

Relevant Information for Council

FILE: X103625 **DATE:** 4 April 2024

TO: Lord Mayor and Councillors

FROM: Kirsten Morrin, Director Legal and Governance

THROUGH: Monica Barone PSM, Chief Executive Officer

SUBJECT: Information Relevant To Item 6.3 – Adoption - Councillor Meetings with Registered Lobbyists and Property Developers Policy

Alternative Recommendation

It is resolved that:

- (A) Council adopt the draft Councillor Meetings with Registered Lobbyists and Property Developers Policy, as shown at Attachment A to the ***subject Information Relevant To Memorandum;***
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Councillor Meetings with Registered Lobbyists and Property Developers Policy in order to correct any minor drafting errors, update the form from time to time as required and to finalise design and accessible formats for publication; and
- (C) Council note that the Office of Local Government may publish guidelines on these matters and a further report will be brought to Council if required.

Purpose

An amended policy has been prepared in response to matters raised by Councillors and is recommended for adoption.

Background

At the Corporate, Finance, Properties and Tenders Committee Meeting of 25 March 2024 Councillors requested clarification on some matters relating to the draft Councillor Meetings with Registered Lobbyists and Property Developers Policy in relation to a number of matters. Amendments have been made to the policy and an updated version, Attachment A to this Information Relevant To Memorandum, is recommended for adoption.

It is noted that there will always be issues of interpretation and discretion arising in the application of policies of this nature. Councillors are required to consider the nature and purpose of any meetings they have with relevant parties in the context of the purpose of the policy and their general obligations under the Code of Conduct when determining whether to make a declaration.

Meetings held in other capacities

An additional sentence has been added to clarify that this policy applies only to meetings held in the capacity of Councillor of the City of Sydney Council or to matters directly related to the City of Sydney Council.

Meetings held with Councillor staff

A sentence has been added to confirm that the policy applies only to meetings attended by the Lord Mayor or a Councillor.

Definition of property developer

An additional limb has been added to this definition to capture any party proposing development that would be subject to a resolution of Council and/or the Central Sydney Planning Committee. This would capture meetings related to developer-led planning proposals and major development as defined in the City of Sydney Act 1988 (being development over the value of \$50 million) regardless of whether they are put forward by 'for profit' or 'not for profit' entities.

Definition of meeting

A definition of meeting has been added to clarify that includes both in person and remote meetings. Further information is included in the policy to clarify that this includes both scheduled meetings and substantial discussions held outside formal meetings. For example, an unscheduled encounter at a coffee shop with a property developer which develops into a half hour discussion about a specific matter should be recorded and declared under the Policy.

Code of Conduct

Further clarification is provided about the interaction between the Policy and the Code of Conduct, particularly in relation to property matters.

Meeting requests

It is clarified that Councillors are only required to declare meetings requests they attend, not all meeting requests.

Memo from Kirsten Morrin, Director Legal and Governance

Prepared by: Nellette Kettle, Manager Risk and Governance

Attachments

Attachment A. Revised Councillor Meetings with Registered Lobbyists and Property Developers Policy

Approved

P. M. Barone

MONICA BARONE PSM

Chief Executive Officer

Attachment A

**Revised Councillor Meetings with
Registered Lobbyists and Property
Developers Policy**

Policy - Councillor meetings with registered lobbyists and property developers

Purpose

To outline requirements for the Lord Mayor and Councillors to publish details of meetings with registered lobbyists and property developers.

Scope

This policy applies to the Lord Mayor and Councillors *in relation to meetings held in their capacity as a City of Sydney Councillor or directly relating to matters involving the City of Sydney Council.*

This policy does not apply to meetings at which the Lord Mayor or a Councillor is not in attendance.

Definitions

Term	Meaning
Registered lobbyist	A lobbyist who is required to register with the NSW Electoral Commission under the Lobbying of Government Officials Act 2011, sections 9(1) and 9(2), as follows: <i>9(1) A third-party lobbyist is required to be registered in the Lobbyists Register. 9(2) An individual engaged to undertake lobbying for a third-party lobbyist is required to be registered in the Lobbyists Register in respect of the third-party lobbyist.</i>
Lobbyists Register	The Register of Third-Party Lobbyists maintained by the NSW Electoral Commission in accordance with s8(1) of the Lobbying of Government Officials Act 2011
Property developer	An individual or a corporation that carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit as defined in the Electoral Funding Act 2018; or <i>Any other party proposing development that would be the subject of a decision by resolution of Council and/or the Central Sydney Planning Committee.</i>
<i>Meeting</i>	<i>A discussion which may be face to face, online or by telephone.</i>

Policy Statement

Lobbying is an integral and legitimate activity for the functioning of a democratic system.

