

Finance and Administration Committee

Report No. 26: Oversight of the Queensland Integrity Commissioner 2012 and Review of Lobbyists Code of Conduct

Queensland Government response

The Queensland Government is committed to reforming Queensland's integrity framework with the aim of creating an accountability system that is workable and sensible. The current integrity system comprises a complex patchwork of rules, requirements and regulations which has proven confusing for the community, the Government and other stakeholders. The Government has already announced a number of reforms to the integrity framework to address this confusion, including an unprecedented release of information through the Open Data reform process, publication of Ministerial diaries and commitment to reform the operation of the Crime and Misconduct Commission.

In addition, in November 2012, the Government introduced the Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012 which amended the Act to extend the application of the lobbying provisions to the Opposition, clarify the meaning of "third party client", and allow the Lobbyists Code of Conduct to include requirements for lobbyists to report to the Integrity Commissioner on their lobbying activity. However, further reform is required to ensure that the lobbying regulations are achieving their stated objectives of promoting transparency in dealings between lobbyists and government and Opposition representatives.

The Government will shortly announce details of an Open Government reform process to be undertaken during 2013 to revisit Queensland's integrity framework. As part of this process, the Government will examine the fundamental basis of the operation of the lobbying regulations and consider previous submissions from stakeholders, including recommendations already made by the Integrity Commissioner and the Finance and Administration Committee.

Recommendation 1: The Committee recommends that the Integrity Commissioner reconsider his proposal to publish the client names and the purpose of the meetings, as part of the review of the Lobbyists Code of Conduct. The Committee is of the view that either the client names or the purpose of the meeting be published, but not both.

Government response: The Government notes that the revised Lobbyists Code of Conduct took effect from 1 May 2013 and includes requirements for lobbyists to report on both client names and the purpose of meetings. In accordance with section 68 of the *Integrity Act 2009*, the Integrity Commissioner, as an independent officer of the Parliament, is responsible for approving the code of conduct. However, the Government notes that the reporting of this information will facilitate open disclosure of lobbying activity by lobbyists.

Recommendation 2: The Committee recommends that the *Integrity Act 2009* be amended to include paid in-house lobbyists of both corporations and associations.

Government response: The Government notes that the Integrity Commissioner supports the extension of the operation of the *Integrity Act 2009* to capture in-house lobbyists, and has previously made this recommendation to Government.

However, the Government notes that adoption of this recommendation would involve a fundamental change to the scope of the Act, and would impact on a range of businesses, industry associations and peak bodies. Therefore, the Government will consider this issue as part of the Open Government reform agenda to be implemented during 2013. This will ensure that affected stakeholders have the opportunity to be consulted and for the Government to consider the regulatory and resourcing implications of this proposal.

Recommendation 3: The Committee recommends that a review of the *Integrity Act 2009* be completed and include examination of the following topics:

- Sanctions for section 71 and code of conduct breaches
- Investigative powers for the Integrity Commissioner
- Definition of lobbyist
- Definition of lobbying activity
- Post-separation and employment restrictions
- Definition of designated persons
- Sanctions for non-provision of information under the Public Records Act

Government response: The Government notes that the operational review of the Act commenced by the former Government focused on the practical application of the Act to identify and resolve any issues arising during implementation of the lobbying provisions.

The Government intends to undertake a holistic examination of the operation of the Act as part of its proposed Open Government reform agenda, to ensure it is meeting its stated objectives. This will involve considering the issues identified in this recommendation, including submissions previously made by stakeholders on the operation of the Act.