



Councillor Contact with Lobbyists, Developers and Submitters

Council is committed to the shared value of accountability and seeks to be recognised by the community for our professionalism and integrity. Council aims to uphold the highest standards of integrity and transparency in relation to contact with lobbyists.

Category	Office of CEO	Policy number: CCRC005
Related forms, policies and procedures	<ul style="list-style-type: none"> • Cassowary Coast Regional Council Lobbyists Contact Register • Councillors Register of Interests 	
Key words	Developers, Lobbyists, Councillors	
Relevant legislation	<ul style="list-style-type: none"> • <i>Local Government Act 2009</i> • <i>Integrity Act 2009</i> 	
References and resources	<ul style="list-style-type: none"> • Integrity Commissioner • Department of Local Government, Racing and Multicultural Affairs • LGAQ 	

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COUNCILLOR CONTACT WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS

1. Purpose

The Cassowary Coast Regional Council is committed to the shared value of accountability and seeks to be recognised by the community for our professionalism and integrity. Council aims to uphold the highest standards of integrity and transparency in relation to contact with lobbyists.

2. Scope

This policy recognises that lobbying is a necessary part of a healthy democracy; every person, organisation and interest group has a right to put a case forward to Council.

This policy is intended to provide ethical guidance for councillors when dealing with lobbyists, potential developers or developers who have made a development application.

Council will always be open to receiving legitimate business proposals, irrespective of the involvement of lobbyists. All contact with lobbyists will occur in accordance with the *Integrity Act 2009*. Council will ensure the transparency of interactions between Council and the lobbying industry by –

- ensuring any conflicts of interest will be appropriately managed; and
- all decisions are legal, ethical and impartial.

2.1 Responsibility

All Councillors must comply with this policy and are responsible for giving effect to it.

3. Definitions and principles

3.1 Principles

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. It does not include:

- A non-profit entity, e.g. a charity, church, club or environmental protection society
- An entity that represents the interests of its members, e.g. an employer group, trade union or professional body
- A member of a trade delegation visiting Queensland
- An entity carrying out incidental lobbying activities or lobbying only to represent the entity's interests. An entity carries out 'incidental lobbying activities' if its lobbying activities are only occasional and incidental to providing professional or technical services, such as an architectural, engineering, legal or accountancy practice.

Each instance of contact with a registered lobbyist must be recorded on the Cassowary Coast Regional Council Lobbyists Contact Register, including situations where Councillors have contact with lobbyists in conjunction with other government representatives.

The guiding principle in determining whether an action should be entered in the register is whether a reasonable person in possession of the facts would consider that the contact is an effort to influence decision making.

3.2 Definitions

Council:	Means Cassowary Coast Regional Council
Councillors:	Means all elected members of Council including the Mayor
The Act:	Means the <i>Local Government Act 2009</i>
Developer:	Means 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
Development Application:	Means an application for development that requires assessment against the provisions of Council's Town Planning Scheme
Development Approval:	Means a Development Application that has been approved by Council
Lobbyist:	Has the same meaning as defined in the <i>Integrity Act 2009</i>
Submitter:	Has the same meaning as defined in the <i>Sustainable Planning Act 2009</i>

3. Procedure

3.1 Meeting Or Exchanging Other Communication With Potential Developer & Lobbyists – (where no proposal presently before Council)

3.1.1 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.

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

- 3.1.2.1** 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;
- 3.1.2.2** Should suggest that the developer or lobbyists seeks independent professional advice;
- 3.1.2.3** 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;
- 3.1.2.4** 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.

3.1.3 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: -

- 3.1.3.1** 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;
- 3.1.3.2** Should suggest that the submitter seeks independent professional advice;
- 3.1.3.3** 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.

3.1.4 In all exchanges of communication¹ with a potential developer, lobbyist (for a potential development) or potential submitter, Councillors should keep and maintain a written record of same. This 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.

3.2 Meeting with Developers, Lobbyists and Submitters after A Development Application has been lodged

3.2.1 After a development application has been lodged, any request for meetings between councillors and developers, lobbyists or submitters should only occur by arrangement

¹ For example, face to face meetings, telephone calls, emails and other correspondence.

through the office of Council's CEO (or his/her delegate) and only in circumstances where a council officer is also present.

3.2.2 At any such meetings, again, councillors must state: -

3.2.2.1 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

3.2.2.2 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: -

3.2.2.2.1 Consistent with the planning legislation, council's planning scheme and policies; and

3.2.2.2.2 Made after having appropriate regard to any officer's (or Council appointed consultant's) advice; and

3.2.2.2.3 Not influenced by any other irrelevant or inappropriate consideration.

3.2.3 Councillors must keep a written record summarising the matters discussed at any such 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.

3.3 Other communications

3.3.1 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 (where they are seeking the councillor's support or opposition (as the case may be) to a development application), any such response from the councillor must include the following statements:-

3.3.1.1 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

3.3.1.2 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:-

3.3.1.2.1 Consistent with the planning legislation, Council's planning scheme and policies; and

3.3.1.2.2 Made after having appropriate regard to any officer's (or council appointed consultant's) advice; and

3.3.1.2.3 Not influenced by any other irrelevant or inappropriate considerations.

3.3.2 Councillors must keep a written record of any such communications. This 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.