

## Department of Planning, Housing and Infrastructure

Our ref: A885748

Your ref: E17/1221/02

Lewis Rangott  
Executive Director, Corruption Prevention  
Independent Commission Against Corruption  
GPO Box 500 SYDNEY NSW 2001

By email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

7 February 2024

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### **Plan of action to implement corruption prevention recommendations made in the report: Investigation into the conduct of the City of Canada Bay Council mayor and others (Operation Tolosa)**

Dear Mr Rangott

As required by section 111E of the *Independent Commission Against Corruption Act 1988*, please find attached the Department of Planning, Housing, and Infrastructure's (the Department) plan of action in response to the Commission's corruption prevention recommendations arising from Operation Tolosa.

I am pleased to advise that the Department accepts all the Commission's recommendations. Recommendations 1 and 2 will be implemented through amendments to the Model Code of Conduct for Local Councils in NSW. Recommendations 3 and 4 will be implemented through amendments to the Model Code of Meeting Practice for Local Councils in NSW.

Should you wish to discuss any aspect of the Department's plan of action or its implementation, please do not hesitate to contact John Davies, Manager Council Governance in the Office of Local Government on 02 4428 4139 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

Yours sincerely,



**Kiersten Fishburn**  
**Secretary**

Encl. DPHI plan of action – Operation Tolosa

**Department of Planning, Housing and Infrastructure  
(formerly Department of Planning and Environment)  
plan of action in response to recommendations made  
in *Investigation into the conduct of the City of Canada  
Bay Council mayor and others (Operation Tolosa)*  
October 2023**

**PART A: Department of Planning, Housing and Infrastructure's  
response to corruption prevention recommendations**

Firstly please indicate the response to be taken for each recommendation made.

**Recommendation 1:**

**That the Department of Planning, Housing and Infrastructure:**

- **amends the Model Code of Conduct for Local Councils in NSW to expand the stand-alone categories of interests that require disclosure in written returns to include the financial dealings conducted via trusts and partnerships**
- **produces a fact sheet and updates guidance materials for councillors to provide details about their disclosure obligations to include financial dealings conducted via trusts and partnerships.**

Please indicate the response the Department of Planning, Housing and Infrastructure will take in its plan of action:

- ☒ Implement the recommendation as described in the report
- ☐ Implement the intent of the recommendation in an alternative way
- ☐ Partially implement the recommendation
- ☐ Not implement the recommendation

If the action the Department of Planning, Housing and Infrastructure intends is other than "implement the recommendation as described in the report", please state the proposed action to be undertaken in the space provided below.

**N/A**

Please explain why the above action is proposed rather than the Commission's published recommendation.

**N/A**

**OFFICIAL**

## Recommendation 2:

**That the Department of Planning, Housing and Infrastructure:**

- **amends the Model Code of Conduct for Local Councils in NSW to specifically require councillors to disclose political donations received under electoral laws of the Commonwealth, or another state or territory, as non-pecuniary conflicts of interest**
- **issues a circular to assist councillors in the disclosure of political donations, including those received in other jurisdictions, as non-pecuniary conflicts of interest.**

Please indicate the response the Department of Planning, Housing and Infrastructure will take in its plan of action:

- ☒ Implement the recommendation as described in the report
- ☐ Implement the intent of the recommendation in an alternative way
- ☐ Partially implement the recommendation
- ☐ Not implement the recommendation

If the action the Department of Planning, Housing and Infrastructure intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

**N/A**

Please explain why the above action is proposed rather than the Commission’s published recommendation.

