



Lobbying **Policy**

September 2020

Policy No: CCC 096

Policy owner:	Governance and Business Services, Office of the CEO
Approved by:	Gary Murphy CEO / Council [Min. No. XX/20)?
Date of approval:	Day/Month/2020
Policy category:	Strategic
Content Manager No:	D#####
Review date:	DD/MM/YY

Contents

Contents.....	2
Purpose	3
Scope.....	3
Background.....	3
General	3
Provisions.....	3
Transparency	4
Transparency	5
Council’s Lobbying Activities.....	6
Review.....	6
Compliance, monitoring and review	6
Records management.....	6
Definitions	7
Related resources	7
Appendix 1: Lobbyist Registration Form	9
History of revisions	10

Purpose

1. This Policy is to ensure that:
 - a) community expectations are met in relation to the conduct of ethical and transparent lobbying activities of Council Officials.
 - b) there is no misunderstanding regarding Council's adopted position in relation to the engagement of lobbyists for its own purposes.

Scope

2. This Policy covers:
 - a) all Council Officials as defined in Council's [Code of Conduct](#);
 - b) any person or organisation contracted to or acting on behalf of Council;
 - c) any person or organisation employed to work on Council premises or facilities,
 - d) any company or other body of which the Council Official, or their nominee, relative, partner or employer, is a shareholder or a member.
 - e) someone personally associated as stated in clause 6.1 Council's [Code of Conduct](#) with a person covered under 3 a), b), c) and d).
3. All Councillors, Council Officers and contractors are responsible for complying with the provisions of this Policy.
4. This Policy should be read in conjunction with Council's [Code of Conduct](#).

Background

5. It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making.
6. The actions of those covered under this Policy when lobbied must reduce the likelihood of perceptions of corrupt or inappropriate conduct and comply with appropriate probity principles

General

Provisions

7. All lobbyists, as defined by this Policy, are required to complete the Lobbyist Registration Form (Appendix 1) for each matter on which they intend to lobby Council. The register will be published on Council's website.

8. Attempts at inappropriate or unlawful conduct on the part of someone lobbying those covered under this Policy may constitute corrupt conduct.
9. Any attempts made to those covered under this Policy, or of which those covered under this Policy become aware, that those covered under this Policy believe to fall under Part 3 Section 7 and 8 [Independent Commission Against Corruption Act 1988](#) definition of corrupt conduct must be reported in accordance with the [Internal Reporting Policy](#) for corrupt conduct, maladministration and waste.
10. Those covered under this Policy must avoid conduct during the lobbying process that would be considered inappropriate. Examples of inappropriate conduct include:
 - a) accepting undisclosed payment 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 Section 4.15 of the [Environmental Planning and Assessment Act 1979](#);
 - f) acting in a manner that exceeds the role of those covered under this Policy 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; and
 - i) those covered under this Policy 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 nonpecuniary interest. In such cases the matter should be managed in accordance with the provisions of the [Local Government Act 1993](#), Council's Code of Conduct and Related Party Disclosures (Australian Accounting Standard Board 124).

Transparency

11. Those covered under this Policy should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a Council decision.

12. Suspicions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in Council decision-making and adversely affect a person's reputation.
13. Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes.
14. There are several ways those covered under this Policy can help ensure transparency whilst being lobbied. These include:
 - a) ensuring that lobbyists are registered on Council's Lobbyist Register and publishing the details on Council's website;
 - b) documenting meetings and significant telephone conversations with lobbyists, development proponents, supporters and objectors and providing a copy to the Chief Executive Officer prior to any subsequent Council Meeting where the matter may be reported;
 - c) generally, conducting meetings in official locations such as Council premises;
 - d) having other people present during meetings;
 - e) asking people who have requested a meeting to put their arguments in writing;
 - f) 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 Council Officers;
 - g) 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 Internal Ombudsman for proper consideration and assessment;
 - h) providing copies of information presented during lobbying meetings to Council Officers 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;
 - i) providing copies to the Chief Executive Officer, of emails 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;
 - j) Council Officers documenting and notifying their Manager about lobbying to them that is not part of Council's formal processes; and
 - k) Councillors making a declaration at a Council Meeting about lobbying to them that is not part of Council's formal processes.

Transparency

15. The conditions which govern a tender process is based on a request for tender (RFT). Council RFTs contain a statement prohibiting tenderers from approaching those covered under this Policy, other than the nominated contact person, during a tender process.

