

## HEARING BRIEF INDEX Public Inquiry



INDEPENDENT COMMISSION  
AGAINST CORRUPTION

NEW SOUTH WALES

### Operation Eclipse - E19/0471 Submissions - Interim Paper Folder

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**SCANNED****Ross Pfennigwerth****SCANNED****Sensitive****[REDACTED]**

m

24 October 2019

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



Dear Commissioner

There was an article in regard to your inquiry into lobbying in Tuesday's Newcastle Herald.

For what it is worth, my thoughts about lobbying are as follows:

1. As I understand it, lobbyists act for clients who wish to gain benefits from persons in public office.
2. Assuming this is the case, the persons in public office must have a duty to provide the details of all lobbying to the public as it is the public to whom they are responsible.
3. To ensure that all lobbying is done openly, so that the public can be aware of the lobbying the following steps are required:
  - (a) All lobbyists should be registered.
  - (b) The registration should include the details of those for whom the lobbyists work and what the entities they work for request from politicians.
  - (c) All documents used in lobbying should be available to the public.
  - (d) All lobbying which is not in written form should be recorded by video and also available to the public.

These suggestions may appear somewhat radical and be a bane to the lobbyists and those for whom they work. However, what will the public think if a lawyer on one side of a case being decided in Court had a private conversation with the Judge hearing the case? I cannot see that there is any difference in a democracy between the forensic situation and the public's expectations of those intellects to enter Parliament on their behalf.

I am happy to assist in any way to further state my position.

Sincerely

Ross Pfennigwerth



29 October 2019

The Chief Commissioner,  
NSW Independent Commission Against Corruption (ICAC),  
GPO Box 500,  
Sydney NSW  
2001.

Dear Commissioner,

This is a submission to ICAC by Groundswell Gloucester Inc, into the regulation of lobbying, access and influence in NSW (Operation Eclipse).

Groundswell Gloucester (Groundswell) is an incorporated community group, based in Gloucester NSW. It was established with the prime purpose of opposing two major resource projects in the Gloucester area. The first was a proposal by AGL Ltd to develop a coal seam gas field consisting on 330 wells in the valley to the south of the town. The second was a proposal by Gloucester Resources Ltd (GLR) to construct a coal mine, known as the Rocky Hill mine, just to the south of the town.

In February 2016 AGL announced that it intended not to proceed with its proposal.

In February 2019 the development application by GRL was dismissed by the NSW Land and Environment Court<sup>1</sup> in a landmark decision based upon the mine's likely social impact, and the mine's potential climate change impacts. Groundswell was a party to that case.

We mention the AGL and the GRL matters because our experience of being involved with both matters very much informs our submissions.

It is apparent that wealthy and well-resourced companies and individuals often are in a better position to obtain greater access to Ministers and other government decision makers than other individuals and community groups. Community groups such as Groundswell are usually poorly resourced and often find it difficult to have their voices heard. A good example is when a company prepares and lodges an environmental statement with a resource application. Such statements are always professionally prepared and are expensive. They are usually very detailed and community groups such as

<sup>1</sup> See Gloucester Resources Limited v Minister for Planning and Anor [2019] NSWLEC 7



Groundswell find it difficult to properly respond because of inadequate resources.

Proponents of major projects often spend large amounts of money advertising the benefits of their proposal which cannot be matched by community groups. Such advertising is clearly designed to ultimately influence the decision makers and should not be permitted. The proponents also often make donations to community groups in an effort to get them on side and to indirectly then influence the decision-making process. In our view this is improper.

During the approval process for major resource projects, Ministers and public servant regularly meet with proponents to discuss issues and community groups opposed to the proposal are usually left in the dark about such discussions.

Put simply, there is not a level playing field and the process is very much in favour of those with adequate resources. Significant reform is needed.

Our particular submissions are as follows:

#### Political donations

Groundswell submits that political donations should be seen as being part and parcel of the lobbying process.

Corporations and wealthy individuals often make substantial donations to political parties and candidates. In our view this is an insidious practice which requires much greater regulation. Politicians are often heard to say that they are not influenced by such donations, and it is often impossible to establish a direct link between a donation and a particular decision, but a corporation would only make a political donation if it was in the interests of that company to do so. In our view it is fanciful to suggest that large political donations do not affect Government decision making in some way.

During the AGL campaign Groundswell became aware that AGL had been making a series of political donations, and our perception certainly was that this might give them an advantage when dealing with Government. The problem is compounded by the fact that there is no real time reporting of such donations. They are mostly reported to the electoral commission many months after they are made, and the community often only becomes aware of them after major decisions have been made.

In NSW there is an obligation for proponents of projects to disclose donations to the planning authorities, but the Government makes no attempt to police these rules. During the AGL campaign a number of Groundswell members



spent large amounts of time attempting to trace all political donations which had been made by AGL, only to discover that AGL had failed to disclose many such donations to the planning authority. Groundswell reported these discrepancies and AGL was later prosecuted and fined. However, this would never have come to light without a huge effort by Groundswell. The Government seems to carry out no checks of its own.

It is anomalous that in NSW donations by developers are banned and yet major resource companies, whose projects can have huge impacts, are still permitted.

Groundswell submits:

- 1/ that all political donations above a very small amount should be banned. If not, then donations by resource companies should be banned completely.
- 2/ All political donations should be reportable on-line forthwith and available to be seen on an easy to navigate website.
- 3/ Advertising of the so-called benefits of a resource project should be banned until the project has been approved.
- 4/ Payments by project proponents to local community groups should be banned until the project has been approved.

#### Lobbying of Ministers and Public Servants

During 2013 AGL applied to the NSW Government (Division of Resources and Energy) to drill and frack 4 exploratory wells. Groundswell wrote to the Government indicating that the application was inadequate because of the absence of a full environmental impact statement. This was based upon the wording of the relevant planning instrument, which was State Environmental Planning Policy (State and Regional Development) 2011(SEPP). For the purposes of this submission it is not necessary to explain in any detail what the legal issues were, however, the submission to Government was sent in December 2013.

Despite attempts by Groundswell to find out whether the Government agreed with Groundswell's submission we were told nothing, and there was no consultation with Groundswell, however in August 2014 the Government announced that it had changed the relevant SEPP so that it could then approve AGL's application which it then did.

What Groundswell later found out was that during the period from December 2013 to August 2014 AGL had been lobbying the Government about the



problem. This included a letter from the CEO of AGL to the then NSW Premier and meetings between AGL and the Department.

During the whole process there was a complete lack of transparency.

When investigating the AGL political donations we became aware that AGL personnel attended dinners with NSW politicians. This seems to be a common practice where informal lobbying no doubt takes place. Ministers must disclose their formal meetings, but what happens at these events never sees the light of day.

Groundswell submits:

1/ Functions where people can pay to have dinner with a Minister or other such social events should be prohibited or if they are not, there should be a public register of such events showing who attended. If a Minister has any discussion with any person about any proposal, then details of such discussions should be on that register. We note that the interim report suggests that knowledge of meetings with Ministers can be obtained through an examination of the Minister's diary or via a GIPA application. The diary does not cover all transactions, and the GIPA process is cumbersome, slow and can be expensive.

2/ Where there is a contested issue, and where the Minister or Public Servants have discussions or receive correspondence on that issue, then that fact should be disclosed immediately to other interested parties.

3/ Registered lobbyists should be required to disclose on-line all communications with Government decision makers. It would not be an undue administrative burden as seems to have been suggested.

#### Conflicts of interest

During the AGL campaign Groundswell made a submission to Minister Anthony Roberts suggesting that he had grounds to suspend AGL's exploration licence for non-compliance with its licence conditions. The submission was accompanied by over 500 pages of supporting material. The submission was presented to Mr Roberts at a meeting, and he indicated that it would be investigated by an individual who was at that meeting. We later ascertained that this person had a web site indicating that she operated a business providing investigation and management training to the resources sector. It said that she "currently specialises in managing crisis situations...particularly in the mining and resource sector." None of this was disclosed to Groundswell by Mr Roberts, and the information was simply stumbled upon. A complaint to the Department about a perception of a conflict of interest was dismissed.



Eventually Groundswell's submission was dismissed in a letter consisting of one page.

Groundswell submits

1/ That stronger measures should be taken by Government to avoid any perception of a conflict of interest, and that an independent body be established to oversee and to deal with conflict of interest complaints.

Revolving door.

For some time there has been significant cross fertilization between Government Departments and the resource sector where individuals move from corporations to Government and vice versa. This creates an unfortunate perception in the community and needs to be examined in detail and better regulated.

Groundswell submits:

1/ The revolving door issue needs significant and detailed examination. There should be a significant cooling off period in relation to both employment and lobbying.

Thank you for the opportunity to provide these submissions. We are happy to provide further detail if required. We are happy for them to be made public on the Commissions website.

Yours Sincerely,

A large black rectangular redaction box covering the signature area of the document.

## Submission to NSW ICAC's Operation Eclipse



25<sup>th</sup> November 2019

The Operation Eclipse Interim Paper requests responses to a range of issues relating to lobbying and undue influence.

The Centre for Public Integrity has released a [15 Point Plan](#) to eliminate the undue influence of money in politics. Based on this research, the Centre recommends:

1. Expanding the definition of lobbyists to include in-house lobbyists
2. Expanding the lobbyists register to include disclosure of identity of lobbyists, clients and topics of lobbying
3. Quarterly publication of diaries of Ministers, Shadow Ministers and their Chiefs of Staff
4. Strengthening and enforcing Ministerial, Parliamentary and lobbyist codes of conduct including:
  - a. Increasing post separation ban to 5 years for former Ministers, Deputy Ministers and Parliamentary Secretaries.
  - b. Parliamentary code of conduct to include a ban on cash-for-access fundraising.
  - c. Lobbyist code of conduct strengthened to include requirements to act honestly and provide only truthful advice, and avoid conflicts of interests and undue influence.
  - d. Explicit penalties for breaches of all codes, with independent enforcement through an independent and well-resourced Parliamentary Integrity Commissioner.
5. Strengthening and enforcing post separation employment restrictions
  - a. Post-separation employment restrictions extended to include lobbying-related activities
  - b. Post-separation employment restrictions to apply for 5 years for Ministers, Deputy Ministers and Parliamentary Secretaries.
  - c. Enforcement through a Parliamentary Integrity Commissioner
6. Fair consultation process
  - a. Commitment from government to develop and follow fair consultation guidelines based on inclusion, deliberation and meaningful participation
7. Statement of reasons
  - a. Requirement of government to provide a statement of reasons for major executive decisions: to include details of lobbyist meetings held on the topic, a summary of departmental advice on the subject, and reasons for actions taken
8. Effective compliance and enforcement
  - a. Governance requirements for registered political parties
  - b. Party and candidate compliance policies tied to public funding
  - c. An adequately skilled and resourced enforcement division within the Electoral Commission to enforce political finance and lobbying regulations
  - d. An independent Parliamentary Integrity Commissioner with sufficient powers and resources needed to enforce compliance with codes of conduct, register of gifts and interest, and proper use of parliamentary entitlements

For further information please see points 9-15 of The Centre for Public Integrity's [15 Point Plan](#) to eliminate the undue influence of money in politics.

