



**POLICY**

<b>TITLE:</b>	<b>MEMBERS CONTACT WITH DEVELOPERS</b>	<b>CODE:</b>	<b>EM.02</b>
<b>PURPOSE or OBJECTIVE:</b>	To establish a protocol and set the disclosure requirements for members who are contacted by, and/or engage with, a developer in relation to a development proposal or application within the City of Canning.		
<b>REFERENCE DOCUMENTS:</b>	City of Canning – <i>Code of Conduct</i> (D14/210936) CEO Instruction <i>ADC.04 Recordkeeping – Elected Members</i> (D15/265952)		

**POLICY STATEMENT**

**To provide the highest standards of transparency in town planning and development proposals and applications, with the objective of reducing the opportunity for allegations or perceptions of bias, corruption or undue influence in council decision-making, a member who receives from a developer, or engages with a developer in, a notifiable contact must report the details of such contact to the CEO in accordance with this policy. The CEO will maintain a register of notifiable contacts and make it available on the City’s website.**

**1. Scope**

This Policy applies to all notifiable contact between members and developers.

**2. Definitions**

<i>contact</i>	means any communication or information exchange between a member and a developer, regardless whether it was expected, planned, solicited or reciprocated and regardless of the means of communication.
<i>developer</i>	means an individual, body corporate or company engaged in a business that: (a) regularly makes and submits planning applications, development proposals and land subdivisions for profit; and (b) includes any consultant, lobbyist, advisor, agent, representative employed by, or closely associated with, the developer and who is engaged to promote or advocate for the developer’s proposal or interest.
<i>exempt contact</i>	means any contact where: (a) it was in the form of a communication or information exchange made publically at Council Forum, Council Briefing or Council meeting; or (b) the member did not engage in any discussion or communication with a developer on a current planning application or a future development or land subdivision proposal.
<i>member</i>	a person elected and holding valid office under the <i>Local Government Act 1995</i> as a member of the council of the City of Canning.
<i>notifiable contact</i>	means any contact, except an exempt contact, a member has had with a developer relating to a planning application, or a future development or land subdivision proposal, in the City of Canning.

**3. Recording of Notifiable Contacts**

- (1) Except as provided for in subclause (2) a member must within 7 days of a notifiable contact disclose, in writing to the CEO, the following details for every contact:
  - (a) Name of the developer and/or agent; and
  - (b) Date and time of contact; and
  - (c) Type of contact (i.e. means of communication); and
  - (d) If face-to-face, location where contact took place;

- (e) Property/properties within the City of Canning to which the contact related; and
  - (f) Summary of the matters raised and discussed, including the relevant content of any email or facsimile exchanges; and
  - (g) Summary of the member's response.
- (2) Where a notifiable contact has been made during a member's approved leave of absence, the details referred to in subclause (1) must be provided within 7 days of the member's last day of approved leave.
  - (3) Where a notifiable contact is in the form of a group email or other correspondence to all members, a copy of the correspondence or email is to be provided to the CEO by the mayor.
  - (4) A member is not required to disclose an exempt contact. However the provisions of the *State Records Act 2000*, as summarised in CEO Instruction *ADC.04 Recordkeeping – Elected Members*, remains applicable.

#### 4. Notifiable Contacts Register

- (1) The CEO will establish and maintain a register of notifiable contacts that includes the details set out in clause 3(1).
- (2) The notifiable contacts register will be accessible to the public in electronic format on the City's website.
- (3) The CEO may at his or her discretion remove from the City's website disclosures that are no longer relevant or where the disclosure was provided by a member whose membership of the council has subsequently expired.

#### GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	
<b>Process Links</b>	Notifiable Contact Disclosure Form

#### POLICY ADMINISTRATION

Directorate		Officer Title	Authority to Approve
Office of the CEO		CEO	Council
Version	Decision Reference	Synopsis	Delegation No. N/A
1	OCM 15/3/2016 (CR-006-16)	New policy adopted	