

21 September 2015

Ms Di Farmer MP  
Chair  
Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QUEENSLAND 4000  
By email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

**E-MAILED**  
21/9/15

Dear Ms Farmer

**Inquiry into the Report on the *Strategic Review of the Functions of the Integrity Commissioner***

The Shopping Centre Council of Australia (SCCA) represents Australia's major owners, managers and developers of shopping centres in Australia. This letter should be read in conjunction with the attached letter from Michael Roche, the Chief Executive of the Queensland Resources Council, on behalf of other industry organisations which regularly engage with the Queensland Government, including the SCCA.

**Context**

The SCCA is a national organisation. We work across every jurisdiction in Australia and observe the various requirements and codes which apply to engaging with Government in each jurisdiction. We also observe all relevant political donation disclosure requirements, which vary from jurisdiction to jurisdiction. Our website ([www.scca.org.au](http://www.scca.org.au)) details our organisational charter, provides a full list of our members and outlines our advocacy priorities. Copies of our recent submissions, which are generally to Government bodies, are also available.

We regularly engage with Queensland Government officials, including Ministers, Ministerial staff and Departmental Officials, to advocate the interests of our members. Our engagement with the Queensland Government principally deals with broad policy issues, including retail lease legislation, planning, energy policy, infrastructure charges, ad land valuation and taxation. The SCCA is also represented on various Government advisory groups, such as the *Valuation Reform Reference Group*, the *Retail Leases Act* review and we have, in recent months, attended a number of planning reform seminars at the invitation of the Department of Infrastructure, Local Government and Planning.

**Report recommendations**

The SCCA strongly supports the ongoing role of the Integrity Commissioner, as we do all institutions and individuals across Australia charged with supporting and promoting the highest degree of ethical behaviour and engagement between Government officials and external stakeholders.

The SCCA's interest in this report rests principally with recommendations 7, 9 and 13 which substantially deal with a proposal to expand the definition of 'lobbyist' in Queensland to include so-called 'in-house lobbyists' and 'other professionals'. It is also proposed that these individuals, and presumably their employers, then be required to be listed on a register of lobbyists.

Our understanding of the report's recommendations is that staff of industry associations, like the SCCA, would be captured under an expanded definition of 'lobbyist', as would some staff from our member organisations. Although we do not oppose the premise of transparency in our engagement with Government officials, we do have concerns about the potential administrative and compliance burden that this change may impose, particularly on our members.

In our view, the report does not present a compelling case to justify changing the current framework for defining and regulating lobbyists.

The report has not presented evidence to suggest that, for example, industry associations or so-called 'in house lobbyists' are, if you like, 'abusing' their engagement with Government officials or failing to disclose their interests when they meet with officials. Indeed, as noted above, the SCCA provides a significant degree of information on our website as to our objectives and advocacy priorities. Our members also provide considerable information on their websites as to their corporate objectives and active and planned projects. Our publically listed members (ie. REITs listed on the Australian Stock Exchange) are also required to disclose considerable information about their activities in their half year and full year reports to the market.

The recommendations also don't account for the considerable benefit industry associations play in providing Government with feedback and advice on its reform priorities and proposed approaches. In this regard, I note that the SCCA and others are regularly invited by Government to sit on advisory boards or committees. These activities, which are instigated by Government, should not be burdened by a requirement for participants to be listed on a register of lobbyists.

I also make the general point that recommendation's 7 and 9 presuppose the outcome of the investigation process into the "*activities of 'in house' lobbyists*" outlined at recommendation 13. In terms of the practicality of recommendation 13, I note that every organisation would take a different approach to which officers from within their organisation engage with Government officials. Indeed, there is no specific job title of 'in-house lobbyists'.

It is not uncommon for CEOs through to Regional and External Relations Managers to meet with Government officials. Aside from the fact that, in our view, no case has been made to justify why this investigation is necessary, we suggest that the Committee would face a considerable challenge defining the activities and engagement, and by who, they were interested in capturing.

Finally, I note that meetings the SCCA and its members may have with a Minister are, we understand, already required to be disclosed when Ministerial diaries are published. I draw particular reference to the following comment in the report, at page 31: '*Ministerial diaries also require publication of meetings with persons engaged in lobbying activity but who are not required to be registered*'. This would include the SCCA and so-called 'in-house lobbyists' within our member organisations.

## **Alternatives**

If the Committee is inclined to recommend some degree of change, we urge the Committee to consider the premise of the definition of 'lobbyist' or 'lobbying' (recommendation 7) separately from how various types of 'lobbyists' (eg. third party lobbyists, 'in-house lobbyists' etc) are regulated (recommendation 9).

In our view, not every organisation engaging in a 'lobbying activity' should be required to be listed on the Lobbyist Register. In this regard, we endorse the following comment made at page 28 of the report attributed to the current Integrity Commissioner: *'...while in principle an extension of scope would improve the lobbying regulation function, a more proportionate approach (such as that employed by NSW) may be more appropriate in the first instance'*.