**N/A**

**OFFICIAL**

### Recommendation 3:

**That the Department of Planning, Housing and Infrastructure:**

- **takes steps to require councils to proactively release relevant business papers, correspondence and reports where confidentiality under Part 1 of the Chapter 4 of the *Local Government Act 1993* no longer exists, either via initiating an amendment to legislation or a regulation, and/or amending the Model Code of Meeting Practice for Local Councils in NSW and *The Closure of Council meetings to the Public* guidelines**
- **advises councils of an appropriate framework for considering the release of information previously considered confidential.**

Please indicate the response the Department of Planning, Housing and Infrastructure will take in its plan of action:

- ☒ Implement the recommendation as described in the report
- ☐ Implement the intent of the recommendation in an alternative way
- ☐ Partially implement the recommendation
- ☐ Not implement the recommendation

If the action the Department of Planning, Housing and Infrastructure intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

**N/A**

Please explain why the above action is proposed rather than the Commission’s published recommendation.

**N/A**

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**Recommendation 4:**

**That the Department of Planning, Housing and Infrastructure limits the ability of a council to make decisions to advance planning matters at meetings in the absence of an assessment report considering relevant matters and an associated recommendation.**

Please indicate the response the Department of Planning, Housing and Infrastructure will take in its plan of action:

- ☒ Implement the recommendation as described in the report
- ☐ Implement the intent of the recommendation in an alternative way
- ☐ Partially implement the recommendation
- ☐ Not implement the recommendation

If the action the Department of Planning, Housing and Infrastructure intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

**N/A**

Please explain why the above action is action is proposed rather than the Commission’s published recommendation.

**N/A**

**OFFICIAL**

## PART B: Department of Planning, Housing and Infrastructure's plan of action

In this section, please provide details of the Department of Planning, Housing and Infrastructure's plan of action in relation to the recommendations and/or proposed actions described above.

The scope and scale of recommendations made in investigation reports varies considerably, and the Commission recognises a single template may not suit every agency or investigation. In view of this, the Department of Planning, Housing and Infrastructure is invited to develop a format that is appropriate for the proposed plan of action and subsequent report(s).

The Commission asks that the plan of action and subsequent proposed report formats are developed in consultation with the Commission's corruption prevention representative named in the cover letter. The Commission's corruption prevention representative will advise if the plan or report format has the Commission's endorsement.

If the Department of Planning, Housing and Infrastructure prefers to adhere to an established format, however, the following may be used as a guide.

### Plan of action

#### **Recommendation 1 – Implement the action as recommended in the report**

The Model Code of Conduct for Local Councils in NSW will be amended to expand the stand-alone categories of interests that require disclosure in written returns to include financial dealings conducted via trusts and partnerships.

The Office of Local Government's Guide to Completing Returns of Interests will be updated to provide guidance on the disclosure of interests arising from financial dealings conducted via trusts and partnerships.

#### **Timeframe 31 December 2024**

*Department of Planning, Housing and Infrastructure (DPHI) lead – Office of Local Government*

#### **Recommendation 2 – Implement the action as recommended in the report**

The Model Code of Conduct for Local Councils in NSW will be amended to specifically require councillors to disclose political donations received under electoral laws of the Commonwealth, or another state or territory, as non-pecuniary conflicts of interest.

The Office of Local Government will be issuing a circular to councils to inform them of the amendments to the Model Code of Conduct.

#### **Timeframe 31 December 2024**

*DPHI lead – Office of Local Government*

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**Recommendation 3 – Implement the action as recommended in the report**

The Model Code of Meeting Practice for Local Councils in NSW will be amended to require councils to release relevant business papers, correspondence, and reports where confidentiality under Part 1 of the Chapter 4 of the *Local Government Act 1993* no longer exists.

The Office of Local Government's Closure of Council Meetings to the Public Guidelines will be updated to provide guidance on the circumstances where it is appropriate to release information previously considered confidential.

**Timeframe 31 December 2024***DPHI lead – Office of Local Government***Recommendation 4 – Implement the action as recommended in the report**

The Model Code of Meeting Practice for Local Councils in NSW will be amended to limit the ability of councils to make decisions to advance planning matters at meetings in the absence of an assessment report considering relevant matters and an associated recommendation.

**Timeframe 31 December 2024***DPHI lead – Office of Local Government***OFFICIAL**