

STRATHFIELD COUNCIL

# LOBBYING POLICY

**6 DECEMBER 2022**

	<h1>LOBBYING POLICY</h1>		
<b>RESPONSIBILITY</b>	Planning & Development		
<b>DATE ADOPTED</b>	6 December 2022	<b>MINUTE</b>	280/22
<b>REVISED</b>	-	<b>REVIEW</b>	2024
<b>CM10 no</b>			
<b>ASSOCIATED POLICIES</b>	<ul style="list-style-type: none"> <li>• Access to Council Information Policy</li> <li>• Code of Conduct</li> <li>• Code of Meeting Practice</li> <li>• Community Engagement Strategy</li> <li>• Councillor Protocols Policy (under review)</li> <li>• Procurement Policy</li> <li>• Business Ethics Policy</li> </ul>		
<b>ASSOCIATED LEGISLATION &amp; GUIDANCE</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Independent Commission Against Corruption Act 1988</i></li> <li>• <i>Local Government Act 1993</i></li> <li>• Lobbying Local Government Councillors - A guide for Councillors, constituents and other interested parties, August 2006 (ICAC)</li> </ul>		

## 1. Title and commencement

This policy is titled Strathfield Lobbying Policy. This policy was adopted by Council resolution (280/22) after public exhibition from 3 to 30 November 2022.

## 2. Purpose of the Policy

Lobbying in local government is part of the democratic process (ICAC 2006). However, it is in the public interest that lobbying of Council officials is fair and does not undermine public confidence in Council's impartial decision-making.

The purpose of this policy is to set out open and transparent processes and requirements relating to the lobbying process especially relating to areas of significant risk of corruption, in order to reduce the likelihood of perceptions of corrupt or inappropriate conduct and ensure compliance with appropriate probity principles.

### 3. Coverage of the Policy

This policy applies to all Council Officials of Strathfield Council, which includes Councillors, Council staff, administrators, members of Council committees and panels, consultant and contractors, conduct reviewers and delegates of Council.

### 3. Definitions

- Inappropriate or unlawful conduct - on the part of someone lobbying a Council Official usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter.
- Lobbying - is defined as representations made to a Council Official either by an individual or group with a direct interest in a matter; or by an advocate acting on behalf of others.
- Lobbyist – for the purposes of this policy is any person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third part to engage Council Officials on a significant development application (valued over \$5 million) or a planning proposal but does not include:
  - a) applicants or owners for a development application;
  - b) charitable, religious and non-profit organisations;
  - c) individuals making representations to inform the Council of their views on matters of public interest;
  - d) peak industry bodies and professional organisations who represent the interests of their members;
  - e) trade unions; or
  - f) professionals, such as accountants, architects, lawyers, surveyors and town planners, where contact with Council on behalf of a client may be an incidental but necessary part of their usual work in order to provide their technical or professional services to their client.
- Lobbyist Register - is a system of registering lobbyists as defined in this Policy for the purposes of transparency. Lobbyist registers are published on Council's website and updated regularly.

### 4. Policy Statement

#### 4.1 Lobbyist Register

All lobbyists, as defined by this Policy, are required to complete the Lobbyist Registration Form for each matter on which they intend to lobby Council. Registrations will be entered into a public register that will be published on Council's website and updated on a monthly basis. The Register must include:

- Date of approach or request for a meeting

- Purpose of the Lobbying (including summary of issues raised with Council officials)
- Name of person undertaking the lobbying
- Details, including dates, of any meeting between a Council official and the person
- Documentation of meeting discussions involving commercial-in-confidence information should be documented but not openly published.

## 4.2 Improper Conduct

Attempts at inappropriate or unlawful conduct on the part of someone lobbying a Council Officials (including a councillor or member of staff) may constitute corrupt conduct. Any attempts made to a Council Official that may fall within the *Independent Commission Against Corruption (ICAC) Act 1988* definition of corrupt conduct must be reported to the General Manager.

