

# Public Interaction and Meeting Disclosure Policy

**Policy Number:** SVC -EXE-PO-022-01

## Aim

The Public Interaction and Meeting Disclosure Policy provides guidance for Snowy Valleys Council officials when interacting with Stakeholders to ensure transparency, integrity and public accountability in Council's decision making process. The implementation of this Policy will ensure that appropriate records are maintained in regard to such public interactions and ensure adherence to Council's record management obligations.

This Policy forms a central part of Council's Code of Conduct framework and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

## Legislation

- *Local Government Act 1993*
- *Local Government Amendment (Governance and Planning) Act 2016*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*
- *Environmental Planning and Assessment Act 1979*

## Definitions

<b>Authorised staff</b>	Staff nominated by the General Manager who can interact with or provide advice as outlined in the Councillor and Staff Interaction Policy.
<b>Conflict of interest</b>	A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty.
<b>Council officials</b>	An individual who carries out public official functions on behalf of Council or acts in the capacity of a public official, and includes Mayor, Councillors and Senior officers.
<b>Developer</b>	A Developer refers to an individual, body corporate or company who lodges an application for a development approval. If an applicant is a body corporate, the term includes office holders and employees of the applicant. If an applicant is a partnership, the term includes partners and employees of the applicant.
<b>Objector</b>	A person who disagrees or expresses their disapproval to a matter before Council, for example in relation to a development.
<b>On site</b>	The location of the subject premises.
<b>Pecuniary interest</b>	An interest a person has in a matter due to the reasonable likelihood or expectation of an appreciable financial gain or loss to the person.
<b>Planning matter</b>	Matters that relate to a development application, complying development application, environmental planning instrument, development control plan, development contribution plan or planning agreement.

<b>Public interaction</b>	Any verbal contact where a member of the public and a Council official exchange ideas, or discuss actions related to the decisions of Council. Such interaction may occur by; <ul style="list-style-type: none"> <li>• telephone</li> <li>• teleconference</li> <li>• Face-to-face meetings.</li> </ul>
<b>Registered Lobbyist</b>	Any person registered with the Register of Lobbyists and complies with the Lobbying Code of Conduct, who acts on behalf of third party clients for the purpose of lobbying Council or Government officials. This includes employees or contractors who carry out lobbying activities for a third party.
<b>Senior officer</b>	Senior officers include Council's General Manager and Directors.
<b>Stakeholders</b>	Any member of the public and who is not an employee of Council.

## 1.1 Scope

This Policy applies to members of the public and Council officials (Mayor, Councillors and Senior Officers) who meet or interact in regard to matters before Council, unsolicited proposals and requests for Council support on any matter.

All other Council staff must comply with the provisions of the *State Records Act 1998*, and their obligations under Council's Record Management Policy.

## 2.1 Overview

Interaction between Council officials and the community is an essential feature of the democratic process, and it is crucial that the community has public confidence in Council and its decision making functions. This Policy complements the legislative requirements that Council officials must abide by, and assists with establishing protocols for Council to interact with the public in a transparent and ethical manner ensuring that decisions are made fairly, free from bias and in the public interest.

In support of Council's commitment to ethical and transparent interactions, it may be necessary for Stakeholders, the Mayor, Councillors and Senior officers to complete an Attendee Meeting Disclosure Form and/or Record of Interaction form as outlined in this Policy.

## 3.1 Record keeping

The *State Records Act 1998* requires all 'New South Wales public officers to make and keep full and accurate records of its activities'. To ensure accurate record keeping, transparency, and compliance with the provisions of the *State Records Act 1998*, Council officials must keep a written record summarising the matters discussed during any public interactions including;

- the date and time of the interaction
- the type of interaction, e.g. meeting, telephone or teleconference
- a list of attendees or persons involved
- the nature of the issue (including the address it pertains to if it is related to a property matter)
- a summary of the matters raised with the Council official
- a summary of the Council official's response or meeting outcome.

In accordance with this Policy, the Mayor, Councillors and Senior officers must complete a Record of Interaction form which includes a signed declaration.

A record of all Stakeholder and Councillor interactions where planning matters are discussed, must be made and included with the relevant Council file.

### **3.2 Lobbying Local Government Councillors**

The Independent Commission Against Corruption (ICAC) 'Lobbying Local Government Councillors' brochure identifies that maintaining accurate records supports transparency in public interactions, particularly in terms of lobbying on planning matters. ICAC advises, in relation to record keeping, that Councillors should;

- document all communications with proponents, e.g. meetings, phone calls, emails etc.
- provide copies of information presented at meetings to Council officers for assessment
- register all documents or meeting notes in Council's records management system
- request that persons lobbying Councillors put their argument in writing.

### **3.3 Meeting protocols**

#### **3.3.1 Meeting location**

All reasonable endeavours must be undertaken to ensure meetings with Stakeholders occur on Council premises or on site. If the meeting does not occur in person, such as by phone (i.e. teleconference), the discussion and outcome must be recorded in the same manner as if a meeting was held in person.

#### **3.3.2 Attendee Meeting Disclosure Form for Stakeholder meetings with the Mayor**

Council requires all Stakeholders attending a meeting with the Administrator/Mayor to complete an Attendee Meeting Disclosure Form prior to the commencement of any meeting. The form will capture the names of attendees, intent of the meeting, and identify Registered Lobbyists who meet with Council.

Council is required under the *Privacy and Personal Information Protection Act 1998* (PPIPA) to collect, maintain and use Stakeholders personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA. Personal information requested on the form will only be used to fulfil the purpose for which it is being collected.

