

## Logan City Council

### Contact with Lobbyists Procedure

Logan City Council  
2020

#### Document Control

File:	1169802-1	Document ID:	13345764
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#### Amendment History

Version Number	Description of Change	Author / Branch	Date
1.0	Creation	Corporate Governance	29 January 2020

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## 1 Procedure Objective

This Procedure provides ethical guidance to Councillors and Council employees when dealing with lobbyists, to ensure that all contact is properly recorded and occurs in accordance with the requirements of the *Integrity Act 2009*.

It the aim of Council to ensure that all decisions are legal, ethical and impartial in line with the local government principles in section 4 the *Local Government Act 2009* and the responsibilities of Councillors in section 12 of that Act. Providing a policy and procedure as to how Councillors and Council employees should deal with lobbyists will assist in better decision-making where lobbyists have contacted Council.

## 2 What is lobbying?

Free and open access to Councillors, and Council itself, is vital to efficient and effective local government. It is accepted that Councillors and Council Officers may be approached or lobbied by members of the community on a broad range of issues. However, there is a difference between the type of lobbying carried out by members of the community representing their own interests and professional lobbyists engaged by a third party client for a fee or reward to influence local government decision-making.

The activities of professional lobbyists is regulated by the *Integrity Act 2009* which defines lobbying and related concepts, places limitations on lobbying activities and also requires the registration of professional lobbyists with the Integrity Commissioner.

A clear definition of who is a lobbyist and what constitutes lobbying activity is provided in the *Integrity Act 2009* and is reproduced in Council's Contact with Lobbyists Policy.

## 3 Lobbyist's obligations

It is the responsibility of lobbyists to register on the Lobbyists' Register held by the Integrity Commissioner and to ensure that all lobbying is conducted in accordance with the Lobbyists Code of Conduct, as approved by the Integrity Commissioner.

When a lobbyist makes initial contact with a Councillor or Council employee in order to carry out a lobbying activity, that lobbyist must inform the Councillor or Council employee that they are:

- A lobbyist currently listed on the register of registered lobbyists held by the Integrity Commissioner; or
- A listed person for a lobbyist who is currently on the register of registered lobbyists; and
- Making contact on behalf of a third party; and
- The name of the third party; and
- The nature of that third party's issues; and
- The reasons for the approach.

When a lobbyist who was a former senior government representative (including a former Councillor) less than two years earlier makes contact with a Councillor or Council Officer, they must indicate all of the following:

- That they are a former senior government representative;
- When they became a former senior government representative; and

- That the matter is not a 'related lobbying activity' - an activity prohibited under the *Integrity Act 2009*.

In addition to the above, the Integrity Commissioner requires a lobbyist to record details of any lobbying contact made with a Councillor or Council Officer. The *Integrity Act 2009* contains all of the requirements and processes imposed upon lobbyists and it is the responsibility of the lobbyist to ensure they comply with the legislation.

## 4 Councillor and Council employee obligations

Both Councillors and Council employees have obligations under the legislation. In accordance with the requirements of the *Integrity Act 2009*:

- A Councillor or Council employee must not knowingly permit an entity that is not a registered lobbyist to carry out a lobbying activity for a third party client.
- If a Councillor or Council employee becomes aware that an entity seeking to carry out a lobbying activity for a third party client is not a registered lobbyist, Council is required to advise the Integrity Commissioner as soon as practicable.
- For 2 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 and a Councillor or Council employee must not knowingly permit a related lobbying activity. If a Councillor or Council Officer is aware that an entity seeking to carry out a lobbying activity for a third party client is not a registered lobbyist, the details must be provided to the CEO and the Integrity Commissioner is to be advised as soon as practicable.

## 5 What to do if approached by a lobbyist

Lobbyists need to be registered before they contact a Councillor or Council employee for the purposes of lobbying activities.

Under section 71(2) of the *Integrity Act 2009*, a Councillor or Council employee must not knowingly meet with an entity that is not a registered lobbyist if the entity intends to carry out a lobbying activity for a third party client.

Lobbyists are required to inform the person they are contacting of their lobbyist status when initially seeking to meet with them.

While the onus is on the lobbyist to supply the required information, you should also check that the details provided are correct by checking the Register of Lobbyists on the Integrity Commissioner's website at [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) to confirm the person and their third party client in question are listed.

