



# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>COUNCILLOR INTERACTION PROTOCOL POLICY – LOBBYISTS, DEVELOPERS, SUBMITTERS &amp; TENDERERS</b>
<b>Policy Number</b>	<b>P-2018-36</b>
<b>Business Unit/s</b>	<b>ALL BUSINESS UNITS</b>
<b>Date of Adoption</b>	
<b>Resolution Number</b>	
<b>Review Date</b>	
<b>Date Repealed</b>	

### 1.0 PURPOSE:

To provide a protocol for interaction between lobbyists, development applicants, submitters, tenderers and Councillors at various stages of the development process.

### 2.0 SCOPE:

This protocol applies to all lobbyists, development applicants, submitters, tenderers and any other applicant where an application is or can be lodged with Council and Council is the decision-making authority.

**Applicant/s:** This protocol applies from the time an application is lodged with Council until the decision is in effect. Until the formal application process commences, Applicants are free to interact with elected members and staff in an informal manner.

**Submitter/s:** This protocol applies from the time a formal application submission is lodged with Council. Until a formal application submission has been lodged with Council, submitters are free to interact with elected members and staff in an informal manner.

### 3.0 RELATED LEGISLATION:

*Planning Act 2016*  
*Planning Regulation 2017*  
*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Sustainable Planning Act 2009*  
*Sustainable Planning Regulation 2009*

### 4.0 RELATED DOCUMENTS:

Councillor Code of Conduct Policy.  
Council Meeting Procedures

**5.0 DEFINITIONS:**

<b><i>Applicant</i></b>	<i>Means</i> any applicant, or potential applicant, for an approval that is to be obtained from Council, whether or not that approval will be or is being dealt with by Council direct (via a report to Council requiring a Council resolution) or will be or is being dealt with by a Council officer under a delegation by Council or the Chief Executive Officer. If the applicant is a body corporate, the term includes office holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.
<b><i>Development Applicant</i></b>	<i>Means</i> the development proponent who has lodged a development application under the <i>Planning Act 2016</i> and is listed on the Development Application Form 1.
<b><i>Lobbyist</i></b>	Has the same meaning as defined in <i>the Integrity Act 2009</i> .
<b><i>Submitter</i></b>	For applications made under the <i>Sustainable Planning Act 2009</i> , <i>means</i> a party that has lodged a submission on a development application lodged under the <i>Planning Act 2016</i> , whether the submission is 'properly made' or not;  otherwise, <i>means</i> a submitter is any entity (including, if the entity is a body corporate, office holders and employees of the entity or, if the entity is a partnership, partners and employees of the partnership).
<b><i>Tenderer</i></b>	<i>Means</i> any entity making a bid for a Council tender or quotation for the supply of goods or services to Council or purchase of goods, materials or land from Council.

**6.0 POLICY STATEMENT:**

**6.1 Background**

Free and open access to Councillors by members of the community is vital to accountable and effective local government.

Contact with Councillors is undertaken by many people in the community in relation to a broad range of matters and is often sought when people:

- a) as Applicants, are required to obtain an approval from Council for a development or other licensable activity; or,
- b) as Tenderers, are seeking to secure a contract with Council for the supply of goods or services to Council or the purchase of goods, materials or land (including leasing or licencing of) from Council; or
- c) as Developers, Lobbyists or Submitters, are seeking to influence Councillors, and thereby Council, and/or Council officers acting on behalf of Council under delegation with respect to existing or proposed applications to Council for approvals.

Council and the public have clear expectations that such contacts are carried out ethically and transparently.

## **6.2 Exchanges relating to Developers / Development Applications**

The following protocols apply:

