a lobbyist 'dual hatting' and should be reconsidered.	The right to engage in political and public life is embedded in the *Human Rights Act 2019*, and is a fundamental right in a democracy. As discussed in the Coaldrake report, registered lobbyists who engage in political campaigns are in (or at least perceived to be in) a unique and unfairly advantaged position to lobby governments for clients. Narrowing the dual hatting prohibition to 'substantial' roles seeks to find a balance between these two competing rights and provide an 'even playing field' for input into and influencing government decisions.
Lobbying – registered, listed and employees	Part 10 – Register – section 66M – Particulars to be recorded in lobbying register	7 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 and this will have significant administrative and compliance burden. Nor should there be a requirement to list staff members who are not engaging with government representatives in a lobbying capacity, particularly for registered firms that work across multiple jurisdictions and disciplines. This misrepresents the roles they undertake.	Only individuals who carry out lobbying activity are required to be registered as listed persons in the lobbying register. This is in line with Coaldrake's recommendation. All other employees, other than administrative staff and staff whose role involves work only outside Queensland will be included on the register but not as listed persons. This is in line with the commitment made by government and will ensure that all communications with a lobbying firm are transparent and not just the communications with the registered lobbyists employed by the firm.

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Ombudsman – expansion of functions	Clause 49 – Insertion of new section 12A into the *Ombudsman Act 2001* – Functions extended to administrative action taken by entity that is not an agency	5 QCOSS	The expanded functions of the Ombudsman to contracted NGOs will result in additional regulation of NGOs – a sector already well-regulated and operating within a resource and funding constrained environment. Capacity building, support, and resourcing should be provided to non-government entities to understand and prepare for the reforms and that transitional arrangements be included in the Bill for at least 2 years.	Any NGOs providing services on behalf of agencies are within the scope of this provision. The Ombudsman's current jurisdiction enables the administrative action of a government or local government agency to be investigated, but not the actions of an NGO performing a function on behalf of the agency. The Ombudsman's current jurisdiction is limited to investigating how the government agency has addressed the issue that is the subject of the complaint. The Ombudsman's expanded function will apply only in relation to the entity's decision-making, practices and procedures that relate to taking administrative action for, or in the performance of functions conferred on, the agency. The section 8 meaning of 'agency' is clarified for the purposes of section 12A. Education and communications for agencies and sectors are matters for the Ombudsman. To support the Ombudsman, the Queensland Government has provided $5.035 million in services funding over four years and 10.5 ongoing FTEs to support the increased jurisdiction and increased education program.
Right to Information Act 2009	Clause 67 – Amendment of s185 – *Right to Information Act*	15 OIC	The amendment in clause 67 will require the Minister to give a copy of the annual report required to be prepared under this section to the parliamentary committee.	Amendment to section 194 of the IP Act is not required given currently, sub-section (3) provides that:

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	2009 (Report to Assembly on Act's operation)		Section 194(1) of the *Information Privacy Act* should be amended consistently with the amendments proposed to its counterpart in section 185(1) of the RTI Act.	*(3) An annual report under this section may be included as part of an annual report the Minister is required to give under the Right to Information Act.* A combined Annual Report for the *Right to Information Act 2009* and *Information Privacy Act 2009* is currently prepared.
Auditor-General references in Acts	Clause 73 – Part 8 Schedule 1 – Other Amendments	2 QAO	The QAO identified 37 pieces of legislation the QAO believe references to the Auditor-General should be removed or incorporated within the Auditor-General Act but the current Bill only proposes removing redundant references in 4 pieces of legislation. This falls short of the 37 identified, including in relation to superannuation funds.	A review was undertaken in consultation with relevant departments, to identify obsolete provisions. Further amendments weren't made for a number of reasons including: • the provision was identified as not inconsistent with the powers and responsibilities of the Auditor-General • the provision related to a previous policy decision (for example, references in National Laws that have been adopted by other jurisdictions) • the relevant administering department did not support the amendment • the relevant administering department elected to include amendments in their own omnibus Bills.
Other issues	Opportunities for further independence of the Queensland Auditor General	2 QAO	Stemming from the previous reviews of the QAO, the Auditor-General states that a number of the opportunities for further independence listed in Appendix 2 of the Coaldrake Report have not been implemented.	This is not a matter in the Bill. This is a policy matter for Government.