

## HEAD OF POWER

- *Integrity Act 2009*

## INTENT

The purpose of this policy is to provide ethical guidance to assist Councillors and employees in better decision making where lobbyists have contacted Council and to outline Council's position in relation to the management of lobbyists who contact Councillors or employees.

## SCOPE

This policy applies to all employees, Councillors and Councillor Advisor (Mayor's Chief of Staff).

## DEFINITIONS

**Contact** includes telephone contact, email contact, written mail and face-to-face meetings.

**Employee** means a local government employee as defined pursuant to the *Local Government Act 2009*.

**Former senior government executive** means a councillor or a public sector officer, who was a chief executive, senior executive or senior executive equivalent.

**Government representative** means a Councillor, including the Mayor and public sector officers, which is the Chief Executive Officer or person employed by a local government.

**Lobbying** means any attempt to influence the decision making of a local government in the exercise of their official functions on behalf of a third-party, for a fee or other reward.

**Lobbying activity** is as defined by the *Integrity Act 2009*, but generally means contact with a government representative in an effort to influence decision making.

**Lobbyist** means a person or entity engaged to carry out a lobbying activity which may influence local government decision making, for a third party client. However, none of the following entities is a lobbyist:

- (a) Non-profit entity;
- (b) Entity constituted to represent the interests of its members (e.g. employer group, trade union, professional body, such as Queensland Law Society);
- (c) members of trade delegations visiting Queensland;
- (d) an entity carrying out incidental lobbying activities;
- (e) an entity carrying out a lobbying activity only for the purpose of representing the entity's own interests.

**Related lobbying activity** means for a person who is a former senior government representative, a lobbying activity relating to the person's official dealings as a government representative in the two years before becoming a former senior government representative.

**Third-party client** means an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.

## POLICY STATEMENT

1. The *Integrity Act 2009* outlines that the Integrity Commissioner is responsible for maintaining a Lobbyists Register in Queensland. To assist in discharging those functions and powers, Council must provide information to the Integrity Commissioner to ensure any contact has been properly recorded by lobbyists on the Register.
2. Free and open access to Councillors and Council itself, is vital to an efficient and effective local government. Councillors and employees may be approached or lobbied by members of the community in relation to a range of issues.
3. Council recognises that ethical lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to Council, the government and opposition, and in doing so, improve outcomes for the community.
4. It is also the aim of Council to ensure all decisions are legal, ethical and impartial in line with the local government principles, the responsibilities of Councillors and local government employees, as outlined in the *Local Government Act 2009*.
5. Lobbyists who act on behalf of third-party clients must register with the Queensland Integrity Commission before they can contact a government representative for the purpose of lobbying activities.
6. Councillors and employees must not knowingly meet with anyone who is not a registered lobbyist if that person (or organisation) intends to carry out a lobbying activity on behalf of a third-party. If a Councillor or employee becomes aware that the lobbyist is not registered, Council is required to advise the Integrity Commission as soon as practicable.
7. Pursuant to section 70 of the *Integrity Act 2009*, for two years after a person becomes a former senior government representative, the person must not carry out a related lobbying activity for a third-party client.
8. This policy should be read in conjunction with Council's Planning Protocols Policy, which provides specific guidance for Councillors and employees about the roles and responsibilities involved with a development application process.
9. All contact with lobbyists will be managed in accordance with the Contact with Lobbyists Procedure.

## ASSOCIATED DOCUMENTS

- Contact with Lobbyists Procedure
- Code of Conduct for Councillors in Queensland

- Employee Code of Conduct
- *Local Government Act 2009*
- Planning Protocols Policy

### **DOCUMENT CONTROLS**

Council will review this policy biennially or in response to changes in law or best practice.

### **POLICY OWNER**

Chief Legal Officer, Governance and Legal Services.