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For further information please see points 9-15 of The Centre for Public Integrity's [15 Point Plan](#) to eliminate the undue influence of money in politics.

29 November 2019

Dr I Kirkpatrick  
Senior Corruption Prevention Officer  
Independent Commission Against Crime and Corruption

Dear Dr Kirkpatrick

(via email)

### **Operation Eclipse – Response to Interim Paper October 2019**

Further to my submission of 22 May 2019 consisting of a chronology (attached) of the relationship between the NSW alcohol industry (a prohibited donor) and NSW governments and Oppositions and my 2019 article ‘Legislative Capture: A Critical Consideration in the Commercial Determinants of Public Health’,<sup>1</sup> please find my response to the above Interim Paper.

I firstly commend the quality and usefulness of Exhibit ‘7’ the Discussion Paper<sup>2</sup> prepared by Dr Ng and Professor Tham and, the subsequent ICAC October 2019 Interim Paper.<sup>3</sup>

My ongoing PhD (Law) research into the regulation of the supply of alcohol in NSW suggests that vagueness and uncertainty in the definition of corruption in NSW is hampering the prevention of contemporary forms of corruption, including clientele and quid pro quo corruption.<sup>4</sup> Political lobbying in NSW is central to persuasive, partial and pervasive relationships between government and commercial vested interests.

My above article and associated chronology provided specific examples where the public interest has been systematically undermined in part by extensive political lobbying. The ICAC chose not to rely upon this material.

My submission also provided the ICAC inquiry with specific examples of how the long-term relationship between the alcohol industry, public officials and senior political party officials (some of whom were and remain industry lobbyists) failed to satisfy the following safeguard principles that intersect with, or more importantly, qualify the democratic right to make representations to government. These are:

- Transparency
- Integrity

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<sup>1</sup> Tony Brown Legislative Capture: A Critical Consideration in the Commercial Determinants of Public Health’ (2019) 26 *JLM* 764.

<sup>2</sup> Ng Y, and Tham J ‘Enhancing the Democratic Role of Direct Lobbying in New South Wales - A Discussion Paper Prepared for the New South Wales Independent Commission against Corruption April 2019.

<https://www.icac.nsw.gov.au/ArticleDocuments/896/EXHIBIT%2007.pdf.aspx>

<sup>3</sup> [https://www.icac.nsw.gov.au/ArticleDocuments/913/INTERIM%20PAPER%202015Oct19\\_FINAL.pdf.aspx](https://www.icac.nsw.gov.au/ArticleDocuments/913/INTERIM%20PAPER%202015Oct19_FINAL.pdf.aspx)

<sup>4</sup> McCloy v New South Wales [2015] HCA 34, 13 -14, 62 and Walton W, “The ways of the world: Implications of political donations for the integrity of planning systems” (2015) Henry Halloran Trust.

<http://doi.org/10.4225/50/576B80F32B3C9>

- Fairness
- Public Interest
- Merit based decision making<sup>5</sup>

My research related to key 2015 amendments to NSW alcohol supply laws that shifted the balance of competing stakeholder interests clearly in favour of the alcohol industry's private commercial interests. These were arguably inconsistent with the fiduciary duties<sup>6</sup> of public officials and primary 'public' interests of health, safety, harm reduction and community involvement in critical decision-making impacting upon their families' health, safety and well-being.

These critical liquor law amendments obviously **did not emerge from a vacuum** or a product of some immaculate conception.

### **Addressing the critical failure of transparency and accountability**

None of the above statutory amendments were canvassed in industry submissions or the NSW government's response to a review of the NSW alcohol laws 12 months earlier. Any communications between industry and public officials must have been through other channels. These communications are **hidden**, often protected by 'cabinet in confidence' restrictions and largely **unknowable**.

The same excuse or current statutory exemption enabled the NSW government to withhold the NSW Police's critical submission to the review of NSW's three strike alcohol compliance laws. It is understood that some Police reservations about the industry promoted weakening of the scheme via lobbying, never received critical public ventilation. This directly contravenes some of the above five dot points.

**Alcohol industry lobbying** and potentially authorship<sup>7</sup> must have been central to the law changes, especially given the specificity of some amendments relating to which type of liquor licenses could be reviewed by NCAT. Industry lobbying also must have played a key part in the excluding any local residents living further than just 100m from being able to seek a NSW Civil & Administrative Tribunal (NCAT) review of an unsuccessful objection to an NSW Independent Liquor & Gaming Authority (ILGA) approval of a hotel or bottle shop license. This 100m limitation does not fit at all with the available independent scientific evidence of the geographic spill-over of alcohol related harms from on and off licensed premises.

ILGA determinations of higher risk liquor license applications and range of other matters are held in-camera.

<sup>5</sup> Ng and Tham, n 2.

<sup>6</sup> See NSW ICAC Exhibit 15 Gageler S, 'The Equitable Duty of Loyalty in Public Office' *Finn's Law: An Australian Justice* (2016), Tim Bonyhady (ed).

<https://www.icac.nsw.gov.au/ArticleDocuments/896/EXHIBIT%2015.pdf.aspx>

<sup>7</sup> Would not be the first time in NSW. Industry lobbying enable them to rewrite NSW Liquor Promotion (Statutory) Guidelines in 2013 line by line, removing all evidence-based harm reduction measures including preventing '2 for the price of 1' purchases of alcohol on shopper dockets.

<https://www.smh.com.au/national/nsw/government-bows-to-liquor-industry-on-discounts-20130713-2px3h.html>

There was no opportunity at all afforded the NSW public and other interested stakeholders to provide any input based on the best independent scientific evidence of alcohol harm reduction, effective community engagement in government decision making processes etc.

The public only became aware of the extent of the proposed legislative changes when the Bill was introduced to Parliament for the Second Reading process.

The orchestrated complete exorcism of transparency, openness, fairness and merit of these life impacting laws was justified by senior public servants on the basis the amendments did not represent ‘policy changes’. Nothing could have been further from the truth, with the ILGA Chairperson (a former Human Rights Commissioner) at the time of the amendments reportedly resigning because of alleged loss of independence.<sup>8</sup>

These so called ‘Fit for Purpose’ alcohol law reforms also ushered in a new liquor licensing approval process. Public officials advised community members on more than one occasion that the government agency had a 100% application approval objective and that any negative (public harm/welfare) related aspects of an application would be dealt via conditions on a liquor licence.

My above journal article illustrated how the primacy of ‘public interest’ was subordinated (corporatized) to that of ‘customer (drinker) convenience’ (read industry profits) and became a non-statutory justification or narrative for the approval authorities to achieve their 100% approval rate for valid applications, including high risk alcohol outlets opposed by Police, Public Health officials and local residents.<sup>9</sup>

### **The failure of openness and transparency integrity protections also exists at the individual agency level**

“Cabinet in Confidence” and “Commercial in Confidence” exemptions from disclosure are being significantly abused by some government and local government agencies. The attached a letter of refusal by the Police on 9 May 2019 to provide a vulnerable western Sydney community with safety data of high-risk local pub owned by the large ALH liquor groups (Woolworths), appears to be a *prima facie* contradiction of the core objectives of the *Government Information (Public Access) Act 2009*.

In rejecting part of the GIPA application pertaining to one of the two pubs from which police assault statistics were sought, the Police’s review officer noted

I took into account that this agency cannot control how information released under the GIPA Act is used or disseminated (page 1)

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<sup>8</sup> See <https://www.smh.com.au/national/nsw/liquor-and-gaming-in-chaos-before-lockout-laws-review-20160405-gnyhho.html> and <https://www.abc.net.au/news/2016-05-24/casino-at-risk-from-organised-crime-after-inspector-exodus/7441102>.

<sup>9</sup> The failure of the NSW regulatory bodies to adopt an evidence – based merit approach following the implement of Fit for Purpose amendments to determining higher risk liquor license applications was considered in Ziller A, and Brown T, ‘Rational Social Impact Assessment of Alcohol Outlets: Slip Sliding Away’ (2019) 26 *JLM* 786.

He also relied upon and paraphrased the ALH submission

The ALH Group have concerns about this information being released into the public domain and affecting the reputation of not just the Pritchard Hotel but the ALH Group as a whole. Consequently, affecting the commercial and financial viability of the Hotel and other ALH Group establishments (page 2)

The Police refusal was made notwithstanding the following provisions of the GIPA Act

#### **15. Principles that apply to public interest determination**

A determination as to whether there is an overriding public interest against disclosure of government information is to be made in accordance with the following principles:

- (a) Agencies must exercise their functions so as to promote the object of this Act.
- (b) Agencies must have regard to any relevant guidelines issued by the Information Commissioner.
- (c) **The fact that disclosure of information might cause embarrassment to, or a loss of confidence in, the Government is irrelevant and must not be taken into account.**
- (d) **The fact that disclosure of information might be misinterpreted or misunderstood by any person is irrelevant and must not be taken into account** (emphasis added).

This has become 'standard fare' when seeking important information from the NSW Police where this is opposed by a third-party respondent from the alcohol industry. Police's unwillingness to accept advice from the NSW Information and Privacy Commissioner relating to the approval of GIPA applications and is undermining the freedom of information system, a key corruption detection/prevention mechanism.