In NSW the definition of 'lobbyist' and 'lobbying' under the *Lobbying of Government Officials Act 2011* are very broad and cover most interactions between an individual or an organisation with a Government official. They cover the activities of 'third party lobbyists', industry associations, charities, community groups and others. In this regard, the SCCA and its members are required to conform with the *NSW Lobbyist Code of Conduct*. Broadly speaking, this Code requires a person or group seeking a meeting with an official to, generally speaking, disclose the matter to be discussed before the meeting, declare any financial or other interest in the issue before the meeting, to not mislead or engage in corrupt conduct, and be truthful.

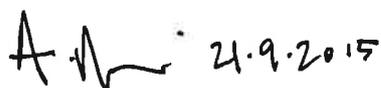
Under this system, however, it remains that only third-party lobbyists need to be listed on the Lobbyist Register, along with the disclosure of their clients.

Adopting the NSW model (which, we stress, was adopted and refined in very different circumstances to those in Queensland) would be a signal that the Queensland Government expects all interaction with Government to be highest standard, while avoiding the administrative and compliance burden that would come with so-called 'in-house lobbyists' and industry associations being required to be listed on a register.

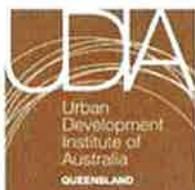
I would be pleased to make myself, or a relevant SCCA staff member, available to appear before any hearing scheduled to assist inform the Committee's inquiry.

I can be reached on [anardi@scca.org.au](mailto:anardi@scca.org.au) or on 0408 079 184.

Yours sincerely,



Angus Nardi  
**Executive Director**



Working together for a shared future

16 September 2015

Ms Di Farmer MP  
Chair  
Finance and Administration Committee  
Queensland Parliament

e-mail: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Ms Farmer

**Re: Inquiry into the Report on the *Strategic Review of the Functions of the Integrity Commissioner***

The organisations identified by the logos incorporated in this letter make the following summary response to the Inquiry, as a 'common cause' position on the Lobbying functions element of the Inquiry's Terms of Reference. This letter may be supported by and read in conjunction with any further individual submissions to the Inquiry from each organisation.

We support and recommend maintaining the status quo on the definition and regulation of lobbyists, as the Report on the *Strategic Review of the Functions of the Integrity Commissioner* (the report) is not persuasive or enlightening on many points to justify the claims and recommendations made. We endorse the Government's commitment to openness, accountability and transparency, which would not, in our collective view, be advanced through the means proposed in this report.

Further, consisting of many representative non-profit industry peak bodies, employer unions and organisations, which would fall within the report's recommended expansion of the definition of lobbyists, it is disappointing that not a single organisation of our kind was consulted in the research and consultation or in the compilation phases of this report. Consultation was confined to a select group of professional fee-paid lobbyists and to the current and former Integrity Commissioner. The report is flawed by this procedural exclusion, a process which we note is inconsistent with the Palaszczuk Government's oft-stated public commitment to consult and to listen.

To our organisations it would seem that, based on the one-sided inputs of professional fee-paid lobbyists already captured under the registration provisions, and without any consultation with the wider set of organisations subject to the proposals, the report is recommending a major expansion of the coverage of the lobbyist provisions.

Our organisations are not comparable to 'fee-paid' lobbying bodies. We are non-profit organisations advocating on policy at the pre-competitive level. Our organisations represent our collective members, not fee paying clients. We do not seek commercial advantage of individual members. There is no secret about for whom we advocate – our membership lists are proudly displayed on our websites.

Issues are identified in the report that fall into the realm of misconduct e.g. a serious allegation (without any supporting evidence) of 'gaming' and 'collusion' in relation to Ministerial diary entries. With Ministerial diaries even being published in the tabloid media, this is an entirely different issue that only Government can address, and not by expanding and imposing regulatory burdens as lobbyists on external organisations. The report is suggestive that more work is required on accountability, monitoring and compliance regimes, including penalties, in Government and the bureaucracy. Attempting to shift the cause for these alleged failings to inadequate definition and control of 'lobbying' is not credible.

All of our organisations note that we individually provide advice and services regularly requested by Government. Resources are provided and at no cost to Government. Far from willingly lobbying, we are actively invited to contribute to the public policy process by Government on a regular, ongoing basis. Government recognises it does not have the relationships, reach and knowledge that each organisation brings to policy and issues discussions and resolution.

Finally, the unintended consequences of the recommendations have not been sufficiently considered. Expansion of the definition of lobbyists to include in-house advocates, industry bodies and unions of employers must necessarily draw in many other organisations such as unions of employees, NGOs, community groups, indeed any groups advocating to Government for policy changes, decisions and or funding with commercial implications. To cherry pick from amongst types of organisations, including some but not others in any expanded regulatory control, would only sacrifice public confidence in the motivation and outcomes of any expansion in regulatory change in lobbying.

On behalf of my colleagues in fellow organisations who support the position outlined in this letter through inclusion of their logos, we reiterate that this report's recommendations with regard to lobbying be set aside, and the status quo be maintained.

We look forward to contributing in person at the Finance and Administration Committee's hearings on these and other lobbying matters raised by this report on 14 October 2015.

Yours sincerely



Michael Roche  
**Chief Executive**  
Queensland Resources Council

For and on behalf of the organisations specified above.