



Speech by


## Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 29 November 2012

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### RIGHT TO INFORMATION & INTEGRITY (OPENNESS & TRANSPARENCY) AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (6.52 pm), in reply: I thank all honourable members for their contribution this evening. In the joys of the Christmas spirit, I am going to refrain from speaking at length tonight in reply because we have many parliamentary staff members who have done an excellent job all year. It has been a big year for them and they ought to be able to be celebrated at the celebration tonight. So I will depart from my usual practice, and I will contain my comments to brief. So I shall only go for 29 minutes and not 30—just kidding!

I thank all honourable members for their contribution. The bill introduces changes to the current disclosure log requirements under the Right to Information Act 2009. Departments and ministers will be required, as soon as practicable after a valid right to information application has been received, to publish on a disclosure log the date of the application and the details of the information being sought. Some honourable members raised issues about this, and I guess it is probably easier for me to explain it this way.

When an RTO application is received by a department after this bill passes, the information will go on a disclosure log about the type of information requested, but the person's individual name will not be known in the first instance. When the information is released at a later date then the identity becomes known. So when people put in applications there will still be privacy around those applications. They will have a number attached to them and they will not become known unless documents are released in the future. We are getting rid of the 24-hour rule. But it is basically opening it up for whenever government releases information to these individuals, if it is not personal or private information, then all Queenslanders will have immediate access to those government documents.

Where the access is sought for the benefit or use by an entity other than the applicant, then the name of the entity is also to appear on the disclosure log once the documents are revealed. This will be known to departments and ministers because the amendments also require that right to information applications are to indicate whether access is sought for the benefit of, or use by, another entity other than the applicant.

The bill importantly requires agencies and ministers to delete certain information from the documents or information on disclosure logs. This will have resource implications for government agencies because they will have to do a second set of processes to make sure that, because we are releasing more information to the world at large, private and personal legislation of an individual is not released. This requirement applies where publication of the information is prevented by law to be released, if it may be defamatory, if including it in a disclosure log would unreasonably invade an individual's privacy or cause substantial harm to an entity, and where certain confidential information is involved.

The Integrity Act amendments contained in the bill make sure the opposition is open and accountable in its dealings with lobbyists. Despite the fact that the opposition is not making decisions and so forth, we just thought that in the spirit of Christmas and openness and transparency we all should share in the spoils of the Integrity Act. So we are saying to the opposition they will be open and accountable in

their dealings with lobbyists. I note they are not opposing it and I thank the opposition for that. This will mean that unregistered lobbyists will be prohibited from attempting to influence those all important opposition decisions that they make up there on level 9.

This bill will also make sure the Integrity Commissioner is informed of the full picture of lobbying activity being undertaken in Queensland by requiring lobbyists to report to the Integrity Commissioner on their lobbying activities. This information, which the Integrity Commissioner has indicated he intends to release publicly, will contribute to a more transparent system of lobbying regulation in Queensland.

The bill also clarifies the way the current lobbying regulations operate by removing confusion about whether lobbying activity can occur when the lobbyist is not paid for their services. The amendments will also provide that there must be a clearly defined and paid professional relationship between a lobbyist and a third party client, agreed prior to the conduct of the lobbying activity, in order for the Integrity Act to apply.

Again, I thank all members for their contributions tonight. This is about being more open and accountable. I thank the member for Gladstone for her contribution tonight. She is right in that ministers from next year will be releasing diaries, similar to what the UK government have been doing. In fact, I think the Labour and the Tory UK governments have been doing that for some time. So ministers will be releasing their diaries. The Premier released his diary today.

Also, lobbyists will be required to have their registration with the Integrity Commissioner. So in fact we will be more open than what we are now. The reason we are getting this through at a fast pace is that, when you look at the old system under the Integrity Act and the amendments that were made, the system obviously has not worked because, with all respect to the opposition, they cannot find their lobbyists registers. Since 2009 there were meant to be lobbyists registers kept but we now cannot find the lobbyists registers. That is why I think it is important that the person who is making the money out of the lobbying activity is the lobbyist. Therefore, they should have the responsibility to keep the register, and it is going to be combined in the code of conduct with the Integrity Commissioner.

I think from next year, from when this bill is enacted, we will have a better system of integrity and accountability and openness and transparency in Queensland than we have today. We will have a better system because lobbyists will have to tell the Integrity Commissioner what they are doing for their paid profession and the ministers will be releasing their diaries. We have made amendments to again make it illegal to lie to parliament. So I think this government has shown, if anything, that we are serious about this. We are putting information on the open data website. As much information as humanly possible will go up on that open data website, and all ministers and all departments are actively engaging in that.

The opposition leader raised a question, and rightly so—and I thank my departmental staff here tonight and from DPC for the briefing they gave the opposition today. The question that was asked by the opposition leader in the briefing today was about the new definition of ‘third party client’: will lobbyists be able to get around the lobbying regulations by agreeing to receive payment after the lobbying service has been provided? Honourable colleagues, what the opposition leader is talking about here is with respect to changing the definition of ‘third party client’ to include when a fee is paid. The concern is that a lobbyist may meet with someone but not have a contractual paid arrangement and then get a fee later on down the track after the meeting has taken place.

I think it is very important that I read into *Hansard*, if I can, my response to that question so I can give the opposition leader the full answer that she deserves because this is an important question. My response with respect to that question was as follows—

The Bill will insert a new definition of “third party client” into the Integrity Act 2009. This definition will provide that a client has to engage a lobbyist to deliver lobbying services for a fee or other reward agreed to before the service is provided.

The requirement for the fee or reward to be agreed prior to the delivery of the service ensures that there must be a clear professional and commercial relationship between a lobbyist and a client for lobbying to occur.

This addresses current confusion with the very wide application of the current subsection 41(2) which states that lobbying activity can occur whether or not fees are payable for the service.

It will not be necessary for payment be made prior to a lobbying service being provided, just for there to be an agreement that there will be a payment or reward for services rendered.

If a lobbyist or client was to decide to make a payment after the lobbying services were provided in order to avoid the requirements of the Act, this could be considered to be a “success fee” under section 69 of the Act.

This section prohibits the payment of a success fee, which is money or other reward which is contingent on the outcome of a lobbying activity.

The penalty for payment of success fees is 200 penalty units, with the fee forfeited to the State.

This will provide a strong deterrent to any attempt to get around the lobbying regulations by paying fees after lobbying services have been provided.

I hope that reassures the opposition leader.

In conclusion, may I say thank you to honourable members as we move forward with openness and transparency in Queensland. One of the members of the opposition raised the issue of whether we are putting this obligation on the lobbyists because we are going to prosecute them instead of ministers. No, that is not the case because there are no offences in the Integrity Act. The only offences in the Integrity Act are with respect to success fees, not if someone does not keep a register. The Integrity Act does not say that anyone has to keep a register. It is a code of conduct and those DPC guidelines were developed under Ken Smith under Anna Bligh, and they essentially had a lot of contradictory information.

The Integrity Commissioner recommended that the lobbyists registers be kept and he offered ministers the opportunity to meet with him. I met with the Integrity Commissioner and he had access to my lobbyists register and he said there seemed to be no issue with it. What we do now is we let the Integrity Commissioner work with the government and the lobbyists to make sure they are required to keep registers, and our diaries will be released. We are hoping that from next year onwards, if the lobbyists have it on their registers, you will see it concurrently in the ministerial diary and note that that was the case as well. I thank the members who spoke on the bill. I commend the bill to the House.