What has the potential to cloud the above issue is the Police Minister before entering Parliament in March 2011 was at one stage, a senior official with the Australian Hotels Association (AHA) amongst other distinguished positions. There is no suggestion that his former employment may influence Police or that industry lobbyists would achieve greater access to the Minister than say community representatives concerned with Police actions and position on alcohol harms and transparency.

The reality is that many disadvantaged NSW communities materially and adversely impacted by largely preventable alcohol related harms<sup>10</sup> including domestic and family violence<sup>11</sup> and,

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<sup>10</sup> Reducing and preventing alcohol related harms in NSW is a critical public interest issue. It's estimated that on average there are 4 deaths, 40 Emergency Department admissions and 137 hospitalisations from alcohol each day in NSW. Alcohol is the single largest contributor to preventable death and disablement of Australian men between the ages of 15 – 44. Centre for Epidemiology and Evidence. Health Statistics New South Wales. Sydney: NSW Ministry of Health. (2018). Retrieved from: [www.healthstats.nsw.gov.au](http://www.healthstats.nsw.gov.au). In 2013, the NSW Auditor General found the total cost to the community of the supply and consumption of alcohol was around \$3 billion per annum with the cost to each NSW household being \$1535 per annum.

<sup>11</sup> Alcohol was involved in about 1 in 3 reported incidents of violence from an intimate partner (34%) and 3 in 10 incidents of other family violence (29%). Alcohol was involved in around 30% of intimate partner homicides. Australian Institute of Health and Welfare 2019. Family, domestic and sexual violence in Australia: continuing

Fetal Alcohol Spectrum Disorder (FASD), do not have ready access to champions, financial resources and specialised independent professional advice to successfully challenge GIPA refusals and initiate other appeals against adverse alcohol and gambling regulatory decisions.

The calculated deprivation of ready public access to government information can only benefit the private industry and their lobbyists' commercial interests. The retinue of lobbyists including direct lobbying by alcohol - based corporations that all gain advantage from the exercise of illegitimate power with no effective safeguards and timely sanctions, is a demonstrable failure of openness and transparency. This must be rectified as a matter of urgency.

The key point here is that while the proposed increased regulation of the requirements of political lobbyists and the receptive public officials may be important to reduce the levels of potential corruption broadly defined, the immediate challenge is addressing entrenched failures in the **existing** safeguards and principles identified above. Otherwise, any prospective reforms will be doomed to failure. Of course, this may be an impossible task given the Executive government determines the level of funding to our integrity protection agencies.<sup>12</sup>

The entrenched and systematic nature of powerful alcohol and other industries' undue influence (and legislative capture)<sup>13</sup> over the NSW political and regulatory process for many years through various medium including lobbying, leaves little confidence that any micro-level changes to lobbyist requirements and other well-meaning but potentially tokenistic approaches to transparency and accountability including access to ministerial diaries,<sup>14</sup> would have any lasting positive transformative impact on preventing the further degradation of integrity, transparency, the democratic process and the rule of law.

### **Where there is a loophole (or political vested interest) there is a way**

This view of critical deficiencies in the **existing** NSW corruption detection and effective deterrence regulatory regime is further exemplified by the 7 October 2019 report in the *Guardian* 'Political donations hidden from NSW planning authorities by big corporations'.<sup>15</sup>

This included Woolworths reportedly failing to declare \$100,000 to the NSW Liberal and National parties whilst at the same time lobbying for minor modifications to stores in northern NSW.

Following is an extract of a graph of apparent illegal donations by corporations in NSW from the above *Guardian* article of 7 October 2019

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the national story 2019. Cat. no. FDV 3. Canberra: AIHW. <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>

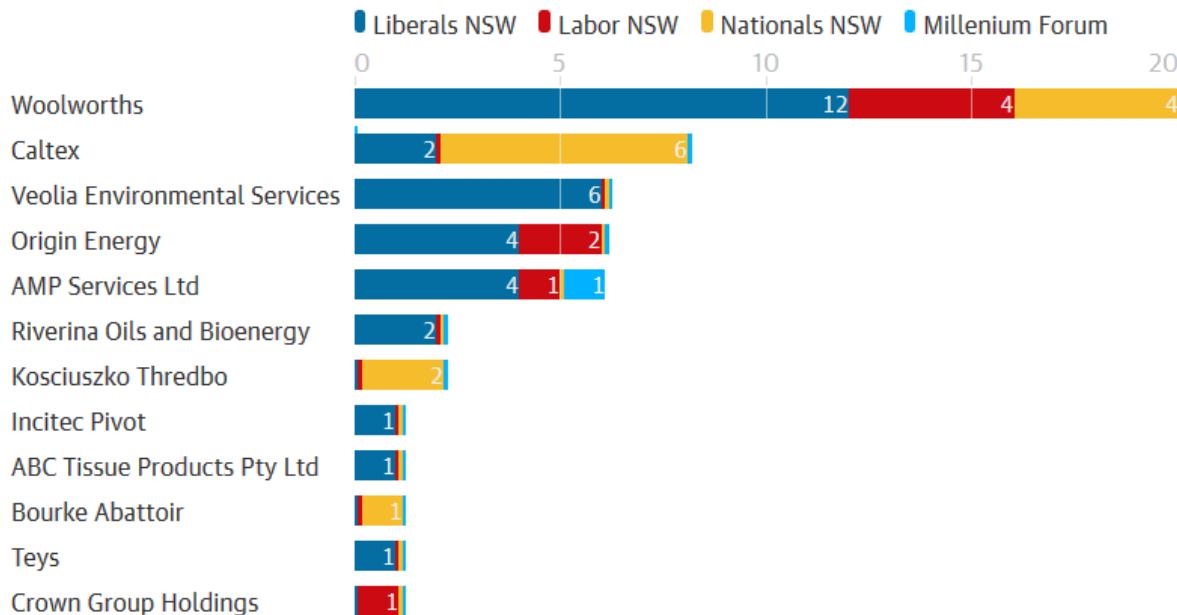
<sup>12</sup> See <https://www.theguardian.com/australia-news/2019/oct/21/icac-head-says-funding-cuts-will-have-immediate-and-serious-effect> .

<sup>13</sup> Tony Brown Legislative Capture: A Critical Consideration in the Commercial Determinants of Public Health' (2019) 26 *JLM* 764.

<sup>14</sup> See <https://www.theguardian.com/australia-news/2019/mar/22/mining-sector-met-nsw-ministers-almost-every-week-over-four-years> .

<sup>15</sup> [https://www.theguardian.com/australia-news/2019/oct/07/political-donations-hidden-from-nsw-planning-authorities-by-big-corporations?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/australia-news/2019/oct/07/political-donations-hidden-from-nsw-planning-authorities-by-big-corporations?CMP=Share_iOSApp_Other) .

## Number of undeclared donations by company



Guardian graphic | Source: Guardian Australia

The ongoing porousness of political donations between Federal and NSW political parties undermines the effectiveness of proposed lobbying reforms. The understandable unwillingness by elected public officials to address the relatively underexplored mechanisms<sup>16</sup> by which the NSW alcohol and other industries including gambling, developers and the mining sector reciprocate favours from elected NSW public officials and/or their political parties for a regulatory environment conducive to commercial gain and growth but deaf to legitimate public interest concerns, provides further grounds of pessimism for the usefulness of tighter lobbying controls per se.

Another impediment is the lack of a consistent national approach to address the corrupting influence of powerful commercial vested interests on the political law-making process including compliance and enforcement practices. For instance, it is irrational that ClubsNSW, one of the wealthiest industry organisations in NSW is exempted from the NSW Prohibited Political donor laws.

<sup>16</sup> See for example <http://www.phrp.com.au/issues/september-2019-volume-29-issue-3/the-revolving-door-between-government-and-the-alcohol-food-and-gambling-industries-in-australia/>; 'If someone donates \$1000, they support you. If they donate \$100 000, they have bought you'. Mixed methods study of tobacco, alcohol and gambling industry donations to Australian political parties.' See also <https://www.ncbi.nlm.nih.gov/pubmed/30474155>; <https://theconversation.com/politicians-who-become-lobbyists-can-be-bad-for-australians-health-124078>. See also <https://grattan.edu.au/report/whos-in-the-room/>

Finally, Novak<sup>17</sup> recognised the inherent (human) nature of political collusion to subvert the public interest for personal gain stemming back as far as antiquity. As Galbraith<sup>18</sup> and Ayres and Braithwaite<sup>19</sup> also observed, this inherent predilection to abuse power requires a system of countervailing checks and balances and, eternal vigilance.

### **Public health/Public interest considerations**

The World Health Organisation (WHO) Framework Convention on Tobacco Controls (FCTC)<sup>20</sup> excludes the tobacco industry from any involvement in government determinative processes relating to the regulation of tobacco. This arose in part from the recognised deadly public health consequences from the promotion, supply and use of tobacco products and the clear evidence of the tobacco industry's deceipts in resisting democratic controls that would prevent death and disease from smoking. Its exclusion was the accumulated international independent evidence of the various strategies and tactics deployed by the industry to adversely interfere with the research and governmental decision-making process.<sup>21</sup>

The nature and extent of the NSW alcohol and gambling industries demonstrable yet unimpeded interference in the impartial evidence-based public regulation of their industries is the antithesis of the reason and purpose of the FCTC. It may partly explain why NSW experiences the highest rate of poker machine gambling harms in the world.<sup>22</sup>

This second reason why this may be of interest to the ICAC is that it provides an interesting intersection between public health/public interest and the governance of Unhealthy Commodity Industries (UCI)<sup>23</sup> including the closely aligned NSW alcohol and gambling industries. The WHO are receiving submissions for the establishment of a similar Framework Convention on alcohol given the similar burdens of harm and levels of interference by both industries.<sup>24</sup>

It is respectfully recommended that **public health and safety considerations** be a **priority factor** in considering the effectiveness and purpose of interventions and education to prevent and address corruption and the undue influence of lobbyists and internal corporate lobbyists.

<sup>17</sup> William Novak, 'A Revisionist History of Regulatory Capture' in Daniel Carpenter and David Moss (eds) Preventing Regulatory Capture: Special Interest Influence and how to Limit It (Cambridge University Press, 2013).

<sup>18</sup> John Kenneth Galbraith *American Capitalism* (Houghton Mifflin, 1952).

<sup>19</sup> Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford University Press, 1992).

