

# COUNCILLOR AND EMPLOYEE CONTACT WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS POLICY

## COMMUNITY POLICY



### 1 Scope

This policy applies to Rockhampton Regional Council Councillors and employees regarding Council business related contact between Councillors and employees, and lobbyists, potential developers, developers and submitters.

### 2 Purpose

This policy provides ethical guidance for Councillors and employees to assist in better decision making when dealing with lobbyists, potential developers, developers and submitters who have made or are intending to lodge a development application or submission.

This policy describes the action to be taken by Councillors and employees who may have contact with a registered lobbyist or a suspected unregistered lobbyist.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Integrity Act 2009*

*Local Government Act 2009*

*Planning Act 2016*

Contact with a Registered Lobbyist Form

Development Proposal Prelodgement Meeting Request Form

Making a Development Application Planner

Queensland State Archives General Retention and Disposal Schedule

Register of Contact with Lobbyists

Rockhampton Region Planning Scheme

### 4 Definitions

To assist in interpretation, the following definitions apply:

Council	Rockhampton Regional Council
Councillor	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Developer	An applicant for development approval. If the applicant is a body corporate, the term includes officer holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.

#### CORPORATE IMPROVEMENT AND STRATEGY USE ONLY

Adopted/Approved:	Adopted, 12 November 2013	Department:	Chief Executive Officer
Version:	3	Section:	Community Services
Reviewed Date:	23 March 2018	Page No:	Page 1 of 4

Development application	An application for development that requires assessment against the provisions of Rockhampton Region Planning Scheme.
Development approval	A development application approved by Council.
Employee	A public sector officer as defined in the <i>Integrity Act 2009</i> <sup>1</sup> . A local government employee: (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> and dealing in matters in relation to developments and development applications.
Lobbyist	An entity that carries out a lobbying activity for a third party client or whose employees or contractors carry out a lobbying activity for a third party client and receives a fee or other reward. However, none of the following entities is a lobbyist: (a) a non-profit entity; (b) an entity constituted to represent the interest of its members (for example a trade union); (c) members of trade delegations visiting Queensland; (d) an entity carrying out incidental lobbying activities (for example businesses providing architectural services, engineering services, legal services, or accounting services); or (e) an entity carrying out a lobbyist activity only for the purpose of representing the entity's own interests. Refer to the <i>Integrity Act 2009</i> <sup>2</sup> for further information regarding lobbyist and lobbying activities.
Lobbying activity	As defined in the <i>Integrity Act 2009</i> , contact with a government representative in an effort to influence state or local government decision-making, including: (a) the making or amendment of legislation; (b) the development or amendment of a government policy or program; (c) the awarding of a government contract or grant; (d) the allocation of funding; and (e) the making of a decision about planning or giving of a development approval under the <i>Planning Act 2016</i> .
Submitter	As defined in the <i>Planning Act 2016</i> <sup>3</sup> . Submitter, for a development application or change application, a person who makes a properly made submission about the application.
Unregistered lobbyists	An entity that is not a registered lobbyist.

<sup>1</sup> See Section 47 of the *Integrity Act 2009*

<sup>2</sup> See section 41 of the *Integrity Act 2009*

<sup>3</sup> See schedule 2 (Dictionary)

**CORPORATE IMPROVEMENT & STRATEGY USE ONLY**

Adopted/Approved:	Adopted, 12 November 2013	Department:	Chief Executive Officer
Version:	3	Section:	Community Services
Reviewed Date:	23 March 2018	Page No:	Page 2 of 4

## 5 Policy Statement

Free and open access to Councillors, employees and Council itself is vital to efficient and effective local government.

Lobbyists, developers and submitters seek access to Councillors or employees to discuss potential and existing development applications and other projects. The public has a clear expectation that such contact is carried out ethically and transparently.

Council aims to ensure all decisions are legal, ethical and impartial. Such principles are reflected in Section 4 of the *Local Government Act 2009* (i.e. the “local government principles”) and Section 12 of the *Local Government Act 2009* (Responsibilities of Councillors).