Lobbying also carries inherent risks of corruption, undue influence, unfair access and biased decision-making that are detrimental to the public interest and effective local governance.

It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making. This policy aims to ensure community expectations are met in relation to ethical and transparent lobbying of Councillors.

Records of meetings

This policy will commence on 1 April 2024.

Councillors are required to record all meetings with registered lobbyists and property developers, and the purpose of the meeting, from that date. ***Meetings recorded should include scheduled or organised meetings as well as any substantial or significant discussions held outside a scheduled meeting.***

Councillors should always be aware of their obligations under the Code of Conduct, and the obligations in this policy are in addition to the requirements of the Code of Conduct. This includes, but is not limited to, clauses 3.13 and 3.14 of the Code of Conduct relating to land use planning, development assessment and regulatory decisions.

Councillors are not required to record requests for meetings which are not accepted, only meetings which they participate in.

Councillors are required to complete the form at **Attachment A** and submit it to the Office of the CEO every three months. Forms are to be submitted to the Office of the CEO within one week of the end of the relevant reporting period.

Councillors are required to submit a 'nil' return if they have not held any relevant meetings.

It is the responsibility of Councillors to undertake the required due diligence to ensure that any meetings held with registered lobbyists and property developers are recorded on the form.

The Office of the CEO will publish the forms on the City's website within three weeks of the end of the relevant reporting period. The forms will remain on the website for 12 months. Where a Councillor does not submit a form for a relevant period this will be noted on the City's website.

Training

Councillors will be trained in this Policy as part of the induction process following each election.

Compliance

A failure to comply with this policy or to provide true and accurate records may constitute a breach of the City’s Code of Conduct.

Responsibilities

Office of the CEO will:

- Publish records of meetings with registered lobbyists and property developers on the City’s website
- Update the website every three months
- Remove entries after 12 months

The Lord Mayor and Councillors will:

- Complete and sign the form at Attachment A every three months, including where no relevant meetings have been held
- Undertake the necessary due diligence to ensure the form is complete and accurate
- Submit the form to the Office of the CEO within one week of the end of the reporting period.

Consultation

The Lord Mayor and Councillors, Office of the Chief Executive Officer, Risk and Governance and Legal Services have been consulted in the development of this policy.

References

Laws and Standards
<ul style="list-style-type: none"> • Lobbying of Government Officials Act 2001 (NSW) • Electoral Funding Act 2018 (NSW)
Policies and Procedures
<ul style="list-style-type: none"> • Code of Conduct
Other
<ul style="list-style-type: none"> • Council resolution NOM 14.10 - 19 February 2024 • Premier’s Memorandum M2015-05-Publication of Ministerial Diaries and Release of Overseas Travel Information.

Review period

The Policy will be reviewed and put to Council for endorsement following every Council election, in conjunction with the Code of Conduct.

Approval Status

Council approved this policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	April 2024	Approved by Council	20XX/XXXXXX
Reviewed			
Commence Review Date			
Approval Due Date			

Ownership and approval

Responsibility	Role
Author	Manager, OCEO
Owner	Manager, OCEO
Endorser	Chief Executive Officer
Approver	City of Sydney Council

ATTACHMENT A - RECORD OF MEETINGS WITH REGISTERED LOBBYISTS AND PROPERTY DEVELOPERS

Councillor Name:

Period:

Councillors must disclose all meetings with registered lobbyists and property developers for the period on this form.

It is the responsibility of the Councillor to undertake the required due diligence to ensure that any meetings held with registered lobbyists and property developers are recorded. In relation to registered lobbyists, this should include a review of the register of lobbyists which can be found at - <https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-third-party-lobbyists>

If no meetings with registered lobbyists or property developers have been held, please enter “NIL” in the below table and sign and submit the form.

Date	Organisation / Individuals in attendance	Purpose of Meeting

Councillors must inform relevant persons at the time of meeting that their name and purpose of the meeting will be published on the City’s website in accordance with the Councillor meetings with registered lobbyists and property developers policy.

I confirm that I have undertaken the required due diligence to comply with the Councillor meetings with registered lobbyists and property developers policy and that the information I have provided on this form is complete and accurate.

Councillor signature:

Date: