

INTEGRITY AND OTHER LEGISLATION AMENDMENT BILL 2023

Submission No: 1
Submitted by: Australian Lawyers Alliance
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

Integrity and Other Legislation Amendment Bill 2023

Submission to Economics and Governance Committee,
Queensland Parliament

18 July 2023

Contents

Who we are	4
Introduction	5
Chapter 4 (Lobbying activity)	5
Exemptions from registration requirements	6
<i>“What is not a lobbying activity”</i>	6
<i>“Particular entities not required to be registered”</i>	7
Conclusion	8

Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal people of the Eora Nation.

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input the Integrity and Other Legislation Amendment Bill 2023 ('Bill'), which is currently being considered by the Queensland Parliament's Economics and Governance Committee ('the Committee').
2. The ALA supports increased transparency of government processes and reforming Queensland's public sector integrity framework to that effect.
3. This Bill reflects many of the recommendations for reform made by Professor Peter Coaldrake AO in his June 2022 report, *Let the sunshine in: Review of Culture and accountability in the Queensland public sector* ('Coaldrake Report'), and by Mr Kevin Yearbury PSM in his *Strategic Review of the Integrity Commissioner's functions* ('Yearbury Report') from September 2021.²
4. The ALA notes the Queensland Government is still considering the remaining recommendations from both the Coaldrake Report and Yearbury Report.³ We look forward to there being an opportunity for stakeholders to make submissions on any future legislation produced to address those remaining recommendations in due course.
5. In our submission on this Bill in particular, the ALA will address the new Chapter 4 (Lobbying activity) that replaces the current Chapter 4 (Regulation of lobbying activities) in the *Integrity Act 2009* (Qld) ('the Act').

Chapter 4 (Lobbying activity)

6. Clause 36 of the Bill outlines reforms to lobbying activities by way of replacing the current Chapter 4 in the Act, entitled 'Regulation of lobbying activities', with a new Chapter 4, entitled 'Lobbying activity'.

² Explanatory Notes, Integrity and Other Legislation Amendment Bill 2023 (Qld) 1. See more: Department of the Premier and Cabinet (Qld), *Parliamentary Committee Briefing Note for the Economics and Governance Committee Integrity and Other Legislation Amendment Bill 2023* (July 2023).

³ Evidence to Economics and Governance Committee, Queensland Parliament, *Public Briefing—Inquiry into the Integrity and Other Legislation Amendment Bill 2023* (Transcript, 10 July 2023) 3.

7. The ALA notes that an intention behind this redrafting is to fulfil Recommendation 3 of the Coaldrake Report.⁴ The Queensland Government explains how this is achieved as follows:⁵

... the definition of lobbying activity has been broadened to include all those who attempt to influence government decision making. The definition of lobbyist has been removed as the intention is to capture the activity rather than the individual.

The chapter is then structured to assist in understanding in what circumstances lobbying activity should be registered in the renamed lobbying register.

8. The ALA supports the reframing and restructuring of Chapter 4 of the Act, which also includes appropriate exemptions as to which entities are required to register certain lobbying activities.

Exemptions from registration requirements

9. Outlined in this Bill in the new Chapter 4 are exemptions to registration requirements for certain lobbying activities,⁶ and for certain entities.⁷
10. The ALA broadly supports these exemptions, as detailed below.

“What is not a lobbying activity”

11. The ALA submits that it is appropriate that none of the activities outlined in the new section 43 are considered to be a lobbying activity for the purposes of this Act.⁸ These are day-to-day activities for engaging with the Queensland Government (including Queensland Parliament), which should not meet the threshold for a lobbying activity for the purposes of this Act.

⁴ Explanatory Notes, Integrity and Other Legislation Amendment Bill 2023 (Qld) 3.

⁵ Ibid.

⁶ Integrity and Other Legislation Amendment Bill 2023, cl 36 (new s 43).

⁷ Ibid (new s 47).

⁸ Ibid (new s 43).

12. Further, many of the activities listed in the new section 43 are already covered by other accountability and transparency measures.
13. For example, when “responding to a call for submissions”,⁹ stakeholder submissions, any additional communication from stakeholders to a parliamentary committee, transcripts from any public hearings, and any other related inquiry materials are all published publicly on the Queensland Parliament’s website.

“Particular entities not required to be registered”

14. The ALA contends that it is also appropriate that particular entities are not required to be registered as a lobbyist, including not-for-profit entities and “an entity constituted to represent the interests of its members but only if the purpose of the lobbying activity is to represent the interests of its members”.¹⁰
15. There would be a significant administrative and time constraints associated with registration and maintenance of that registration, as well as the training required to be undertaken by those engaging in registrable lobbying activities.¹¹
16. This would be resource-intensive for not-for-profit entities in particular, as well as for many member-based professional bodies, which are operating on limited budgets and whose interactions with the Queensland Government are often led by volunteers.
17. It is, therefore, appropriate that those entities are exempt from formally registering as a lobbyist; although, of course, the ALA strongly believes that all entities – whether they are required to register as a lobbyist, or not – should engage with the Queensland Government with integrity and honesty at all times.

⁹ Ibid (new s 43(c)).

¹⁰ Ibid (new s 47(1)(a) and (b)).

¹¹ See more: Integrity and Other Legislation Amendment Bill 2023, cl 36 (new ss 48–54).

Conclusion

18. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input into the Integrity and Other Legislation Amendment Bill 2023.

19. The ALA is available to provide further assistance to the Committee on the issues raised in this submission.



Sarah Grace
Queensland Branch President,
Australian Lawyers Alliance