

	<b>CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY</b>	
	Councillor Contact with Lobbyists, Developers and Submitters	<b>POLICY REF NO</b> CHRCP: 0041

### 1.0 Policy Purpose

- 1.1 This policy states council's position on councillors' contact with lobbyists, developers and submitters.
- 1.2 This policy is in addition to the requirements and processes imposed upon councillors and lobbyists by the *Integrity Act 2009*.

### 2.0 Policy Statement

- 2.1 Free and open access to councillors, and council itself, is vital to efficient and effective local government.
- 2.2 Contact with councillors is undertaken by many people in the community in relation to a broad range of matters. Lobbyists, developers and submitters seek access to councillors to discuss potential and existing development applications and other projects. The public has an expectation that such contact is carried out ethically and transparently.
- 2.3 Council will ensure that dealings with lobbyists, developers and submitters are carried out in a transparent, legal, ethical and impartial manner by:
  - (a) Ensuring lobbyists, developers and submitters are aware of the appropriate council processes for making submissions to council and meeting with councillors
  - (b) Keeping appropriate records of meetings held by councillors with lobbyists, developers and submitters. These records should detail, as a minimum, the date and time of the meeting or exchange, a summary of the matters raised with the councillor and a summary of the councillor's response.

### 3.0 Contact with potential developers

- 3.1 In dealings with potential developers (for a potential development), councillors: -
  - (a) Must make clear to potential developers that they can provide general information on the application process but cannot give definitive advice about any likely decision;
  - (b) Should suggest that the developer consider seeking independent professional advice;
  - (c) Encourage potential development applicants to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with council staff;
  - (d) Must not in any way represent council's possible attitude to the potential application.
- 3.2 Meeting or exchanging other communication with developers and submitters (after a development application has been lodged), any response by councillors should state:
  - (a) That any opinions expressed by the councillor are personal to the Councillor and do not in any way represent council's possible attitude to the development application;
- 3.3 In relation to council's possible decision on the application, that the Councillor's principal obligation is to serve the public interest by ensuring that their decision is:
  - (a) Consistent with the planning legislation, council's planning scheme and policies; and
  - (b) Made after having appropriate regard to any council officer's advice; and

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- (c) Not influenced by any other irreverent or inappropriate consideration.

3.4 Where development matters arise during the course of an otherwise unrelated meeting or correspondence, Councillors should:

- (a) Where it is not practical to immediately cease the discussion, make all reasonable attempts to include a council officer with adequate knowledge of the development application in the conversation.
- (b) Offer to arrange a further meeting to discuss the matter.
- (c) If applicable, acknowledge that a response will not be provided, provide a written summary of the exchange or forward correspondence to the Chief Executive Officer or relevant General Manager so a response be drafted and provided.

#### 4.0 Contact with Lobbyists

- 4.1 Lobbyists need to be registered before they contact a councillor for the purpose of lobbying activities.
- 4.2 Under section 71(2) of the *Integrity Act 2009*, a councillor or council employee must not knowingly meet with an entity that is not a registered lobbyist if the entity intends to carry out a lobbying activity for a third party client.
- 4.3 If a councillor becomes aware that an entity seeking to carry out a lobbying activity for a third party client is not a registered lobbyist, the details of the unregistered lobbyist must be provided to the CEO and council is required to advise the integrity Commissioner as soon as practicable.
- 4.4 Lobbyists are required to inform the person they are contacting of their lobbyist when initially seeking to meet with them.

#### 5.0 Councillors' obligations

- 5.1 Councillors should ensure that all contact with lobbyists is appropriately documented.
- 5.2 Councillors should report all contact with lobbyists to the CEO so that the contact can be included in council's Register of Contact with Lobbyists and provided to the Integrity Commissioner as required by the *Integrity Act 2009*.

#### 6.0 Definitions

TERM	DEFINITION
<b>Developer</b>	means an applicant for development approval. If the applicant is a body corporate, the term includes office holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.
<b>Development Application</b>	means an application for development that requires assessment against the provisions of council's town planning scheme.
<b>Development Approval</b>	means a development application that has been approved by Council.
<b>Lobbying Activity</b>	As defined in section 42(1)(a) of the <i>Integrity Act 2009</i> : Lobbying activity is- <ul style="list-style-type: none"> <li>(a) contact with a government representative in an effort to influence State or local government decision-making, including— <ul style="list-style-type: none"> <li>i. the making or amendment of legislation; and</li> <li>ii. the development or amendment of a government policy or program; and</li> <li>iii. the awarding of a government contract or grant; and</li> <li>iv. the allocation of funding; and</li> </ul> </li> </ul>

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	<p>v. the making of a decision about planning or giving of a development approval under the <i>Planning Act 2016</i>.</p> <p>However, section 42(2) of the <i>Integrity Act 2009</i> states the following contact is not a lobbying activity—</p> <ul style="list-style-type: none"> <li>(a) contact with a committee of the Legislative Assembly or a local government;</li> <li>(b) contact with a member of the Legislative Assembly, or a councillor, in his or her capacity as a local representative on a constituency matter;</li> <li>(c) contact in response to a call for submissions;</li> <li>(d) petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision;</li> <li>(e) contact in response to a request for tender;</li> <li>(f) statements made in a public forum;</li> <li>(g) responses to requests by government representatives or Opposition representatives for information;</li> <li>(h) incidental meetings beyond the control of a government representative or Opposition representative;</li> <li>(i) contact on non-business issues, including, for example, issues not relating to a third party client of the lobbyist or the lobbyists' sector;</li> <li>(j) contact only for the purpose of making a statutory application.</li> </ul>
<b>Lobbyist</b>	<p>Defined by section 41(1) of the <i>Integrity Act 2009</i>:</p> <p>A lobbyist is 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.</p> <p>However, as defined in section 41(3) of the <i>Integrity Act 2009</i>, none of the following is a lobbyist—</p> <ul style="list-style-type: none"> <li>(a) a non-profit entity;</li> <li>(b) an entity constituted to represent the interests of its members such as an employer group, a trade union or a professional body, for example, the Queensland Law Society;</li> <li>(c) members of trade delegations visiting Queensland;</li> <li>(d) an entity carrying out incidental lobbying activities;</li> <li>(e) an entity carrying out a lobbying activity only for the purpose of representing the entity's own interests.</li> </ul> <p>Also—</p> <ul style="list-style-type: none"> <li>(f) an employee or contractor of, or person otherwise engaged by, an entity mentioned in subsection (3)(a) to (d) is not a lobbyist in relation to contact carried out for the entity; and</li> <li>(g) an employee of an entity mentioned in subsection (3)(e) is not a lobbyist in relation to contact carried out for the entity.</li> </ul>
<b>Submitter</b>	<p>Under the <i>Planning Act 2016</i> a submitter means-</p> <ul style="list-style-type: none"> <li>(a) for a development application or change application – a person who makes a properly made submission about the application; or</li> <li>(b) For a particular submission – the person who made the submission.</li> </ul>
<b>Third party client</b>	<p>A third party client is an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.</p>

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<b>Strategic Link</b>	<a href="#">section 12</a> , <i>Local Government Act 2009</i> <a href="#">section 41</a> , <a href="#">42</a> , <a href="#">67</a> <i>Integrity Act 2009</i> <a href="#">Schedule 2</a> , <i>Planning Act 2009</i>
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