INNER WEST COUNCIL

LOBBYING POLICY

Title	Lobbying Policy
Summary	This policy sets out a framework and process for fair and legal lobbying of Council Officials.
Policy Type	Council
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive local leadership
Relevant Council References	Code of Conduct Public Access to Information Policy
Main Legislative Or Regulatory Reference	Local Government Act 1993, Lobbying of Government Officials Act 2011, Environmental Planning and Assessment Act 1979, Independent Commission Against Corruption Act 1988 and Lobbying Local Government Councillors - A guide for councillors, constituents and other interested parties, August 2006 (ICAC).
Record Notes	Externally available document
Version Control	See last page

1. Introduction

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.

2. Definitions

Council Officials

Councillors, members of staff of Council, administrators, community members of Council's Committees and Local Democracy Groups and other special interest groups, conduct reviewers and delegates of Council.

Inappropriate or unlawful conduct

An attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter.

Lobbying

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

Any person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third part, 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

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

3. Provisions

3.1 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. The register will be published on Council's website.

3.2 Attempts at inappropriate or unlawful conduct on the part of someone lobbying a Council Official may constitute corrupt conduct and must be reported to ICAC.

Council Officials 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.

Council Officials who are lobbied over council matters by close friends, associates or relatives, even though they are not defined as a lobbyist, should request them to register on Council's Lobbyist Register so their lobbying is open and transparent. Council Officials should also consider whether the nature of their relationship and the impact of the matter on the lobbyist's interests give rise to a pecuniary or non-pecuniary interest.

3.3 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. Council Officials should:

a) ensure that lobbyists are registered on Council's Lobbyist Register;;
b) document meetings and significant telephone conversations with lobbyists;
c) hold meetings in council premises;
d) not meet alone;
e) ask lobbyists who have requested a meeting to put their arguments in writing;
f) not discuss or negotiate on an individual basis, any possible compensatory conditions or other development related matters. All such issues must be referred to the Chief Executive Officer for proper consideration and assessment;
g) provide copies of information presented during lobbying meetings to the Chief Executive Officer 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;
h) provide copies to the Chief Executive Officer, of e- mails and correspondence received from lobbyists;
i) declare at a council meeting conflicts of interests about lobbying.

3.4 Under no circumstances, should lobbying of Council Officials take place by tenderers about the outcome of a tender process.

4. Responsibilities

a) Council Officials are responsible for complying with the provisions of this Policy and referring close friends, associates or relatives who lobby them to register as lobbyists and consider any conflicts of interest that may arise out these relationships.

b) Council Officials are responsible for reporting any inappropriate lobbying, efforts to unduly influence the decision-making process or unlawful conduct to ICAC.

c) 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.*

d) The Chief Executive Officer is responsible for taking action as per the Code of Conduct for Council Officials where breaches of the policy are reported.

5. Policy review

This policy is subject to review every two years.

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