



Burwood

Inc.1874

LOBBYING POLICY

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Purpose

To ensure that:

1. community expectations are met in relation to the conduct of ethical and transparent lobbying activities of Council Officials
2. there is no misunderstanding regarding Council's adopted position in relation to the engagement of lobbyists for its own purposes

Scope

This Policy applies to all Burwood Council Officials (including the Independent Hearing and Assessment Panel (Burwood Local Planning Panel)).

Policy

Statement of Intent

It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making.

The actions of Council Officials when lobbied must reduce the likelihood of perceptions of corrupt or inappropriate conduct and comply with appropriate probity principles.

Definitions

Council Officials – includes Councillors, members of staff of Council, contractors, consultants, administrators, citizen members of Council's advisory committees and other special interest groups, conduct reviewers and delegates of Council.

Inappropriate conduct –

1. on the part of someone lobbying a Council Official, this usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter
2. is also the engagement of professional Lobbyists on Council's behalf

Lobbying –

1. representations made to a Council Official either by an individual or group with a direct interest in a matter; by an advocate acting on behalf of others
2. Council advocating on issues affecting Burwood Council, its Community, and Local Government as a whole

Lobbyist – is 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
- f. Council Officials, such as the Mayor, General Manager and other senior officers, in the process of lobbying politicians, government officials and other relevant parties in relation to issues affecting Burwood Council, its Community, and Local Government as a whole.

Lobbyist Register – is a system of registering lobbyists as defined in this Policy for the purposes of transparency.

Provisions

Lobbyist Register – all lobbyists, as defined by this Policy, are required to complete the Lobbyist Registration Form ([Attachment A](#)) for each matter on which they intend to lobby Council. The register will be published on Council's website.

Improper Conduct – attempts at inappropriate or unlawful conduct on the part of someone lobbying a Council Official may constitute corrupt conduct. Any attempts made to you or of which you become aware, that you 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.

Council Officials 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 a Council Official 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.
- i. Council Officials 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*, Council's Code of Conduct and Related Party Disclosures (Australian Accounting Standard Board 124)

Transparency

Council Officials should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a Council decision. 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.

Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways Council Officials 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 General Manager 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 General Manager, 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. employees documenting and notifying their Manager about lobbying to them that is not part of Council's formal processes
- k. Councillors making a declaration at a Council Meeting about lobbying to them that is not part of Council's formal processes

Tendering

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

Council's Lobbying Activities

Burwood Council will not engage professional lobbyists to advocate on its behalf in any circumstances.

Council Officials, such as the Mayor, General Manager and other senior officers, will continue the practice of lobbying politicians, government officials and other relevant parties in relation to issues affecting Burwood Council, its Community, and Local Government as a whole.

Responsibility/Accountability

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

All Councillors, Council Officers and contractors are responsible for reporting any inappropriate lobbying or efforts to unduly influence the decision-making process to the Internal Ombudsman.

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.

The General Manager is responsible for taking action as per the Council's Code of Conduct where breaches of the Policy are reported.

The General Manager is also responsible for reporting any suspected unlawful conduct to the ICAC.

Related Information/Glossary

The Policy should be read in conjunction with the following Council Policies and Corporate Practices:

- Access to Council Information Policy
- Code of Conduct and the Administration of the Code of Conduct
- Code of Meeting Practice
- Community Engagement Policy
- Councillor Access to Information and Interaction with Staff Policy
- Related Party Disclosures Policy
- *Public Interest Disclosures Act 1994* – Internal Reporting Policy

The Policy should also be read in conjunction with the following documents/legislation:

- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *Independent Commission Against Corruption Act 1988*
- Lobbying Local Government Councillors – A Guide for Councillors, Constituents and other interested parties, August 2006 (ICAC).
- Australian Accounting Standard Board 124

Review

This Policy will be reviewed every four years.

Contact

Deputy General Manager Corporate, Governance and Community on 9911 9849

Appendix A



8 CONDER STREET, BURWOOD, NSW 2134
 PO BOX 240, BURWOOD, NSW 1805
 TEL: 9911 9911 FAX: 9911 9900
 WEBSITE: www.burwood.nsw.gov.au

OFFICE USE ONLY

Reg. No.:

Date Received: .../.../.....

LOBBYIST REGISTRATION FORM

Use this form to register as a lobbyist with Burwood Council. The overleaf procedure will help you complete the application. Once we have registered your application, you will receive a written notice of acknowledgement.

1. Details of the applicant (the person or organisation who will be lobbying Council)

Given Name (or A.C.N.)		Family Name (or Company Name)	
Unit/Street No.		Street Name and Suburb	
State	Postcode	Contact Person/s (person/s who will be undertaking lobbying activities if different from above)	
Mobile	Email	Daytime Telephone	Fax

2. Identify the issue or matter on which you will be Lobbying Council

3. Details of the individual, organisation or business who has engaged you to Lobby

Given Name (or A.C.N.)		Family Name (or Company Name)	
Unit/Street No.		Street Name and Suburb	
State	Postcode	Contact Person/s	

4. Signature

I certify that the above information is true and correct.

Name

Applicant's Signature

Date

Additional Information

Addresses, telephone number and email addresses may be used by Burwood Council Officials to contact Lobbyists but will not be published on the register.

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.

For additional information and electronic copies of this form, please refer to Council's website at www.burwood.nsw.gov.au