1. It is encouraged for all enquiries in respect to an application or the application process to be made to Development Services. However, where a Councillor interacts with a potential Development Applicant *prior* to formal lodgement of an application with Council, appropriate notes of the interaction should be recorded and provided to Council for inclusion in Councils' records system where required.
2. Should a Development Applicant wish to make representations to elected members they should make the request to the Office of the Chief Executive Officer for a deputation with Council in a General meeting. At least 14 days notice shall be given to all parties via the appropriate form.
3. Once a Submitter has formally lodged a submission, all requests for representations to elected members should be lodged and coordinated through the Office of the Chief Executive Officer in a similar manner to which applies to Development Applicants.
4. Once an appeal is lodged with the Court in respect to a development application, all parties to the appeal should lodge requests for discussions with elected members through their legal representative who will coordinate discussions through Council's legal advisors.
5. All deputations under this protocol will be conducted in the formal general meetings of Council and as such, records of formal minutes, decisions or commitments will be made.
6. This protocol does not apply to applications for development approval where Council is not the decision maker. For example, applications for development within the Gladstone State Development Area where the Queensland State Government Minister is the decision maker.
7. Nothing in this protocol prevents an elected member referring a request for a meeting to Development Services on behalf of the Development Applicant / Submitter.
8. Council encourages developers to organise pre-lodgement meetings with Council Officers to assist Development Applicants in meeting the relevant planning scheme requirements.

## **6.3 Councillor exchanges with Lobbyists, Tenderers or other Applicants (excluding Developers) before Formal Submissions are made**

It is expected that in dealings with Lobbyists, Tenderers, Submitters or other potential Applicants in the pre-tender/quotation/application/submission phases that Councillors will:

1. Ensure they are clear that any opinion they give is personal and does not in any way represent Council's position;
2. Encourage the potential Lobbyist, Tenderer, Submitter or other potential Applicant to seek independent professional advice;

3. Encourage the potential Lobbyist, Tenderer, Submitter or other potential Applicant to seek preliminary advice on their proposal or submission by arranging a meeting with the relevant Council officers (eg, Council tender briefing session);
4. Keep appropriate notes of the date, time, place, attendees and detail of such dealings; and
5. Ensure that such notes are provided to Council for inclusion in Councils' records system where required.

Until such time that a formal submission is lodged, the above guideline shall apply.

If a Lobbyist, Tenderer, Submitter or other potential Applicant wish to meet with a Councillor or Councillors *after* they have lodged a formal submission with Council then the guidelines in section 6.4 apply.

#### **6.4 Councillor exchanges with Lobbyists, Tenderers or other Applicants (excluding Developers) after Formal Submissions are made**

Once an application is formally lodged with Council, or Council has formally sought tenders or quotations for the supply of goods or services or tenders for the disposal of Council assets and the time for lodgement of tenders or offers has closed, the following will apply:

1. Councillors will decline all invitations to meet with or discuss the application, tender or quotation with Lobbyist, Tenderer, Submitter or other potential Applicant on a one-on-one basis.
2. Councillors will, if requested to have a meeting on a one-on-one basis to make representations to the Councillor, refer the requestor to the relevant Council officer for the arranging of a meeting at a date, time and venue where Council officers and the Councillor may meet with the requestor to discuss the application, tender or quotation.  
**Note:** A minimum of 7 days' notice is required for such a meeting.
3. Council officers present at the meeting will document the date, time, place, attendees and detail of such dealings and ensure that these meeting notes are provided for recording in Council's records system.

#### **6.5 Exchanges where a Council decision is being appealed or reviewed in a Court of Law, Ombudsman or Tribunal**

Once an appeal or a request for review is lodged with a Court of Law, Ombudsman or Tribunal in respect to an application decided or to be decided by Council, Councillors will:

1. not accept any requests for meetings with a Lobbyist, Tenderer, Submitter or other potential Applicant unless such a meeting has been sanctioned by Council resolution in advance;
2. advise a Lobbyist, Tenderer, Submitter or other potential Applicant making any such request that they need to submit such requests either through their legal representative to Council or to Council officers direct, or Council's legal advisors so that Council can coordinate any resultant meeting or discussions.

**7.0 ATTACHMENTS:**

Nil.

**8.0 REVIEW MECHANISM:**

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

<b>TABLE OF AMENDMENTS</b>			
<b>Document History</b>	<b>Date</b>	<b>Council Resolution No.</b>	<b>Notes (including the prior Policy No, precise of change/s, etc)</b>
Originally Approved	23 September 2008	08/565	
Amendment 1	18 March 2014	G/14/1926	
Amendment 2	20 March 2018	G/18/3349	Changes to provide more clear and concise expectations of elected members in relation to interaction with development applicants and submitters.
Amendment 3	4 December 2018		Changes to incorporate all Council interactions including lobbyists, developers and tenderers due to revision and separation of previous Councillor Code of Conduct.

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**LEISA DOWLING**  
**CHIEF EXECUTIVE OFFICER**