

Lobbying Policy

Contents

- Scope
- Purpose
- Policy
- Procedure
- Definitions

Scope

This policy applies to all Councillors and Council officials.

Purpose

Appropriate lobbying of Councillors is part of the democratic process and is an acceptable feature of the relationship between citizens and their elected representatives. It is however in the public interest that lobbying is done fairly and does not undermine public confidence in Council decision making. This policy, based on the Independent Commission Against Corruption's (ICAC) guide on lobbying local government councillors, outlines important factors that differentiate appropriate lobbying from inappropriate lobbying.

Policy

Council officials must be mindful of inappropriate interactions and the avoidance of situations that may be perceived as or constitute improper and undue influence.

In this policy, the term 'lobbying' is used to cover those types of communications between Councillors and the community that includes representations to Councillors by special interest groups, individuals with a direct interest in a council decision and by advocates acting on behalf of others.

Inappropriate Lobbying

Lobbying of Councillors includes, but is not restricted to, the following issues:

- Development matters

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- Upgrading of local facilities, including playgrounds and sporting facilities
- Revenue decisions

Whilst it is not possible to define every type of activity that could institute inappropriate or unlawful lobbying, generally it involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of the matter. Examples of inappropriate or unlawful conduct by Councillors that could occur during the lobbying process include:

- Accepting undisclosed payments or benefits whilst making a decision that affects the gift giver's interests;
- Accepting a political donation in return for the favourable exercise of discretion during decision making – ideally Councillors will keep lobbying and fundraising activities separate to avoid the perception that a political donation could influence their decision making;
- Granting access to a particular individual or group while *unreasonably* denying a similar request by another party;
- Giving undertakings to an interested party prior to considering all the information relevant to a decision;
- Exceeding the role of a councillor – for example, directing council staff (in contravention of section 352 of the Local Government Act) over the content of any advice or recommendation on a council matter as a result of being lobbied by a third party;
- Disclosing confidential information; and
- Being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.

Councillors may be lobbied by close friends, associates or relatives, and therefore should consider whether the nature of the relationship and impact of the matter on the lobbyist's interests gives rise to a pecuniary or non-pecuniary interest. These situations should be managed in accordance with the Code of Conduct.

Transparency

The environment and circumstances that Councillors work in makes it difficult to avoid informal discussions with constituents who seek to lobby them. Nevertheless, Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision.

Tendering

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The lobbying of Councillors by tenderers is not permissible. City of Parramatta tender conditions state that “Tenderers should not seek information about this Invitation to Tender or rely on any information relating to this Invitation to Tender from any person other than the Contact Officer”.

In addition, tenders are selected based on objective technical and pricing issues and do not involve a ‘political’ dimension or subjective decisions, nor do they contain mechanisms for community feedback. Any community consultation required is normally done via a formal process before the release of tender documents.

Procedure

To avoid perceptions of inappropriate lobbying, there are a number of ways Councillors can ensure transparency whilst being lobbied, including:

- Documenting meetings with lobbyists
- Conducting meetings in official locations
- Having others people present during meetings
- Inviting those that have approached them to discuss a significant development to write to council seeking a meeting with Councillors and relevant staff
- Providing information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other Councillors and filing as part of council records
- Requesting people who have requested their meeting to put their arguments in writing
- Making a declaration at a council meeting about lobbying activities they have been engaged in that are not part of council’s formal processes.

These options should be considered where it would be beneficial to have some form of record about what transpired between themselves and the person(s) lobbying them.

Definitions

‘lobbying’ communications between Councillors and the community that include representations to Councillors by:
special interest groups;
individuals with a direct interest in a council decision; and
advocates acting on behalf of others.

Associated documents

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Code of Conduct
 Fraud and Corruption Prevention Policy
 Procurement Policy and Guidelines
 Statement of Business Ethics

History

New policy – previously contained in the code of conduct.

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