

Councillor Interactions with Property Developers, Businesses, Contractors and Lobbyists Policy

Responsible Department:	Executive
Responsible Section:	Governance and Risk
Responsible Officer:	Manager Governance and Risk

Objective

To inform the community of the requirement for the disclosure of all interactions held between elected councillors and:

- Proponents of property development activities of their delegates, officers, employees or agents;
- Contractors who do business with Council or are likely to do business with Council; and
- Registered lobbyists advocating on behalf of third-party interests.

The Policy will:

- Enhance Council's transparent and accountable assessment and determination of planning applications;
- Enhance Council's transparency regarding its interaction with the business community and contractors; and
- Establish a public register of all meetings between elected councillors and property developers and lobbyists.

Introduction

Councillors receive many requests from their constituents, industry leaders, businesses, contractors, property developers, objectors to developments and others for interactions and opportunities to discuss a broad range of issues. Each person making such a request expects to be listened to and will often seek to influence a decision of Council. A crucial principle of open democratic governance is that all participants have a right to have their say and that all views are given due consideration. It is equally important that the views of some not have more bearing on decision-making than those of all others.

To fortify confidence in Council's decision-making, this Policy sets a standard requiring the disclosure of meetings held between Councillors and those who may be seen to exert undue influence on Councillors, including Property Developers and Lobbyists. This Policy should not be seen to deter Property Developers, Businesses, Contractors or Lobbyists, but to provide a higher level of transparency to their dealings and maintain public confidence in Council's exercise of its functions as the local government authority and a planning and regulatory authority.

Policy

1. Definitions

Term	Meaning
Contractor or Business	An entity (including both a private person, partnership, or company) that is registered with the Australian Business Register and provides a good or service to the public for a cost.
Councillor Interactions	A person who is elected as a Councillor for the Narrabri Shire Local Government Area and is meeting with or discussing issues with a property developer, contractors, businesses or lobbyists either in person, via phone or electronic means, in their official capacity as Councillor.
Lobbying	The act of organised attempts to influence government policy and legislation, including Local Government.
Lobbyist	Third-party lobbyists and to all other individuals and bodies that lobby Government officials (such as Narrabri Shire Council and Councillors) (including individuals engaged to undertake lobbying for a third-party lobbyist).
Lobbyists Code of Conduct	The NSW Lobbyist Code of Conduct pursuant to the <i>Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014</i> , as amended from time to time.
Planning Application	An application or request by a person (other than a public authority within the meaning of the <i>Environmental Planning and Assessment Act 1979 (NSW)</i>): (a) to initiate the making of an environmental planning instrument or plan under that Act in relation to any development, project or activity on a particular site, or (b) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.
Political Donation	As defined by section 5 of the <i>Electoral Funding Act 2018 (NSW)</i> .
Property Developer	As defined by section 53 of the <i>Electoral Funding Act 2018 (NSW)</i> .

2. Meeting Requirements

- 2.1. All Property Developers, Contractors, Businesses and Lobbyists seeking meetings with councillors must complete a **Property Developer and Lobbyist Meeting Request Disclosure Form (Appendix 1)**.
- 2.2. All meeting attendees must undertake to abide by the Lobbyists Code of Conduct.
- 2.3. All meetings with councillors must take place at Council's Administration Building (46-48 Maitland Street, Narrabri) or at a location agreed to by the General Manager (or their Delegate).
- 2.4. The General Manager (or their Delegate) must attend and record notes of the meeting, which must be stored in Council's Electronic Records Management System
- 2.5. A Councillor must neither meet with nor discuss any Planning Application in the absence of the General Manager and/or their appointed member/s of staff.
- 2.6. Pursuant to the Narrabri Shire Council Code of Conduct, a Councillor must not discuss any Planning Applications prepared in their personal capacity whilst acting in their official capacity as a Councillor, nor should they seek any favourable treatment on the basis of their status as a Councillor.