<sup>20</sup> [https://www.who.int/fctc/text\\_download/en/](https://www.who.int/fctc/text_download/en/)

<sup>21</sup> Ulucanlar S. et al 'The Policy Dystopia Model: An Interpretive Analysis of Tobacco Industry Political Activity' (2016) PLoS Med 13 (9) <https://doi.org/10.1371/journal.pmed.1002125>

<sup>22</sup> See <https://aifs.gov.au/agrc/publications/gambling-activity-australia/export> and <https://www.themonthly.com.au/issue/2019/june/1559397600/james-boyce/lie-responsible-gambling>

<sup>23</sup> Petticrew M. et al 'Nothing can be done until everything is done': the use of complexity arguments by food, beverage, alcohol and gambling industries' (2017) *Journal of Epidemiology & Community Health*, 71(11), 10781083. <http://dx.doi.org/10.1136/jech-2017-209710>

<https://jech.bmjjournals.org/content/jech/71/11/1078.full.pdf>

<sup>24</sup> Casswell S. 'Current developments in the Global Governance arena: where is alcohol headed?' (2019) 9 *J Glob Health* (2) <https://www.ncbi.nlm.nih.gov/pmc/articles/3136044/>

UCIs warrant special constraints and qualifications on their capacity to directly or indirectly lobby public officials.

## Recommendations

My respectful suggestion is the greatest utility for the ICAC to prevent the worst form of systematic entrenched corruption in NSW – regulatory capture – may be derived by ensuring the above five safeguard principles (transparency, integrity, fairness, public Interest and merit-based decision-making) and associated independent public agencies are strengthened with appropriate levels of funding, robust laws and practices. New laws in the first instance, may not be required. Existing laws simply need to be allowed to operate.

Complaints of failure of NSW governments including local governments to comply with a robust positive duty to reasonably ensure the genuine and transparent compliance with all the above points - factors in defining and determining important decisions should be quickly heard by an independent court with the power to invalidate and/or direct timely compliance with the same. The onus must be on the government/council to establish its compliance.

The High Court of Australia has ruled on the validity of NSW's prohibited donor laws.<sup>25</sup> The risk of contemporary corruptive practices (clientele and quod pro quo corruption) in a number of industries and related occupations, and the dangers on the democratic institutions and processes, was sufficient grounds to impose these statutory safeguards.

In a similar vein, consideration should be given to drastically reducing the ability of agencies and Ministers to rely upon 'Cabinet' and 'Commercial' 'in Confidence' exemptions to stall and refuse to timely release all information pertaining to the decision-making process, especially for all the industries mentioned above. Genuine and fully informed independent community inclusiveness from the very start of the conceptual process (a form of tripartism)<sup>26</sup> may also contribute to greater transparency and a countervailing power to the undue influence of some elements within the professional lobbyist class.

Timely, transparent and genuine broad stakeholder inclusiveness (including those with alternative viewpoints) before critical decisions are made may better enable NSW governments to be held accountable. This is a core requirement.<sup>27</sup> The above example relating to the NSW government's abject failure to ensure any transparency of key public health related alcohol supply law amendments may have been remedied by relatively simple and effective transparency/accountability laws. Such failure also undermines the level of trust in government.<sup>28</sup>

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<sup>25</sup> n 4.

<sup>26</sup> As advocated by Ayres and Braithwaite n 19.

<sup>27</sup> Regulatory literature includes recent work in the US regarding greater public engagement in the rule making process. See <https://www.thereview.org/2019/06/03/santambrogio-staszewski-public-engagement-rulemaking/>

<sup>28</sup> See <https://www.democracy2025.gov.au/>. Stronger transparency governance laws may be under consideration in the European Parliament. See <https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20190124STO24226/transparency-key-measures-to-declare-meetings-with-lobbyists>.

Tony Brown

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### NSW Political/Alcohol Industry Environment Chronology and Summary

1. Circa 1792 – NSW Rum Corps policing the convict settlement. Rum (alcohol) becomes the currency. Corrupt officers' purchase rum - corner the market.
2. 13/2/2007 – AHA boss - 'Who said democracy was cheap' – political fund raising
3. 25/4/2008 New AHA President threatens to turn off political donations tap if any change to donation laws
4. 21/8/2010 Former Health Minister and communications staffer join Australian Hotels Association (AHA) lobby group
5. Dec 2010 Liberal party opposition receive \$460,000 donation from hotels just before such donations prohibited
6. 26/3/2011 **NSW Election** - Liberal party's Mr O'Farrell appointed NSW Premier
7. 30/8/2011 former Labor Alcohol Minister special guest of AHA alcohol lobby luxury break
8. 2011 NSW political donation laws prohibited donations from alcohol, gambling, tobacco and developer industries. Clubs NSW exempted. High Court upheld validity of laws in October 2015. Gageler J 'compelling statutory object ... of preventing corruption and undue influence in the government of the state.'
9. 6/9/11 NSW Premier appoints hotels' representative to independent liquor tribunal inconsistent with government's own lobbyist policy. 'Illness' precludes acceptance of position
10. 18/12/11 former politician correlates substantial alcohol industry influence/donations with favourable policy outcomes in a ground breaking but apparently disregarded media report. Pressure on 3 strikes system and Newcastle's reduced trading hours
11. 2/3/13 Major hospital accuses Pub Association of denying magnitude alcohol violence
12. 21/5/13 NSW Premier's senior political advisor gains job with Woolworths - country's largest alcohol supplier and owner of poker machines as corporate affairs advisor. Company a major player in liquor promotion guidelines rewrite and 2015 changes to Act
13. 18/7/13 New Liquor promotion guidelines approved by alcohol industry released
14. 6/10/15 Mystery industry payment to former Labor Federal Minister
15. **28/3/15 NSW Election** - Liberal/National Party coalition returned to office
16. 19/11/15 *Fit for Purpose* Alcohol Bill gained assent. All amendments took effect by March 16
17. 2016 former head of Police corporate alcohol unit becomes consultant/advisor to alcohol industry in some alcohol tribunal matters
18. Early 2016 ILGA Chairperson reportedly resigns – loss of independence- exit of other senior experienced staff
19. 23/5/16 exposure of Illegal NSW alcohol industry political donations laundered by transmission through federal political donation system
20. 22/9/16 NSW Electoral Commission withholds \$586,992 in illegal Liberal party funding
21. 30/9/16 Machine men: How AHA & Clubs NSW seek political influence
22. 1/10/16 Watered down 3 strikes disciplinary scheme takes effect
23. 21/11/16 Top pub owner allegedly provided secret government report on 3 strikes law review
24. 27 November 2017 Minister promises additional beneficial reforms for AHA. Note following passage was erased from original AHA bulletin and picture caption '*As the Minister, the New South Wales Government has made a number of reforms in relation to this industry. And I can*

ICAC investigation: Lobbying, Access and Influence (Op Eclipse)  
Submission 49 E19/0417/AS-09-001/PR-0047

*tell you this, we are not finished there. We have got a lot of other reforms that we are going to be announcing shortly that are going to be good for your industry'*

*Hyperlinks to media articles contained in above dates*

**Unclassified****NSW Police Force**

[REDACTED]

Our Ref:2019-452

Your Ref:

By email: [REDACTED]

9 May 2019

Dear [REDACTED]

**Government Information (Public Access) Act 2009 (NSW)**  
**Notice of Decision: Released in part**

**1. Summary of access application**

I refer to your access application made under the Government Information (Public Access) Act 2009 (NSW), (GIPA Act).

This agency did not decide your access application by the due date of 6 March 2019 and a refund of the \$30.00 application fee has been processed in accordance with section 63 of the GIPA Act. I now make a late decision pursuant to Section 63(2) of the GIPA Act.

**2. Searches for Information**

Under the GIPA Act, NSWPF must conduct reasonable searches to locate the government information you seek. A search of NSWPF records has been undertaken to identify all government information falling within the scope of your application. The results of these searches are listed in the Schedule of Documents included in this Notice of Decision.

**3. Decision**

I am authorised by the New South Wales Commissioner of Police to determine applications made under Section 9(3) of the GIPA Act. I have decided, under s 58(1)(d) of the GIPA Act, to provide access to the information you seek, except where there is an overriding public interest against disclosure. In making my decision, I took into account that this agency cannot control how information released under the GIPA Act is used or disseminated.

**4. Consultation**

All of the information you sought relates to the business affairs of third parties namely the Green Valley Hotel and Pritchard's Hotel. It was therefore necessary under section 54 of the GIPA Act to consult with them to ascertain whether they object to the release of their

**InfoLink****PoliceLink Command**

Locked Bag 5102 Parramatta NSW 2124

T: [REDACTED] F: (02) 8835 6811 W: [www.police.nsw.gov.au](http://www.police.nsw.gov.au) E: [gipaapp@police.nsw.gov.au](mailto:gipaapp@police.nsw.gov.au)

TTY: (02) 9211 3776 (Hearing/Speech impaired) ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

information.

An objection was raised by the Australian Leisure and Hospitality Group (ALH Group), the owners of the Pritchard Hotel. They have advised that the information generates negative conclusions as to the Pritchard Hotel and ALH Group as follows:

- That the information is not representative of the typical experience at the hotel;
- It provides no context and minimal information in regards these incidents;
- It does not show the work and effort that the ALH Group have done to reduce incidents at the Pritchard Hotel.
- The ALH Group have concerns about this information being released into the public domain and affecting the reputation of not just the Pritchard Hotel but the ALH Group as a whole. Consequently, affecting the commercial and financial viability of the Hotel and other ALH Group establishments.

I have concluded the objections outweigh the section 12 factors under section 14 Table 4(d) see below.

In regards the Green Valley Hotel, they have been consulted and did not respond to this agency's request for comments. As they have not replied I must assume that the information supplied is not of any relevance to them.

## 5. Reason for decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you seek, unless there is an overriding public interest against its disclosure.

Under section 13 of the GIPA Act, the Public Interest Test is applied to all applications to identify considerations both in favour of and against disclosure of information to determine where the balance lies between them.

### Public Interest considerations in favour of disclosure

In accordance with section 12 of the GIPA Act, I have taken into account the following public interest considerations in favour of disclosure of the information:

- The statutory presumption in favour of the disclosure of government information.
- The general right of the public to have access to government information held by the agencies.
- The information is personal information of the person to whom it is to be disclosed.

