

The Hon. Peter Hall QC
Chief Commissioner
Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Dear Chief Commissioner

I refer to your recent correspondence dated 24 March 2021 enclosing a copy of the Commission's report: *Investigation into the conduct of councillors of the former Canterbury City Council and others (Operation Dasha)*.

In that letter, you requested that the Department of Premier and Cabinet (DPC) submit a plan of action for Recommendations 7 and 9 made by the ICAC in its report on Operation Dasha, both of which were directed to the NSW Government. I note that the ICAC has agreed to an extension of the due date for this response to 19 August 2021.

In accordance with the action plan template provided by the ICAC, I have set out below DPC's response regarding Recommendations 7 and 9.

Recommendation 7

That the NSW Government amends the Lobbying of Government Officials Act 2011 to ensure all provisions apply to local government.

Response: Implement the intent of the recommendation in an alternative way.

Proposed action to be undertaken:

The NSW Government intends to consider this recommendation in the context of wider reforms to the *Lobbying of Government Officials Act 2011 (LOGO Act)* recently recommended by the ICAC in its report on Operation Eclipse, which investigated the regulation of lobbying, access and influence in NSW.

Why this action is proposed:

Key finding 1 in the ICAC's report on Operation Eclipse is that "[n]ew legislation, or significant reform of the LOGO Act, is required to safeguard the public interest against the inherent lobbying risks of corruption and undue influence". This finding is reflected in the scope of the recommended amendments to the LOGO Act in that report, and in Recommendation 28, which recommends the establishment of a "Lobbying Reform Panel" to examine and formulate the proposed legislative reforms.

In its report on Operation Eclipse, the ICAC states that: "[w]hile the recommendations each have their own rationale, many are mutually reinforcing and successful implementation is dependent on their consideration as an interrelated package of reforms".

It would be preferable for Recommendation 7 of the ICAC's report on Operation Dasha to be considered in a holistic manner together with the reforms to the LOGO Act recommended in Operation Eclipse.

While consideration of Recommendation 7 is ongoing, the measures to be implemented by DPIE in response to Operation Dasha will help to strengthen the regulation of lobbying activity in local government.

Plan of action:

The NSW Government is currently considering the recommendations made in Operation Eclipse. Recommendation 7 of the ICAC's report on Operation Dasha will be considered as part of the proposed package of reforms.

Recommendation 9

That, where there has been corrupt conduct as defined in the Independent Commission Against Corruption Act 1988, the NSW Government reviews the State Records Act 1998 in relation to the appropriateness of:

- *offence provisions, including where there has been a wilful failure to keep records required by the State Records Act 1998*
- *time limitation for the commencement of a prosecution for an offence*
- *penalties for offences.*

Response: Implement the recommendation as described in the report.

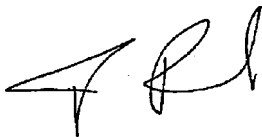
Plan of action:

In 2020, the Standing Committee on Social Issues conducted a review of the *State Records Act 1998 (SR Act)* and made 9 recommendations. The Government noted those recommendations in its response and stated that the Minister proposes to have a further round of consultation with the Social Issues Committee before presenting amending legislation to Parliament.

I can advise that Recommendation 9 in the ICAC's report on Operation Dasha has been referred for consideration as part of this ongoing review of the SR Act.

If you have any queries in relation to this response, please contact Kate Boyd, Deputy Secretary, General Counsel by telephone on 9228 4393 or by email at kate.boyd@dpc.nsw.gov.au.

Yours sincerely



Tim Reardon
Secretary

17 AUG 2021