Councillors and employees must avoid conduct during the lobbying process that would be considered inappropriate. Examples of inappropriate conduct include:

- a) accepting undisclosed payments or benefits whilst making a decision that affects the gift giver's interests;
- b) accepting a political donation in return for the favourable exercise of discretion during decision-making. Ideally, Councillors should keep the lobbying and fundraising activities in which they are involved quite separate to avoid even the perception that a political donation could influence their decision-making;
- c) granting or facilitating access to a particular individual or group while unreasonably denying similar access requested by another party;
- d) fettering discretion by giving undertakings in any form, to an interested party prior to considering all the information relevant to a decision;
- e) Councillors are under a particular obligation to give real and open consideration to all mandated matters when dealing with statutory powers such as those contained within the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*;
- f) acting in a manner that exceeds the role of a Councillor or employee as a result of being lobbied;
- g) disclosing confidential information or information not in the public domain whilst being lobbied;
- h) being influenced by factors that are irrelevant to the merits of the matter under consideration.

Meetings with persons lobbying Council Officials regarding a significant development application (with value over \$5 million) or a planning proposal should only occur on Council premises during ordinary business hours, and with more than one Council officer/employee being present.

Requests for meetings should be made on an online form on Council's website and set out issues to be raised with a Council official prior to any meeting taking place.

Councillors and members of staff who are lobbied over council matters by close friends, associates or relatives should also consider whether the nature of their relationship with the proponent and the impact of the matter on the proponent's interests give rise to a pecuniary or non-pecuniary interest. In such cases the matter should be managed in accordance with the provisions of the *Local Government Act 1993* and Council's Code of Conduct.

### 4.3 Accountability and Transparency

To improve accountability and transparency in relation to the lobbying process, the following will apply and include:

- a) ensuring that lobbyists are registered on Council's Lobbyist Register and the updated register is published on Council's website;
- b) documenting meetings and significant telephone conversations with lobbyists, development proponents, supporters and objectors and providing a copy to the General Manager prior to any subsequent Council meeting where the matter may be reported;
- c) documenting meetings and significant telephone conversations with lobbyists, proponents, supporters and objectors to other matters being considered by Council and providing a copy to the General Manager prior to any subsequent Council meeting where the matter may be reported;
- d) generally conducting meetings in official locations such as council premises and ensuring that other people are present during meetings;
- e) that all Councillors be invited when a Council conducts formal onsite meetings for controversial re-zonings and developments;
- f) Councils provide meeting facilities to Councillors (where practical) so that they may meet in a formal setting with parties who have an interest in a development matter;
- g) asking people who have requested a meeting to detail their issues in writing;
- h) inviting applicants, supporters or objectors and lobbyists who have approached them for a meeting to discuss a significant development to write to Council seeking a meeting with all Councillors and relevant staff.
- i) not discussing or negotiating on an individual basis, any possible compensatory conditions or other development related matters. All such issues must be referred to the appropriate Director or General Manager for proper consideration and assessment;
- j) providing copies of information presented during lobbying meetings to Council staff for consideration and assessment, distributing to other Councillors and filing as part of Council's records prior to any subsequent Council meeting where the matter may be reported;
- k) providing copies to the appropriate Director or General Manager, of e-mails and correspondence to and from parties to a development application or other significant matter, prior to any subsequent Council meeting where the matter may be reported;
- l) employees documenting and notifying their manager about lobbying to them that is not part of Council's formal processes;
- m) Councillors making a declaration at a Council meeting about lobbying to them that is not part of Council's formal processes.

#### 4.4 Tendering

The lobbying by tenderers about the outcome of a tender process is not permissible and shall result in their disqualification from the tender process on that occasion. For the purposes of this clause “lobbying” shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

#### 4.5 Responsibility/Accountability

All Councillors, staff and contractors are responsible for complying with the provisions of this Policy.

All Councillors, staff and contractors are responsible for reporting any inappropriate lobbying or efforts to unduly influence the decision-making process to the General Manager, who is responsible for appropriate taking actions and reporting breaches, which may include reporting any suspected unlawful conduct to the ICAC.

All lobbyists, as defined by this policy, are responsible for registering with the Council and complying with the requirements of this policy, Council’s Code of Conduct and Business Ethics Policy.

#### 5.0 Version Control

Date	Type	Minute
6 December 2022	Adoption of policy following exhibition from 3 to 30 November 2022	280/22