### Public Interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the table to Section 14, and Schedule 1 of the GIPA Act.

The information listed in the Schedule of Documents, that was refused under clause 4(d), concerns the business and commercial affairs of a licensed premise where the incidents occurred. Those premises would have local competitors in the area.

Releasing the information out of context could reasonably be expected to place that business at a competitive disadvantage in relation to other licensed premises about which similar information is not being released. This is a particular risk because disclosure under the GIPA Act is effectively disclosure in the public domain, so there is the risk that the information could be made available in the broader community. Should that occur, and customers of the business concerned choose not to attend the premises because of information released under the GIPA Act, it would impact the commercial value of the premises and it could reasonably be expected to prejudice their business and financial interests. Therefore, I have given strong weight to clause 4(d).

On balance, I decided that these factors outweigh the section 12 factors and there is an overriding public interest against disclosure of the redacted/withheld information.

I have also considered section 74 of the GIPA Act, which allows an agency to redact (delete) information from a record if the deleted information is irrelevant to the application, or is not within the scope, or an agency has decided to refuse access to the information.

## 6. Review rights

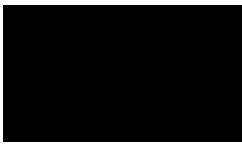
If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. You have three review options:

- internal review by another officer of this agency,
- external review by the Information Commission; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

More information is available on the Information and Privacy Commission NSW (IPC) fact sheet entitled Your review rights under the GIPA Act, which is available at: [https://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/FS-Your-review-rights-June2014.pdf](https://www.ipc.nsw.gov.au/sites/default/files/file_manager/FS-Your-review-rights-June2014.pdf)

**If you have any queries about this Notice of Decision or require further information on your rights of review, please contact me on [REDACTED]**

Yours sincerely



[REDACTED]  
Review Officer  
InfoLink

**Unclassified**

E19/0417/AS-09-001/PR-0047

**SCHEDULE OF DOCUMENTS**

InfoLink Page No.	Document Description	Format of Record	Location of record in agency	Released or Refused	Relevant Public Interest consideration(s) against disclosure: T = Section 14 Table
2019-452 Page 1-5	Green Valley Hotel (Feb 2016 to Jan 2019)	Electronic - PDF	Alcohol Related Crime Information Exchange	Released in full	
	Pritchards Hotel (Feb 2016 to Jan 2019)	Electronic - PDF	Alcohol Related Crime Information Exchange	Refused in full	Section 14 Table 4(d)

## Licensed Premises Further Information Report

GREEN VALLEY HOTEL (Feb 2016 to Jan 2019)

(Last Place Where Alcohol was Consumed)

ALL												
Date	Time	Day of Week	Event Ref Num	Gender	Age	Incident Category ▾	Incident Further Classification	Intoxication Level	Involvement Type	Resp Org Unit	Inside this LP	
31/07/2018	14:00	Tuesday	133575102	FEMALE	037	ASSAULT	ASSAULT COMMON	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
21/02/2018	19:10	Wednesday	66797136	FEMALE	035	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
12/01/2018	20:20	Friday	67746868	FEMALE	048	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i	
05/10/2017	21:30	Thursday	65736907	MALE	021	ASSAULT	ASSAULT COMMON	WELL AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
13/09/2017	16:45	Wednesday	65999971	MALE	056	ASSAULT	GRIEVOUS BODILY HARM(INCL MAL WOUND)	WELL AFFECTED	VICTIM	LIVERPOOL CITY PAC	✓ i	
13/09/2017	16:45	Wednesday	65999971	MALE	049	ASSAULT	GRIEVOUS BODILY HARM(INCL MAL WOUND)	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i	
26/07/2017	16:00	Wednesday	995403090	FEMALE	033	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
17/06/2017	16:10	Saturday	65027533	FEMALE	053	ASSAULT	ASSAULT COMMON	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
11/03/2017	12:30	Saturday	63714545	FEMALE	019	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
12/12/2016	16:30	Monday	62612425	FEMALE	051	ASSAULT	ACTUAL BODILY HARM	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
01/11/2016	18:20	Tuesday	62337417	MALE	027	ASSAULT	ACTUAL BODILY HARM	WELL AFFECTED	VICTIM	LIVERPOOL CITY PAC	✓ i	
04/09/2016	17:50	Sunday	373432692	MALE	054	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	✓ i	
20/07/2016	20:15	Wednesday	61872526	MALE	024	ASSAULT	ASSAULT COMMON	MODERATELY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i	
01/07/2016	00:45	Friday	62481741	MALE	030	ASSAULT	ASSAULT COMMON	MODERATELY AFFECTED	VICTIM	LIVERPOOL CITY PAC	✓ i	
10/04/2016	05:40	Sunday	60721032	FEMALE	037	ASSAULT	ACTUAL BODILY HARM	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
07/04/2016	00:00	Thursday	60721032	FEMALE	037	ASSAULT	ASSAULT COMMON	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
12/11/2018	18:45	Monday	69097422	MALE	034	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
12/11/2018	18:45	Monday	69097422	FEMALE	030	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
11/10/2018	13:30	Thursday	264762396	MALE	051	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	MODERATELY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
07/04/2018	19:15	Saturday	66883525	MALE	040	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
19/10/2017	00:20	Thursday	273636995	MALE	037	DOMESTIC VIOLENCE-NO OFFENCE	NO OFFENCE DETECTED	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
15/06/2017	17:50	Thursday	64609632	MALE	028	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
04/09/2016	14:30	Sunday	62583058	FEMALE	042	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i	
28/05/2016	12:10	Saturday	60894937	MALE	045	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
28/05/2016	12:10	Saturday	60894937	MALE	046	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
23/02/2016	23:30	Tuesday	60339045	MALE	046	DOMESTIC VIOLENCE-NO OFFENCE	VERBAL ARGUMENT	SERIOUSLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i	
10/09/2017	01:50	Sunday	65917843	MALE	028	DRUG DETECTION	POSSESS DRUG/PLANT	MODERATELY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i	
10/09/2017	01:50	Sunday	65917843	MALE	022	FIREARMS LEGISLATION	FPO SEARCH PERSON	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i	
12/12/2016	16:30	Monday	62612425	FEMALE	051	INTENTION OFFENCE	ARMED WITH INTENT	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
22/06/2018	21:00	Friday	68296656	MALE	046	INTOXICATED PERSON	INTOXICATED PERSON (No F/C)	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i	
17/01/2017	16:55	Tuesday	64478567	FEMALE	038	LICENSING LEGISLATION	OFFENCE BY CUSTOMER NOT MINOR	SLIGHTLY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i	
19/10/2017	22:45	Thursday	65567135	MALE	030	LOST PROPERTY	LOST PROPERTY (No F/C)	NOT AFFECTED	OWNER / VICTIM	LIVERPOOL CITY PAC	✓ i	
03/03/2017	17:40	Friday	124264002	MALE	053	MAJOR TRAFFIC CRASH	NON INJURY / NON FATAL CRASH	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i	
19/12/2016	19:35	Monday	63366376	MALE	041	MAJOR TRAFFIC CRASH	INJURY OR FATAL CRASH	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST / VICTIM	LIVERPOOL CITY PAC	i	
17/08/2016	19:00	Wednesday	64258489	MALE	042	MAJOR TRAFFIC CRASH	NON INJURY / NON FATAL CRASH	SERIOUSLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i	
11/10/2018	10:00	Thursday	264762396	MALE	051	MALICIOUS DAMAGE	MALICIOUS DAMAGE TO PROPERTY	MODERATELY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
26/07/2017	16:00	Wednesday	995403090	FEMALE	033	MALICIOUS DAMAGE	MALICIOUS DAMAGE TO PROPERTY	SLIGHTLY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
04/02/2016	07:00	Thursday	60580166	MALE	024	MALICIOUS DAMAGE	MALICIOUS DAMAGE TO PROPERTY	MODERATELY AFFECTED	VICTIM	LIVERPOOL CITY PAC	i	
21/12/2017	21:00	Thursday	128329501	MALE	039	MENTAL HEALTH ACT	OTHER	SLIGHTLY AFFECTED	PATIENT	LIVERPOOL CITY PAC	✓ i	
02/11/2017	22:20	Thursday	65628611	MALE	030	MENTAL HEALTH ACT	OTHER	MODERATELY AFFECTED	PATIENT	LIVERPOOL CITY PAC	i	
20/02/2017	20:30	Monday	63540745	FEMALE	025	MENTAL HEALTH ACT	OTHER	SLIGHTLY AFFECTED	PATIENT	LIVERPOOL CITY PAC	✓ i	

