

Councillor interactions with developers and submitters

Frequently asked questions (FAQs)

Q: How does a councillor deal with a property developer/submitter who has a number of projects moving through different stages of the approval process at the same time?

Whether and how a councillor engages with a property developer or submitter¹ in relation to a matter depends on what stage that matter is at in the council approval process.

When a developer or submitter has multiple matters at varying stages, it is recommended that interactions are compartmentalised with like matters (for example by booking separate meetings), and that the like matters are dealt with in accordance with the example policy.

To facilitate this approach, property developers and submitters should be encouraged to identify the applications or matters they wish to discuss (at a high level) when requesting a meeting with councillors

For example, if a property developer wishes to:

- a) seek the councillor's feedback on the planning scheme and future types of development
- b) seek a discussion on **Matter A** which is in the councillor's division and is to be decided at an upcoming council meeting
- c) seek a detailed discussion on the conditions that were applied to **Matter B** which was recently approved by council.

Consistent with the example policy, a councillor might

- attend a meeting with the property developer (and the planning committee chair, or other appropriate delegate) to discuss a) and b)
- advise the developer to contact the council CEO or other appropriate senior officer to arrange a meeting to discuss c).

Q: What happens if a property developer or submitter holds another role in the community which requires them to interact with a councillor?

If a property developer or submitter is also engaged in a voluntary community leadership role (i.e. member or office bearer of Rotary, sporting clubs or other community organisations), councillors are encouraged to deal with that person as they ordinarily would in relation to the community role. However, if particular property development matters are raised during these interactions, this part of the discussion should be handled in accordance with the example policy.

¹ For the purpose of these FAQs, the terms property developer and submitter are taken to include any lobbyist or consultant acting on behalf of a property developer or submitter

Q: What happens if a councillor has an unanticipated interaction with a property developer or submitter?

From time to time councillors may run into developers or submitters during everyday life, particularly in smaller communities. Interaction with these stakeholders is also to be expected at community or networking events.

When there is no matter before councilor, or to a councillor's knowledge, no application being drafted, the councillor may interact with property developers or submitters. However, it is recommended that they do not engage in ways that could give rise to conflict of interest in the future i.e. councillors should not accept hospitality such as drinks, meals, or taxi fares.

When there is a matter before council or if the councillor is aware an application is being drafted, it is recommended that the councillor refrains from any substantive discussion about the matter at that time and instead ask the property developer or submitter to request a formal meeting, to be held in a manner consistent with the example policy.

If the councillor has or is likely to have a conflict of interest in relation to a matter, it is recommended that the councillor advises the property developer to engage directly with the council's planning department, its CEO, the mayor or chair of the planning committee (as the case may be for the relevant council).

Q: How long do a councillor's conflicts of interest last when they arise from previous donations?

Generally, a declarable conflict of interest exists if the cumulative value of any gifts, loans, donations, sponsored travel, or accommodation benefit/s, equals or exceeds \$500 when received from a common source during a relevant term.

Similarly, a prescribed conflict of interest will arise if the cumulative value of any gifts, loans, donations, sponsored travel, or accommodation benefit/s, received during the relevant term equals or exceeds \$2000.

For a returning councillor the relevant term is the current term (2020) and the previous term i.e. from the date the result of 2016 election was declared for your local government. (NB: The exact start date of the relevant term varies among councils.)

For a new councillor, it is recommended that **the relevant term**² is since the date you began your campaign.³

Important note: Amounts received before the relevant term, or lesser amounts received during the same period, could still be a declarable conflict of interest if other circumstances exist which would cause a reasonable person to consider that the councillor might not make a decision in the public interest.

For example, if a returning councillor received a \$10,000 donation from a property developer in the month before the 2016 local government elections, the OIA would deal with this as a declarable conflict of interest, due to the size of the donation made just prior to the 'relevant term'.

Q: Can a councillor meet with officials from industry associations?

From time to time there may be a need for a council CEO, mayor, or a portfolio chair such as the planning committee chairperson to hold high-level meetings with officials from industry associations. For example, councils may need to advise of changes to specific processes, policies, personnel, or council functions.

Alternatively, industry associations may wish to discuss issues affecting the sector, council systems, processes and procedural matters including complaints about customer service, or key performance indicators. However, in keeping with the code of ethics of such associations, officials cannot use such meetings to advocate on behalf of a specific development or applicant.

Minutes should be taken during any meeting between industry association officials, and records captured in accordance with the requirements of the *Public Records Act 2002*.

² The definition of relevant term for a new councillor is not expressly addressed in the Local Government Act 2009, however the above approach has been agreed to by the Independent Assessor, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP), and the Local Government Association of Queensland (LGAQ) as it reflects the approach taken in the Local Government Electoral Act 2011.

³ The start of your campaign means the earliest of the following options:

- The day you announced or otherwise publicly indicated your intention to be a candidate in the election
- The day you nominated as a candidate in the election
- The day you otherwise indicated your intention to be a candidate e.g. by accepting a gift or by expending funds for the purpose of the election.