3. Register of Meetings

- 3.1. For the year ending 30 June 2025 onward, Council will publish on its website and in its Annual Report a register of all meetings with Councillors attended by Property Developers, Contractors, Businesses, and Lobbyists, which will record the following:
 - (a) Date of meeting;
 - (b) Name of organisation(s);

- (c) Name(s) of people in attendance and their position(s);
- (d) Name of any lobbying firm personnel in attendance;
- (e) Development Application reference (if applicable); and
- (f) Name of any businesses involved (if applicable).

4. Register of Gifts and Benefits

- 4.1. A disclosure must be made by any person who has a financial interest in a planning application and who has made a reportable political donation in the two (2) years before a planning application is made and/or determined.
- 4.2. Council will continue to publish on its website and in its Annual Report details of all political donations made pursuant to State and Commonwealth law made by the organisation and/or its ten largest shareholders in the five (5) years prior the application being lodged.

5. Administrative arrangements

- 5.1. The General Manager (or their delegate) may prepare and amend from time to time procedures, guidelines, forms and templates to assist in the administration of this Policy.

References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Government Information (Public Access) Act 2009* (NSW).
- *Government Information (Public Access) Regulation 2018* (NSW).
- *Electoral Funding Act 2018* (NSW).
- *Environmental Planning and Assessment Act 1979* (NSW).
- *Environmental Planning and Assessment Regulation 2021* (NSW).
- *State Records Act 1998* (NSW).
- *Independent Commission Against Corruption Act 1988* (NSW).
- *Lobbying of Government Officials Act 2011* (NSW).
- *NSW Lobbyists Code of Conduct 2014*.
- *Narrabri Shire Code of Conduct*.
- *Record Management Policy*.
- *Privacy Management Policy*.

History

Minute Number	Meeting Date	Description of Change
205/2023	22 August 2023	Endorsed for Public Exhibition
275/2023	31 October 2023	Adoped

Appendix 1 - Property Developer, Contractor, Businesses, and Lobbyist Meeting Request Disclosure Form



Our Reference: _____
Contact Name: _____ Governance

Property Developer, Contractor, Business, and Lobbyist Meeting Request Disclosure Form

Please complete and submit this form with your meeting request.

The information provided in those parts of the table marked with an asterisk (*) may be disclosed in Council's Annual Report and website.



Proposed Meeting Summary	
Proposed date of meeting*	
Name of organisation(s)*	
Name(s) of people who will be attending and their positions*	
Purpose of meeting*	
Development Application reference (if applicable) *	
Contact Person	
Name	
Position	
Email	
Phone	

I, _____
(Full name in BLOCK LETTERS)

am authorised to complete this form on my organisation's behalf and understand:

- that the information contained in this form and marked with an asterisk may be published in Council's Annual Report and on Council's website;
- this information does not contain market sensitive information or other information for which there is an overriding public interest against disclosure as defined in the *Government Information Act (Public Access) Act 2009* (NSW).
- The organisation and I agree to abide by the attached Ethical Standards;
- by making this declaration, my organisation and its representatives consent to the public release of the information contained in this form and marked with an asterisk.

If the purpose of the meeting is to discuss a development matter (including Development Applications), Council policy or decision making, you must complete the Statutory Declaration over the page:

For further information please contact Council's Public Officer on (02) 6799 6866.


Narrabri Shire Council
46 - 48 Maitland Street
PO Box 261, Narrabri NSW 2390


P. (02) 6799 6866
F. (02) 6799 6888


E. council@narrabri.nsw.gov.au
www.narrabri.nsw.gov.au

Statutory Declaration

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, _____, do solemnly and sincerely declare that

[name of declarant]

The following details of all Federal and NSW political donations made by my organisation and its shareholders in the last five years:

Date	Political Party/Candidate	Amount

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: _____ on _____

[place]

[date]

[signature of declarant]

in the presence of an authorised witness, who states:

I, _____, a _____,

[name of authorised witness]

[qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: *[* please cross out any text that does not apply]*

1. *I saw the face of the person *OR* *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and

2. *I have known the person for at least 12 months *OR* *I have confirmed the person's identity using an identification document and the document I relied on was _____

[describe identification document relied on]

[signature of authorised witness]

[date]

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)