Date	Time	Day of Week	Event Ref Num	Gender	Age	Incident Category ▾	Incident Further Classification	Intoxication Level	Involvement Type	Resp Org Unit	Inside this LP
02/12/2016	09:30	Friday	63495731	MALE	042	MENTAL HEALTH ACT	SECT 22 - DETAINED BY POLICE	WELL AFFECTED	PATIENT	LIVERPOOL CITY PAC	i
20/07/2016	20:15	Wednesday	61872526	MALE	024	MENTAL HEALTH ACT	SECT 22 - DETAINED BY POLICE	MODERATELY AFFECTED	PATIENT	LIVERPOOL CITY PAC	i
10/06/2016	04:25	Friday	61632561	MALE	037	MENTAL HEALTH ACT	OTHER	MODERATELY AFFECTED	PATIENT	LIVERPOOL CITY PAC	i
11/02/2017	18:50	Saturday	62581220	MALE	049	MISCELLANEOUS	TRESPASS	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i
08/09/2016	18:40	Thursday	62583058	FEMALE	042	MISCELLANEOUS	TELECOMMUNICATIONS OFFENCE	MODERATELY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i
04/09/2016	14:25	Sunday	62583058	FEMALE	042	MISCELLANEOUS	TELECOMMUNICATIONS OFFENCE	MODERATELY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i
03/08/2018	23:00	Friday	68826675	MALE	039	OCCURRENCE ONLY	OCCURRENCE	WELL AFFECTED	VICTIM	FAIRFIELD CITY PAC	i
29/07/2017	22:10	Saturday	65851708	MALE	048	OCCURRENCE ONLY	OCCURRENCE	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/01/2019	16:40	Sunday	71678555	MALE	029	POWERS - MOVE ON	COMPLY DIRECTION	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
27/12/2018	20:00	Thursday	70059172	MALE	040	POWERS - MOVE ON	COMPLY DIRECTION	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
27/12/2018	20:00	Thursday	70059172	MALE	034	POWERS - MOVE ON	COMPLY DIRECTION	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
27/12/2018	20:00	Thursday	70059172	MALE	030	POWERS - MOVE ON	COMPLY DIRECTION	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
12/11/2018	18:45	Monday	69097422	MALE	034	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
19/05/2018	12:20	Saturday	70253784	MALE	051	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
01/12/2017	16:10	Friday	66800554	MALE	030	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
02/11/2017	23:00	Thursday	273973695	MALE	034	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/11/2017	23:00	Thursday	273973695	MALE	033	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/11/2017	23:00	Thursday	273973695	FEMALE	035	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
10/09/2017	02:20	Sunday	65917843	MALE	028	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
10/09/2017	02:00	Sunday	65917843	MALE	028	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
10/09/2017	02:00	Sunday	65917843	MALE	022	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
17/08/2017	17:50	Thursday	63694410	MALE	027	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
26/07/2017	20:30	Wednesday	228190798	MALE	026	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
08/04/2017	23:40	Saturday	64014952	MALE	029	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/04/2017	22:00	Sunday	64308659	MALE	021	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
11/02/2017	18:50	Saturday	62581220	MALE	049	POWERS - MOVE ON	REFUSE DIR - CONTINUE INTOX & DISORDER	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i
11/02/2017	15:00	Saturday	63218417	FEMALE	030	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
06/01/2017	10:00	Friday	237208896	MALE	029	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/01/2017	10:00	Friday	237208896	FEMALE	028	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
29/12/2016	17:55	Thursday	63407719	MALE	051	POWERS - MOVE ON	COMPLY DIRECTION	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
21/12/2016	19:20	Wednesday	62819706	MALE	054	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	021	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	021	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	018	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	020	POWERS - MOVE ON	COMPLY DIRECTION	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	019	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/07/2016	20:15	Wednesday	61872526	MALE	021	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	019	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	018	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	022	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	023	POWERS - MOVE ON	COMPLY DIRECTION	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
23/06/2016	17:20	Thursday	62063068	MALE	047	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
11/03/2016	18:00	Friday	60821919	MALE	038	POWERS - MOVE ON	COMPLY DIRECTION	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
11/03/2016	16:20	Friday	60651826	MALE	050	POWERS - MOVE ON	COMPLY DIRECTION	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
04/02/2016	19:30	Thursday	60580166	MALE	022	POWERS - MOVE ON	COMPLY DIRECTION	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/01/2019	16:40	Sunday	71678555	MALE	024	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
20/01/2019	16:40	Sunday	71678555	MALE	029	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
11/01/2019	17:25	Friday	71940185	MALE	063	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i

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Date	Time	Day of Week	Event Ref Num	Gender	Age	Incident Category ▾	Incident Further Classification	Intoxication Level	Involvement Type	Resp Org Unit	Inside this LP
12/11/2018	18:45	Monday	69097422	MALE	034	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
27/07/2018	18:00	Friday	68819461	MALE	025	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
27/07/2018	17:55	Friday	68946071	MALE	028	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
22/06/2018	21:00	Friday	68296656	MALE	046	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/06/2018	15:30	Wednesday	69960485	MALE	022	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
18/05/2018	00:50	Friday	67481611	MALE	031	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/04/2018	18:30	Friday	67097704	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
22/03/2018	00:50	Thursday	67916729	MALE	027	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
08/03/2018	14:55	Thursday	65578310	FEMALE	056	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
01/12/2017	16:10	Friday	66800554	MALE	030	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
25/11/2017	03:50	Saturday	65676405	MALE	026	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/11/2017	23:00	Thursday	273973695	MALE	033	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/11/2017	23:00	Thursday	273973695	FEMALE	035	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/11/2017	23:00	Thursday	273973695	MALE	034	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
19/10/2017	02:20	Thursday	65370337	MALE	043	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
10/09/2017	01:50	Sunday	65917843	MALE	028	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
10/09/2017	01:50	Sunday	65917843	MALE	028	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
22/08/2017	01:50	Tuesday	65566234	MALE	034	POWERS - PERSON SEARCH	ITEM/OBJECT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
17/08/2017	17:50	Thursday	63694410	MALE	027	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
26/07/2017	20:30	Wednesday	228190798	MALE	026	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
15/05/2017	00:00	Monday	64486248	MALE	050	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
08/04/2017	23:40	Saturday	64014952	MALE	029	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/04/2017	22:00	Sunday	64308659	FEMALE	056	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/04/2017	21:00	Sunday	64308659	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
22/03/2017	23:05	Wednesday	64257966	MALE	019	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
22/03/2017	23:05	Wednesday	64257966	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
22/03/2017	23:05	Wednesday	64257966	MALE	022	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/03/2017	20:45	Thursday	62768960	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
04/02/2017	17:30	Saturday	63831566	MALE	041	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/01/2017	10:00	Friday	237208896	FEMALE	028	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/01/2017	10:00	Friday	237208896	MALE	029	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
21/12/2016	19:20	Wednesday	62819706	MALE	054	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
25/10/2016	20:30	Tuesday	62700126	FEMALE	047	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
15/10/2016	00:30	Saturday	63590378	MALE	048	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
15/10/2016	00:30	Saturday	63590378	FEMALE	032	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/10/2016	14:40	Sunday	62836762	MALE	028	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
23/08/2016	11:40	Tuesday	64730288	MALE	073	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
13/08/2016	01:00	Saturday	947921790	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	020	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	WELL AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	018	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
13/08/2016	01:00	Saturday	947921790	MALE	019	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/07/2016	20:15	Wednesday	61872526	MALE	024	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/07/2016	20:15	Wednesday	61872526	MALE	021	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	019	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	023	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	018	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
06/07/2016	21:50	Wednesday	61550036	MALE	022	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
23/06/2016	17:20	Thursday	62063068	MALE	047						i

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Date	Time	Day of Week	Event Ref Num	Gender	Age	Incident Category ▾	Incident Further Classification	Intoxication Level	Involvement Type	Resp Org Unit	Inside this LP
						POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	
10/06/2016	04:25	Friday	61632561	MALE	037	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	MODERATELY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
20/05/2016	10:30	Friday	63842683	MALE	043	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
11/03/2016	16:20	Friday	60651826	MALE	050	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
11/03/2016	10:45	Friday	61487616	MALE	046	POWERS - PERSON SEARCH	ITEM/OBJECT NOT FOUND	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
10/09/2017	01:50	Sunday	65917843	MALE	028	POWERS - VEHICLE SEARCH	COMPLIED	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	✓ i
15/05/2017	00:00	Monday	64486248	MALE	050	POWERS - VEHICLE SEARCH	COMPLIED	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
22/03/2017	23:05	Wednesday	64257966	MALE	022	POWERS - VEHICLE SEARCH	COMPLIED	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
02/03/2017	20:45	Thursday	62768960	MALE	021	POWERS - VEHICLE SEARCH	COMPLIED	SLIGHTLY AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
04/02/2017	17:30	Saturday	63831566	MALE	041	POWERS - VEHICLE SEARCH	COMPLIED	NOT AFFECTED	PERSON NAMED	LIVERPOOL CITY PAC	i
11/02/2017	18:50	Saturday	62581220	MALE	049	RESIST/HINDER/ASSAULT OFFICER	RESIST/HINDER OFFICER	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i
30/09/2018	17:15	Sunday	69300821	MALE	072	STEALING	STEAL FROM DWELLING	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	i
17/05/2017	09:30	Wednesday	66986583	MALE	058	STEALING	OTHER STEAL	NOT AFFECTED	VICTIM	LIVERPOOL CITY PAC	✓ i
23/06/2016	00:00	Thursday	938807790	MALE	055	STEALING	STEAL FROM DWELLING	NOT AFFECTED	VICTIM	FAIRFIELD CITY PAC	i
23/06/2016	00:00	Thursday	938807790	MALE	055	STOLEN VEHICLE/VESSEL	VEHICLE	NOT AFFECTED	PERSON TO BE NOTIFIED / VICTIM	FAIRFIELD CITY PAC	i
22/08/2017	01:50	Tuesday	65566234	MALE	034	STREET OFFENCE	OTHER STREET OFFENCE	SLIGHTLY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i
29/12/2016	17:55	Thursday	63407719	MALE	051	STREET OFFENCE	OFFENSIVE BEHAVIOUR	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i
08/10/2016	19:10	Saturday	63227229	MALE	056	STREET OFFENCE	OFFENSIVE BEHAVIOUR	NOT AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i
15/09/2016	00:25	Thursday	62781971	MALE	029	STREET OFFENCE	OFFENSIVE BEHAVIOUR	WELL AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	✓ i
23/06/2016	17:20	Thursday	62063068	MALE	047	STREET OFFENCE	OFFENSIVE BEHAVIOUR	MODERATELY AFFECTED	PERSON OF INTEREST	LIVERPOOL CITY PAC	i
24/11/2018	23:50	Saturday	258171197	MALE	055	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	FAIRFIELD CITY PAC	i
27/10/2018	15:25	Saturday	72006386	MALE	037	TRAFFIC	RBT - MOBILE	WELL AFFECTED	DRIVER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
15/10/2018	14:00	Monday	69159907	MALE	060	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
12/10/2018	15:25	Friday	255465397	MALE	057	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
29/06/2018	22:50	Friday	69904478	MALE	039	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	FAIRFIELD CITY PAC	i
08/05/2018	02:10	Tuesday	67925557	MALE	043	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
23/04/2018	15:20	Monday	68021543	FEMALE	046	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
22/04/2018	18:00	Sunday	66948870	MALE	029	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
06/04/2018	18:30	Friday	67097704	MALE	021	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
21/03/2018	01:55	Wednesday	67044640	MALE	057	TRAFFIC	RBT - MOBILE	WELL AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
26/01/2018	22:50	Friday	66547736	MALE	058	TRAFFIC	TRAFFIC STOP	SERIOUSLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	FAIRFIELD CITY PAC	i
26/01/2018	22:50	Friday	66547736	MALE	058	TRAFFIC	RBT - MOBILE	SERIOUSLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	FAIRFIELD CITY PAC	i
24/01/2018	14:20	Wednesday	66556945	MALE	046	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
23/09/2017	11:15	Saturday	65209844	MALE	060	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
06/07/2017	02:00	Thursday	66814485	FEMALE	045	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER /	LIVERPOOL CITY PAC	i

