

Councillor Contact with Lobbyists, Developers and Submitters – Officers Present Policy

Integrity Act 2009

1. POLICY STATEMENT

Councillors will manage their business-related interactions with lobbyists, developers and submitters to:

- preserve confidence in the good governance of the city and the processing of development application;
- minimise the likelihood of claims being made of improper dealings, bias or conflict of interest; and
- promote transparency.

2. PRINCIPLES

Free and open access to councillors, and council itself, is vital to efficient and effective local government. 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 a clear expectation that such contact is carried out ethically and transparently.

To promote transparency, equity and public accountability, and to assist in better decision making, this policy provides guidance for councillors when dealing with lobbyists, potential developers or developers and submitters.

It is always the aim of council to ensure that all dealings are legal, ethical and impartial and give effect to the local government principles set out in section 4 of the *Local Government Act 2009*, and comply with the responsibilities of councillors set out in section 12 of that Act.

3. SCOPE

This policy applies to all council-business related contact between councillors and lobbyists, developers and submitters.

It does not apply to social interaction between councillors and other persons simply because those other persons act as lobbyists or developers or are submitters in respect of a current development application. However councillors are reminded of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest, and are required to carefully consider possible implications of social interaction with lobbyists, developers or submitters.

4. RESPONSIBILITY

All councillors, including the Mayor, are responsible for ensuring that this policy is understood and adhered to.

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1036

Authorised by – Chief Financial Officer

Document Maintained by – Planning Services

Version No.5

Initial Date of Adoption (Version 1) – 26.10.10

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20

5. DEFINITIONS

Councillor - means the Mayor or a councillor of the council.

Developer – 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.

Development application – means an application for development that requires assessment against the provisions of council’s planning scheme/development schemes.

Development approval – means a development application that has been approved by council.

Lobbyist – has the same meaning as defined in the *Integrity Act 2009*.

Submitter – has the same meaning as defined in the *Queensland Planning Act 2016*.

6. POLICY

6.1 POTENTIAL DEVELOPMENTS AND POTENTIAL SUBMITTERS

Councillors may encourage responsible and appropriate development in council’s area. Councillors 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 all dealings with potential developers and lobbyists for a potential development, councillors: -

- must make clear to potential developers and lobbyists that they can provide general information on the application process but cannot give definitive advice about the developer’s or lobbyists chance of success;
- must suggest that the developer or lobbyist seeks independent professional advice;
- 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 staff; and
- must state that any opinions expressed by the councillor are personal to the councillor 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 should not feel inhibited about discussing with potential submitters what is publicly known about a potential development application. Again, councillors: -

- must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer’s chance of success;
- must suggest that the submitter seeks independent professional advice; and
- must state that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council’s possible attitude to the potential application.

Councillors should keep and maintain a written record of all exchanges of communication with a potential developer, lobbyist for a potential development or potential submitter. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the councillor and a summary of the councillor’s response.

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1036

Authorised by – Chief Financial Officer

Document Maintained by – Planning Services

Version No.5

Initial Date of Adoption (Version 1) – 26.10.10

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20

6.2 MEETINGS AFTER A DEVELOPMENT APPLICATION HAS BEEN LODGED

After a development application has been lodged, any requests for meetings between councillors and developers, lobbyists or submitters must occur by arrangement through the office of Council's Chief Executive Officer or the General Manager of Planning and only in circumstances where a council officer (with adequate knowledge of the development application) is also present.

At any meeting with lobbyists, developers or submitters, councillors must state: -

- that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council's possible attitude to the development application; and
- 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 his /her decision is: -
 - (a) consistent with the planning legislation, council's planning scheme and policies; and
 - (b) made after having appropriate consideration of any officer's (or council appointed consultant's) advice; and
 - (c) not influenced by any other irrelevant or inappropriate consideration.

Councillors must keep a written record summarising the matters discussed at the meeting. This written record should detail, as a minimum, the date and time of the meeting, a summary of the matters raised with the councillor and a summary of the councillor's response.

The staff member must maintain an independent record of the meeting.

6.3 OTHER COMMUNICATIONS

After a development application has been lodged, if a councillor engages in telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter (whether seeking the councillor's support or opposition to a development application), the councillor must state: -

- that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council's possible attitude to the development application; and
- 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 his /her decision is: -
 - (a) consistent with the planning legislation, council's planning scheme and policies; and
 - (b) made after having appropriate consideration of any officer's (or council appointed consultant's) advice; and
 - (c) not influenced by any other irrelevant or inappropriate consideration.

Councillors must keep a written record of the communication. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the councillor and a summary of the councillor's response. A copy of that record must be provided to the General Manager, Planning within 7 days of the contact taking place.

7. LEGAL PARAMETERS

Integrity Act 2009

Local Government Act 2009

Queensland Planning Act 2016

(For avoidance of doubt, this procedure is in addition to the requirements and processes imposed upon councillors and lobbyists by the *Integrity Act 2009* - for example, the requirement for lobbyists to be registered before undertaking lobbying activities)

8. ASSOCIATED DOCUMENTS

Nil

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1036

Authorised by – Chief Financial Officer

Document Maintained by – Planning Services

Version No.5

Initial Date of Adoption (Version 1) – 26.10.10

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20