### 5.1 Councillor and Council employees' obligations if contacted by a lobbyist

If a Councillor or Council employee is contacted by someone who appears to wish to engage in lobbying activity they must:

- Advise the person that:
  - this contact maybe a "lobbying activity" under the *Integrity Act 2009*;
  - you are required under this Act to seek some clarification as to the person's standing as a unregistered lobbyist under the Act; and

- you can no longer discuss with this person any lobbying activity matters until you have confirmed whether they are a registered lobbyist under the Act.
- Make a note of the person's details and circumstances of the lobbying activity (time, date and place of contact, the name of the person who made contact and how you believe this was a lobbying activity)
- Check the Register of Lobbyists on the Integrity Commissioner's website at [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) to confirm the person and their third party client in question are registered lobbyists.

### **5.1.1 Where the person is a registered lobbyist**

If the Councillor or Council employee has followed the steps above and has confirmed that the person who has contacted you is a registered lobbyist, when speaking or meeting with the lobbyist the Councillor or Council employee must:

- Advise the person that Council is bound by the *Integrity Act 2009*;
- Ensure you record the following information:
  - Date of contact;
  - Name and title of key people involved in the contact;
  - List of other people involved in the contact;
  - Name and contact details of the lobbyist;
  - Method of contact (ie telephone, email, letter, meeting);
  - Purpose of the contact (ie introduction, awarding a contract, allocation of funding, development decision);
  - Issues discussed; and
  - Outcome from the contact (ie no action required, provided follow-up contact information, provided advice on a Council policy or decision, referred to a branch, not a Council matter).
- Report the contact (including a copy of your notes of the contact) to the Integrity & Information Program within 48 hours for inclusion in Council's Register of Contact with Lobbyists.

### **5.1.2 Where the person is a not a registered lobbyist**

If the Councillor or Council employee has followed the steps above and has confirmed that the person who has contacted you is not a registered lobbyist, the Councillor or Council employee must:

- Advise the person that Council is bound by the *Integrity Act 2009*;
- Advise the person that you cannot discuss any lobbying matters with the person as they are not a registered lobbyist;
- Ensure you record the following information:
  - Date of contact;
  - Name and contact details of the lobbyist;
  - Method of contact (ie telephone, email, letter, meeting);
  - Purpose of the contact (ie introduction, awarding a contract, allocation of funding, development decision);
  - Outcome from the contact (ie you provided advice that you cannot discuss lobbying matters).

- Discontinue contact with the person on any activity related to lobbying. This does not mean you cannot assist the person with other matters that would not be classed as lobbyist activity;
- Report the contact (including a copy of your notes of the contact) to the Integrity & Information Program within 48 hours for inclusion in Council’s Register of Contact with Lobbyists.

The Integrity & Information Program will provide the lobbyist’s details and details of the contact to the Integrity Commissioner.

## 6 Roles and Responsibilities

The Chief Executive Officer has designated the following roles and responsibilities for managing contact with lobbyists:

Role	Responsibilities
<b>Councillors</b>	<ul style="list-style-type: none"> <li>▪ Ensure you are complying with the <i>Integrity Act 2009</i> at all times when dealing with lobbyists</li> <li>▪ Ensure all contact with lobbyists – whether registered or unregistered – is appropriately documented in accordance with this Procedure</li> <li>▪ Report all contact with lobbyists to the Integrity &amp; information Program within 48 hours of the contact</li> </ul>
<b>Council employees</b>	<ul style="list-style-type: none"> <li>▪ Ensure you are complying with the Integrity Act 2009 at all times when dealing with lobbyists</li> <li>▪ Ensure all contact with lobbyists – whether registered or unregistered – is appropriately documented in accordance with this Procedure</li> <li>▪ Report all contact with lobbyists to the Integrity &amp; information Program within 48 hours of the contact</li> </ul>
<b>Integrity &amp; Information Program</b>	<ul style="list-style-type: none"> <li>▪ Keep Council’s Register of Contact with Lobbyists</li> <li>▪ Report all contact with unregistered lobbyists to the Integrity Commissioner</li> </ul>

## 7 Definitions

Definitions for terms used within the Procedure can be found in the Contact with Lobbyists Policy (DM: 13345748).