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Date	Time	Day of Week	Event Ref Num	Gender	Age	Incident Category ▾	Incident Further Classification	Intoxication Level	Involvement Type	Resp Org Unit	Inside this LP
									PERSON OF INTEREST		
27/06/2017	21:50	Tuesday	64722732	MALE	073	TRAFFIC	RBT - MOBILE	WELL AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
27/05/2017	17:25	Saturday	64670056	MALE	043	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
21/04/2017	23:20	Friday	63957935	MALE	047	TRAFFIC	RBT - MOBILE	WELL AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
21/04/2017	01:50	Friday	242224096	FEMALE	018	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
01/11/2016	16:55	Tuesday	63446873	MALE	020	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
17/10/2016	23:30	Monday	62724346	MALE	041	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
11/09/2016	14:25	Sunday	62223305	MALE	039	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
08/09/2016	21:50	Thursday	63135008	FEMALE	049	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
11/08/2016	18:10	Thursday	62108348	MALE	069	TRAFFIC	RBT - MOBILE	SLIGHTLY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
09/06/2016	20:15	Thursday	61982951	MALE	044	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
09/04/2016	01:10	Saturday	61522269	MALE	057	TRAFFIC	RBT - MOBILE	MODERATELY AFFECTED	DRIVER / OWNER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i
23/02/2016	23:30	Tuesday	60339045	MALE	046	TRAFFIC	TRAFFIC STOP	SERIOUSLY AFFECTED	DRIVER / PERSON OF INTEREST	LIVERPOOL CITY PAC	i

Data up to 24/02/2019 23:59



# Operation Eclipse: Lobbying, Access and Influence in NSW - Submission

Penrith City Council Submission to the Independent  
Commission Against Corruption

## Introduction

Penrith City Council would like to thank the Independent Commission Against Corruption for the opportunity to submit comments and suggestions to the Commission's investigation on Regulation of lobbying, access and influence in NSW. This submission is prepared on behalf of the Council's General Manager.

The Interim Paper raises important points through 37 questions and propositions surrounding measures to improve transparency, integrity, fairness, freedom and compliance & enforcement. Many of the issues raised in the paper do not directly relate to local government, however this submission will respond to those questions and issues which are relevant. As a general comment, the view that lobbying is a legitimate practice when carried out ethically and transparently is supported.

It is noted that some of the recommendations made by the ICAC in 2010 through Operation Halifax sought to introduce a number of measures related specifically to the type of lobbying in local government but that these recommendations have not been adopted. This submission contends that those recommendations should be revisited as an alternative to extending the LOGO Act to include council officials or broadening the definition of who is a lobbyist.

## Developing a regulatory framework

- *Is the present regulatory regime under the Lobbying of Government Officials Act 2011 in need of revision and change? If so, in what aspects?*

The regulation of lobbying at the local government level should not be subject to the same regulatory regime as State government, particularly considering the legislative changes that have taken place since the introduction of the LOGO Act that have removed development assessment powers from councillors. The nature of lobbying at the local government level is different to State government in that it is rare to have a paid professional lobbyist (as regulated by the LOGO Act) engaged by a small to medium developer. In recognising the difference of lobbying at the State and local level, the Halifax report recommendations included some simple and inexpensive procedures to manage corruption risks resulting from inappropriate contact.

Council officials are subject to the *Model Code of Conduct for Local Councils in NSW* which is considered to be comprehensive enough to regulate the potential impact of lobbying activity at the local level, as distinct from the Code of Conduct for Members (of NSW Parliament) which is far less comprehensive at only two pages. However, it is acknowledged that there may be justification for some minor amendments to the Code of Conduct for Local Councils to better capture the evolving nature of lobbying.

Should the LOGO Act be changed to include provisions which relate to council officials there would need to be significant revisions and clarity provided around the different circumstances which apply to local government. In particular, regard should be given to the exhaustive regulation already required to be complied with by council officials in addition to acknowledging the lack of resources and the part-time nature of councillor roles.

- *If change is needed and justified, should it be limited to those areas where there is a recognised or an unacceptable risk of corruption or undue influence? If so, which areas or which lobbying practices carry recognised or unacceptable risks of corruption or undue influence?*
  - *In what circumstances can it be said that there exists a recognised or unacceptable risk of corruption or undue influence?*

Council staff support a risk-based approach as being the most practical approach to managing corruption. Areas of particular risk have typically focussed on planning matters and legislative matters, however, in a local government context there are other matters which may pose a high-risk including tendering and procurement along with matters of regulation or requiring approval.

- *What measures need to be taken to avoid or minimise the risk of corruption or undue influence in lobbying in those areas attendant with such risks of corrupt conduct or undue influence?*
- *In such areas, should regulatory provisions place the primary responsibility on public officials (elected or appointed) for adopting and implementing appropriate transparency and accountability measures?*

Broadening the definition of lobbyists to include any person who may have a significant relationship a council official. Operation Halifax introduced the term 'affiliate' which should be considered in a local government context.

There are already many obligations placed on council officials in the local government context with respect to conflicts of interest under the existing Code. Council staff believe there is value in putting dual responsibility and requiring anyone who is interacting with a council official, especially through a formal process, to declare any affiliation they may have with a council official. This process is largely in place when making development applications already, however, mandatory declarations across all types of applications has merit.

- *Whether standards of transparency and accountability of public officials in the conduct of lobbying activities in respect of specified classes should be codified in the legislation.*

There is value in considering whether there is an opportunity to further codify Councillor responsibilities in the Code of Conduct for Local Councils that has regard to the existing obligations already placed on council officials and the lack of resources available.

### **Disclosure of lobbying activity**

- *The practical measures that can be implemented in order to bring the Premier's statement into effect ("The NSW community has a right to know who their politicians are meeting with, and why" - 2019).*
  - Council officials already have significant declaration obligations under the Code with respect to conflicts of interests. It is not practical for council officials, particularly councillors, to keep diaries in the same way state and federal politicians do. There may be value in requiring Councillors to make records of meetings that are high risk and meet certain criteria: i.e. meeting with a developer or applicant of pending applications or with tenderers in the process of seeking contracts from Council. An example of where this process has been adopted is the City of Bayswater, Western Australian. In March 2018 the City of Bayswater adopted the *Elected Members Contact with Developers Policy*, which can be found at this link:<https://www.bayswater.wa.gov.au/online-services/forms-and-publications/policies/2018/elected-members-contact-with-developers-policy>. Councillors email through a record of their contact through to the council's Governance team within 10 days of the contact occurring. The team then

update the register and it is published on the council's website, which can be found here: <https://www.bayswater.wa.gov.au/online-services/forms-and-publications/registers/2019/elected-members-contact-with-developers-register>

- Any additional obligations required of Councillors must recognise that Councillor roles are part-time and do not enjoy the same level of resources of their state and federal counterparts. Practical measures that may assist could include providing easy to use templates or online forms to record meetings and submit to General Managers.
- *Whether some aspects of transparency and accountability models operating in Queensland, Ireland, Scotland and Canada (where the onus for disclosure of lobbying activities is on lobbyists) ought to be considered and possibly adopted in NSW*
  - As outlined previously, lobbying in local government is different from state government and does not often involve professional lobbyists. Having said that, Council supports an approach where any person interacting with council officials in a formal process is required to declare any affiliation they have with a council official. This combined with the already stringent disclosure requirements of council officials provides an additional layer of transparency that may help manage any real or perceived conflicts.
- *Whether adequate transparency could be achieved by improving the current system of published ministerial diaries, such as by requiring a greater level of information to be divulged.*
- *Whether other public officials, in addition to ministers of the Crown, should be compelled to maintain and, if necessary, disclose relevant diary information – Whether an oversight body, such as the NSW Electoral Commission, should be able to obtain and publish information about lobbying activities*
  - Publishing of diaries for local government officials is not supported. The preferred approach is to maintain a register, in limited circumstances, for council officials who declare meetings in situations that meet specific criteria.

### The NSW Lobbyists Code of Conduct

- *Amending the Code to create obligations for public officials who deal with lobbying proposals*
- *Enhancements to the Code that proscribe conduct by lobbyists such as offering gifts or hospitality*
- *Amendments to the Code of Conduct (Clauses 6.14 & 6.15) widening the undue influence section to include lobbying and if possible, disclosures by councillors.*
- *Enhancements to the Code that make it easier for improper practices to be identified and for the watchlist to be used as intended*
  - Any additional measures prescribed for council officials must acknowledge the obligations that already exist in the Code of Conduct for Local Councils.
  - There is merit in prescribing and making any affiliates (if this term is adopted from Operation Halifax recommendations) aware that gifts or hospitality are not appropriate.

### The revolving door

- *Extending the length of the cooling off period and/or broadening it to other classes of public official*
- *Strengthening the Code to prohibit or limit lobbying activity that would place a public official in a conflict of interest (as is the case in Canada)*
- *Strengthening or expanding the role of the parliamentary ethics adviser, for instance, by requiring ministerial/electorate staff to seek advice in relevant situations*
- *Creating a separate register of lobbyists who are former public officials, or otherwise identifying former public officials who are lobbyists*
- *Placing additional obligations on public officials to disclose and manage lobbying activities made by former “insiders”*
  - Many of these questions do not relate specifically to the local government context. There is merit however in further consideration of points 3 and 4 which could help all levels of government better manage conflicts.

### The oversight model

- *Whether the powers, functions and resources of the Electoral Commission should be enhanced. In particular, whether the Electoral Commission should have a mandate that goes beyond registration and administration issues concerning the regulation of lobbyists and include a role in exposing improper or unethical conduct by lobbyists or public officials*
- *Whether oversight of the LOGO Act and the publication of diary summaries should be transferred to a different body, such as a standalone lobbying commissioner or other body*
  - The body responsible for the administration of the LOGO Act should be delegated the resources and authority to perform their role effectively. With respect to the Office of Local Government which administers the obligations placed on council officials through its Code of Conduct, Council has long advocated for the Office of Local Government to be better resourced.