For further clarification, this policy is in addition to the requirements and processes imposed upon Councillors, employees and lobbyists by the *Integrity Act 2009* (for example, the requirement for lobbyists to be registered before undertaking lobbying activities).

### 5.1 Meeting or Exchanging other Communication with Potential Developers and Lobbyists (where no proposal presently before Council)

Councillors or employees may encourage responsible and appropriate development in Council’s area. Councillors or employees should not feel inhibited, in any communications, with potential developers and lobbyists (for a potential development), in promoting the benefits of developing in Council’s local government area.

However, in dealings with potential developers and lobbyists (for a potential development), Councillors and employees:

- (a) Can provide general information on the application process but cannot give definitive advice about the chances of success;
- (b) Should suggest that the developer or lobbyist seeks independent professional advice;
- (c) If applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council employees; and
- (d) Must state that any opinions expressed by the Councillor or employee are personal and do not in any way represent the Council’s possible attitude to the potential application.

Similarly, in relation to potential submitters to a development application, Councillors and employees should not feel inhibited about discussing what is publicly known about a potential development application. Councillors and employees:

- (a) Can provide general information on the application process but cannot give definitive advice about the chances of success;
- (b) Should suggest that the submitter seeks independent professional advice; and
- (c) Must state that any opinions expressed by the Councillor or relevant employee are personal and do not in any way represent the Council’s possible attitude to the potential application.

In all exchanges of communication with a lobbyist (for a potential development), Councillors and employees must keep and maintain a written record. This written record must detail, as a minimum, the date and time of the exchange, the format of the exchange (for example, face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the Councillor or relevant employee and a summary of the Councillor’s or relevant employee’s response.

### 5.2 Meetings (after a development application has been lodged)

If a Councillor or employee engages in telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter (where they are seeking the Councillor’s or employee’s support or opposition, as the case may be, to a development application), any such response from the Councillor or employee shall include the following statements:

CORPORATE IMPROVEMENT & STRATEGY USE ONLY			
Adopted/Approved:	Adopted, 12 November 2013	Department:	Chief Executive Officer
Version:	3	Section:	Community Services
Reviewed Date:	23 March 2018	Page No:	Page 3 of 4

- (a) That any opinions expressed by the Councillor or employee are personal and do not in any way represent the Council's possible attitude to the development application;
- (b) In relation to Council's possible decision on the application, that the Councillor's or employee's principal obligation is to serve the public interest by ensuring that his/her decision is:
  - (i) Consistent with planning legislation, Council's planning scheme and policies;
  - (ii) Made after having appropriate regard to any Council employee's (or Council appointed consultant's) advice; and
  - (iii) Not influenced by any other irrelevant or inappropriate consideration; and
- (c) Councillors and employees shall keep a written record of any such communications.

This written record shall detail, as a minimum, the date and time of the exchange, the format of the exchange (for example, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the Councillor/employee and a summary of the Councillor's/employee's response.

### 5.3 Recordkeeping

The Chief Executive Officer is responsible for maintaining a record of all contact with registered and unregistered lobbyists for reporting to the Integrity Commissioner. Council must retain the record of contacts for the period specified within the Queensland State Archives General Retention and Disposal Schedule.

For contact involving registered lobbyists, the details recorded on the Contact with a Registered Lobbyist Form, are summarised on the Register of Contact with Lobbyists. Council must maintain the Register of Contact with Lobbyists which is submitted to the Office of the Integrity Commissioner upon request. This is done on an irregular basis.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	General Manager Community Services
Policy Quality Control	Corporate Improvement and Strategy



CORPORATE IMPROVEMENT & STRATEGY USE ONLY			
Adopted/Approved:	Adopted, 12 November 2013	Department:	Chief Executive Officer
Version:	3	Section:	Community Services
Reviewed Date:	23 March 2018	Page No:	Page 4 of 4