Council's Lobbying Activities

16. Council will not engage professional lobbyists to advocate on its behalf in any circumstances.
17. Council Officials, such as the Mayor, Chief Executive Officer and other senior officers, will continue the practice of lobbying politicians, government officials and other relevant parties in relation to issues affecting Council, the Central Coast Community, and Local Government as a whole.

Review

Compliance, monitoring and review

18. All covered under this Policy are responsible for reporting any inappropriate lobbying or efforts to unduly influence the decision-making process to the Internal Ombudsman.
19. All lobbyists, as defined by this Policy, are responsible for registering with the Council and complying with the Registration Procedures and Protocols and Council's Code of Conduct – Contractors, their staff and business associates.
20. The Chief Executive Officer is responsible for taking action as per the Council's Code of Conduct where breaches of the Policy are reported.
21. The Chief Executive Officer is also responsible for reporting any suspected unlawful conduct to the ICAC.
22. This Policy will be reviewed every four years.

Records management

23. Those covered under this Policy must maintain all records relevant to administering of this Policy in Council's Content Manager system.

Definitions

24. In this policy:

Inappropriate conduct: Includes conduct that is:

- a) on the part of someone lobbying those covered under this Policy, this usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter.
- b) is also the engagement of professional Lobbyists on Council's behalf.

Lobbying: Includes:

- a) representations made to those covered under this Policy either by an individual or group with a direct interest in a matter; by an advocate acting on behalf of others.
- b) Council advocating on issues affecting Council, the Central Coast Community, and Local Government as a whole.

Lobbyist: Any person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party, 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) professionals, such as accountants, architects, engineers, private certifiers, 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; and
- f) Council Officials, such as the Mayor, Chief Executive Officer and other senior officers, in the process of lobbying politicians, government officials and other relevant parties in relation to issues affecting Council, the Central Coast Community, and Local Government as a whole.

Lobbyist Register: A system of registering lobbyists as defined in this Policy for the purposes of transparency.

Related resources

25. Legislation:

- a. [Australian Accounting Standards Board 124](#)

- b. [*Environmental Planning and Assessment Act 1979*](#)
- c. [*Independent Commission Against Corruption Act 1998*](#)
- d. [*Lobbying Local Government Councillors – A Guide for Councillors, Constituents and other interested parties, August 2006 \(ICAC\)*](#)
- e. [*Local Government Act 1993 \(NSW\)*](#)
- f. [*Public Interest Disclosures Act 1994*](#)

26. Associated/Internal documents:

- a. [Access to Council Information](#)
- b. [Code of Conduct and Administration of the Code of Conduct](#)
- c. [Code of Meeting Practice](#)
- d. [Community Strategic Plan](#)
- e. [Councillor and Staff Interaction Policy](#)
- f. [Information Records Management Policy](#)
- g. [Internal Reporting Policy](#)



Appendix 1: Lobbyist Registration Form



Lobbyist Registration Form

This form must be completed in accordance with Council's Lobbying Policy

IMPORTANT INFORMATION

1. Addresses, telephone number and email addresses may be used by Council Officials to contact Lobbyists but will not be published on the register.
2. Lobbyists are reminded of their obligations under Section 10.4 of the [Environmental Planning and Assessment Act 1979](#) to disclose certain gifts and political donations.
3. For additional information and electronic copies of this form, please refer to Council's website at www.centralcoast.nsw.gov.au.

DETAILS OF APPLICANT

Full Name of Individual or Organisation:

Postal Address:

Contact:

(Person/s who will be undertaking lobbying activities if different from above)

Phone:

Mobile:

Email:

LOBBYING DETAILS

Outline the issue or matter on which you will be lobbying Council:

Details of the individual, organisation or business who has engaged you to lobby:

Full Name of Individual or Organisation:

Postal Address:

Contact:

(Person/s who will be undertaking lobbying activities if different from above)

Phone:

Mobile:

DECLARATION

I declare that the above details are true and correct.

Signature:

Date:

History of revisions

Amendment history	Details
Original approval authority details (this version)	XX/XX/20XX <insert Council Meeting date and minute number of resolution adopting the policy <remove if not needed> <hr/> CM document number <hr/> Created to supplement Code of Conduct, following Council Resolution 459/20 at 14 September 2020 Ordinary Council Meeting.