#### **3.3.3 Record of Interaction form**

In accordance with this Policy, the Mayor, Councillor and Senior officers must complete a Record of Interaction form summarising their public interactions (telephone and face-to-face-meetings). Any interaction, regardless of whether it is foreseen, planned, solicited or reciprocated, is subject to the requirements of this Policy.

The Record of Interaction form, which includes a signed declaration, must be completed and returned to Council within seven (7) days of the interaction. A copy of the completed record will be included with the relevant Council file.

#### **3.3.4 Meetings related to a matter before Council (including planning matters), unsolicited proposals and requests for Council support on any matter**

In order to protect public confidence in Council's decision making functions, Council officials should avoid private meetings with Stakeholders.

In cases where meetings with Stakeholders are held, Council stipulates the following requirements:

a) The Mayor:

- i. The Mayor is encouraged to arrange meetings on Council premises with Stakeholders wherever possible.
- ii. In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings with the Mayor and Stakeholders when meetings are held on Council premises.
- iii. Stakeholders must complete an Attendee Meeting Disclosure Form prior to the commencement of a meeting.
- iv. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

b) Councillors:

- i. Councillors are encouraged to arrange meetings on Council premises with Stakeholders wherever possible.
- ii. In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings between Councillors and Stakeholders when meetings are held on Council premises. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

c) General Manager:

- i. A Council official at a Director level must be present.
- ii. In the circumstance where a Director is unable to attend, an appropriate member of staff as determined by the General Manager or Director will attend.
- iii. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

d) Directors:

- i. A Council staff member must be present.
- ii. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

All Council officials, including the Mayor and Councillors, must be mindful of their obligations under Council's Code of Conduct, and avoid situations that may be perceived as or constitute improper and undue influence.

### 3.3.5 Correspondence

All correspondence received or created by the Mayor, Councillors or Senior officers should be registered in Council's ERDMS in accordance with *State Records Act 1998*, and their obligations under Council's Record Management Policy.

### 3.4 Register of Public Interaction

The Register of Public Interaction contains a summary of all interactions carried out in accordance with this Policy. The information included on this register is taken from completed Records of Interaction forms. The Manager Governance will maintain the Register of Public Interaction.

### 3.5 Conflict of interest

Any conflict of interest must be managed in accordance with Council's Code of Conduct to uphold the probity of Council's decision-making. In considering to undertake a public interaction, Council

officials should assess whether or not they have a conflict of interest, and how this would be perceived by others viewing the situation.

If a Council official makes a disclosure at a Council meeting regarding a declaration of pecuniary interest or non-pecuniary conflict of interest, the disclosure and nature of the interest will be recorded in the Council minutes in accordance with Council's Code of Meeting Practice.

### **3.6 Access to Information**

In accordance with the provisions of the *Government Information (Public Access) Act 2009* and Council's Access to Information Policy, the Attendee Meeting Disclosure Form, Record of Interaction form and the Register of Public Interaction will be publically accessible for inspection, unless there is an overriding public interest not to do so.

### **3.7 Breaches of this Policy**

Any breaches of this Policy by a Council official could constitute a possible act of misconduct, and may lead to disciplinary action under the Code of Conduct and will be dealt with in accordance with the provisions of the Code.

Serious breaches by Council officials such as soliciting, or attempting to solicit a bribe, or knowingly accepting a bribe will be reported to the relevant Agency for investigation.

Serious breaches by members of the public (including other stakeholders) such as bribing, or attempting to bribe, a Council official will be reported to the relevant Agency for investigation.

## **Responsibilities**

### **Council – Elected members of Council**

Elected members of Council are responsible for the adoption of this Council policy and the consideration of resources towards the implementation of this policy.

In accordance with this Policy, the Mayor, Councillors and Senior Officers must complete a Record of Interaction form which includes a signed declaration.

The Mayor and Councillors must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Electronic Records Document Management System within seven (7) days of the interaction.

Where deemed appropriate for the provision of this Policy or the Code of Conduct Framework, Councillors are required to make records available to the General Manager upon request.

### **General Manager**

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

The General Manager must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Electronic Records Document Management System within seven (7) days of the interaction.

### **Directors, Managers and Team Leaders**

Are responsible for

- The implementation of the policy and procedures in their work area.

- The monitoring of implementation and compliance with the policy and associated Procedure.

Directors must ensure that all records made in accordance with this Policy are registered in Council's ERDMS within seven (7) days of the meeting or interaction occurring.

Directors are required to make records available to the General Manager upon request.

### Planning Officers

Are required to make a record of all Stakeholder and Councillor interactions where planning matters are discussed. The record must be made and included with the relevant Council file.

**Contact Officer:** Director of Internal Services

### Associated Documents

- **External**
  - ICAC 'Lobbying Local Government Councillors (2006)' brochure
- **Internal**
  - Code of Conduct
  - Code of Meeting Practice
  - Public Record of Interaction Form – SVC-EXE-F-004
  - Access to Information Policy
  - Councillor and Staff Interaction Policy
  - Privacy Management Plan
  - Public Interest Disclosures Policy
  - Records Management Policy
  - Statement of Business Ethics

### Superseding Policy No. and Title:

Nil

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### History table:

Version Control No	Development /Amendment Date	Approval Date	Resolution Number	Activity log
0				Prepared by Corporate Support Officer – Tumbarumba Office
0		24/08/2017	M134/17	Adopted Ordinary Council meeting for public exhibition
1		23/11/2017	M204/17	Adopted Ordinary Council Meeting