

Ref: A5493686
13 September 2022

The Hon John Hatzistergos AM
Chief Commissioner
Independent Commission Against Corruption
GPO Box 500
SYDNEY NSW 2001

Re: Report of the investigation into the conduct of councillors of the former Canterbury City Council and others (Operation Dasha)

Dear Chief Commissioner,

I refer to correspondence dated 10 August 2022, received on 16 August 2022, from Mr Lewis Rangott, Executive Director, Corruption Prevention, seeking a 12-month progress report on implementing the action plan for responding to recommendations made in Operation Dasha.

As I advised in my correspondence dated 9 September 2022 regarding Operation Witney, the Department of Premier and Cabinet (the **Department**) has some concerns about the appropriateness and validity of the Independent Commission Against Corruption's (the **Commission**) practice of requesting that public authorities, like the Department, provide progress updates under section 111E of the *Independent Commission Against Corruption Act 1988* where the relevant recommendations relate to changes in government policy, legislation or subordinate legislation and are therefore:

- matters for elected officials and/or the NSW Parliament; and
- outside of the control of government authorities to implement.

In relation to Operation Dasha, I am able to provide a short update on the progress of Recommendations 7 and 9 as follows.

Recommendation 7

On 19 July 2022, the NSW Government response to Operation Eclipse was provided to the Commission. In that response, it was noted that Recommendation 7 of Operation Dasha was accepted in principle. The response further provided that the recommendation requires careful consideration and consultation to ensure that the provisions in the *Lobbying of Government Officials Act 2011* are appropriate for the unique role and operation of local government.

The Office of Local Government is currently consulting with councils on the development of guidelines and a model policy on the lobbying of councillors and are also consulting on the possible application of the *Lobbying of Government Officials Act 2011* to local government.

Recommendation 9

On 15 December 2021, the former Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon Don Harwin, wrote to the Standing Committee on Social Issues attaching a White Paper entitled 'Review of the State Records Act; the Future of History in NSW'.

The White Paper, relevantly, addressed Recommendation 9 of Operation Dasha. A bill implementing the policy positions outlined in the White Paper, the Museum of History NSW Bill 2022, was introduced to the NSW Parliament on 22 June 2022.

If you would like to discuss this matter further, please contact [REDACTED], Deputy Secretary, General Counsel, on [REDACTED] or by email at [REDACTED]@dpc.nsw.gov.au.

Sincerely,

[REDACTED]

Michael Coutts-Trotter
Secretary