### Lobbying and influencing

*Commission is interested in any other enhancements that make public decision-making resistant to undue influence; for example:*

- *Improvements to relevant education and training programs to ensure the duties of public officials are understood*
- *Changes to the way the government consults with the public about key policy and legislative decisions.*
- *Co-designing government policy with relevant interested parties.*
  - Mandatory induction and ongoing professional development for councillors has been introduced to support councillors in performing their official functions and any regime which promotes increased professional development for public officials is supported.

For any further information regarding this submission please do not hesitate to contact Glenn McCarthy, Governance Manager on [REDACTED]

## Operation Eclipse: Lobbying, Access and Influence in NSW

### Submission by Randwick City Council

Thank you for the opportunity to provide feedback on the ICAC Interim Paper into Lobbying, Access and Influence in NSW. It is important to note up front that Randwick Council's submission relates to the local government sector only and that Randwick Council is supportive of any measure that improves transparency and accountability and consequently public trust in local government.

The Local Government Act 1993 (LG Act) and in particular Chapter 14 of the LG Act, already contains an extensive framework for regulating conduct, honesty, disclosure of interests, misconduct, corruption and for the making and investigating of complaints. Contained within this framework are provisions related to the Model Code of Conduct for Local Councils in NSW, which is prescribed under the Local Government (General) Regulation 2005.

The Model Code of Conduct contains further provisions for:

- General conduct
- Submitting returns of interest
- Conflicts of interest (including pecuniary conflicts)
- Gifts and benefits
- Interactions between mayor and councillors and council staff
- Use of council information and resources
- Making complaints under the code of conduct

Further, the Electoral Funding Act 2018 (EF Act) contains detailed provisions dealing with reporting requirements for local government electoral donations and expenditure. While the NSW Government is similarly captured by the EF Act, its Code of Conduct for Members is not as restrictive or onerous as the Model Code of Conduct for Local Councils in NSW.

Accordingly it is Randwick Council's view that the LOGO Act should not be extended to local government. Rather, we are of the view that any changes for local government should consider and build upon existing relevant provisions in the *Local Government Act 1993* and the *Model Code of Conduct for Local Councils in NSW*. In particular the Commission could consider recommending that the Model Code of Conduct include a section on lobbying to facilitate staff, councillors and council delegates becoming fully aware of the circumstances that could render conduct associated with lobbying activity as corrupt conduct within the meaning of the ICAC Act and what actions they are required to take regarding disclosing any such dealings with lobbyists.

Any lobbying done in private will run a risk of reputational damage and allegations leading to a lack of trust/confidence through the possibility of a perceived breach of any relevant gifts/benefits policy (there may not be any actual gift or benefit for the public official/staff member being lobbied however a lack of transparency leads to a perceived risk). Accordingly this suggested section on lobbying in the model code of conduct could highlight the need to declare conflicts of interest in this area as well as the requirement to keep full and accurate written records of meetings with lobbyists. This section could also highlight the need to comply with Council's access to information procedures to prevent lobbyist obtaining access to information from a public official or member of staff which can be used to benefit them.

Randwick Council is of the view that it is inappropriate to have a single regulatory regime across the board for all forms of lobbying. A one size fits all regime would undoubtedly impose an unnecessary administrative burden on local government, a sector with limited finances and resources. If major legislative change is considered necessary, it should be limited to those areas where there is already a recognised or unacceptable risk of corruption or undue influence. Randwick Council is of the view that the introduction of our local planning panel has been very successful in mitigating the previous risks associated with development applications.

## ICAC investigation: Lobbying, Access and Influence (Op Eclipse)

Submission 52

E19/0417/AS-09-001/PR-0050

In addition, local government representatives are primarily part-time, usually with other employment, while state government representatives are full-time. If the LOGO Act were to be amended to include local government officials in the definition of "Government official", it will impose an additional administrative burden on to our part time councillors, with the support for this additional burden being provided to by Council. However, councils are not resourced to comply with increasing legislative obligations. Councils in NSW already operate in a constrained financial environment as a result of rate-peggng, cost shifting onto local government and state and federal funding arrangements that are no longer fit for purpose. If additional regulatory cost increases were to be imposed on councils (and thus ratepayers), councils may be forced to cut services for the community.

Randwick Council is also of the view that the LOGO Act should not be expanded to cover other classes of lobbyist, such as town planning consultants, architects or lawyers who make representations to local councils on behalf of individual clients. Town planning consultants, architects and lawyers who make representations to local councils on behalf of individual clients have a legitimate, direct, professional role to play in the development application process. Inclusion of these professionals within the scope of the LOGO Act will fail to draw a distinction between the professional services they provide and the professional lobbying activities which appear to be the target of the LOGO Act.

Randwick Council is happy to clarify any of the points raised in this submission. Please contact Council's Manager Administrative Services, Mr David Kelly at [REDACTED] [randwick.nsw.gov.au](mailto:randwick.nsw.gov.au) or on [REDACTED]



# Premier & Cabinet

Ref: A3204424

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

Dear Chief Commissioner

I refer to the Commission's correspondence to the Premier, the Special Minister of State and myself in mid-October 2019, inviting a response to issues raised in the Commission's Interim Paper prepared for Operation Eclipse: *Lobbying, Access and Influence in NSW*.

The Premier and Minister Harwin have asked me to respond.

I appreciate the opportunity to respond to issues raised in the Interim Paper.

### A risk-based approach

The Interim Paper says (at page 5) that, 'There is a strong argument to the effect that, given the disparate areas in which lobbying takes place, it is inappropriate to have a single regulatory regime across the board for all forms of lobbying.'

Similarly, the risk profiles of various government departments vary with the nature of their functions and activities.

NSW supports a risk-based approach to the regulation of lobbying, including protocols governing meetings with third-party lobbyists and other external stakeholders. A 'one-size-fits-all' approach, imposing, for example, the Department of Planning's meeting protocols on all Departments, would create an unnecessary administrative burden for most Departments.

### Proper decision-making processes

To manage corruption risks, the focus is and should be on prevention through quality processes, people and cultures that ensure routine accountability.

Imposing additional transparency and accountability measures should be by exception, where there is evidence (from internal or external audits, or other investigations) that standard management processes, properly followed, are insufficient to meet the risk level in a particular environment.

### Improving transparency

The Government considers that the best mechanism to increase transparency is through diary disclosures, which provide better disclosure and minimise administrative and regulatory burden.

In February 2019, the Premier proposed the extension of the requirements for the publication of diary and overseas travel information (currently imposed on Ministers by Premier's Memorandum M2019-02) to all Members of Parliament. The application of diary and overseas travel disclosure requirements to Members of Parliament other than Ministers could be achieved by a resolution of

both Houses of Parliament imposing disclosure requirements on Members in relation to scheduled meetings and overseas travel information.

### Regulating the conduct of public officials

The following statement is made on page 9 of the Interim Paper:

‘.. neither the LOGO Act nor the code set out meaningful conduct obligations for public officials.’

The Government regulates the conduct of public officials through the *Government Sector Employment Act 2013* (the **GSE Act**), and agency codes of conduct.

The Public Service Commissioner’s Direction No. 1 of 2015 made under the GSE Act requires agency heads to implement the *Code of Ethics and Conduct for NSW government sector employees* (the **PSC Code**) and requires employees to comply with the PSC Code. The PSC Code applies at all times when employees are acting in the course of, or in connection with, NSW government sector employment. The PSC Code also specifies actions to be taken if there are breaches, or allegations of breaches, of the PSC Code.

The PSC Code requires that all government sector employees and heads of government sector agencies must comply with Premier’s Memorandum M2014-13 *NSW Lobbyists Code of Conduct*, as amended from time to time. The current version of this Memorandum is M2019-02 *NSW Lobbyists Code of Conduct*. It sets out the obligations on public officials (Ministers, Parliamentary Secretaries and public servants) that govern their interaction with lobbyists.

The fact that these obligations are enforced through a separate legislative framework makes them no less meaningful. Public servants are also subject to their agency’s code of conduct. Public servants are subject to disciplinary action, including termination of employment, for breaches of applicable codes of conduct.

Similarly, under the *NSW Ministerial Code of Conduct* (the **Ministerial Code**), Ministers must not knowingly breach the *NSW Lobbyists Code of Conduct*. The Ministerial Code is an applicable code of conduct under the *Independent Commission Against Corruption Act 1988* (NSW).

These codes of conduct also govern the receipt and disclosure of gifts, and the management of conflicts of interests.

### Lobbying and Local Government

The different nature of lobbying in the local government context, and the need for a different approach to regulating lobbying in that context, was identified in the ICAC’s 2010 report *Investigation into corruption risks involved in lobbying* (Operation Halifax). On page 61 of the Operation Halifax report the Commission states:

‘The Commission does not consider that lobbying at local government level should be subject to the same regulatory regime as lobbying at NSW State Government level.’

The framing of the LOGO Act and a series of amendments to the NSW Local Government Model Code of Conduct have been informed by the ICAC’s position in that report, and subsequent consultation between the Office of Local Government and the ICAC when amending the Local Government Model Code in 2013 and 2018. Advice provided by the Office of Local Government is attached (**Attachment A**).

### Enforcing compliance

The following statement is set out on page 9 of the Interim Paper:

‘The code has been in place in NSW since late 2014. Other than some instances where third-party lobbyists may have failed to update relevant documentation, no lobbyist has been suspended or placed on the watchlist. This may suggest that the current regulatory

system is not effectively identifying and managing problematic lobbying practices or promoting transparency, integrity and honesty as per the stated purpose of the code.'

The Interim Report does not mention that, in addition to the disciplinary action of imposing suspensions for failure to meet their obligations to keep lobbyist details up to date on the register, the NSW Electoral Commission has commenced reviews or investigations in five matters over the last five years that did not relate to a failure to confirm details or appoint a responsible officer. That figure does not include the investigations transferred by the Department to the NSW Electoral Commission for finalisation in December 2014.

Contrary to the statement in the Interim Paper quoted above, these statistics may in fact indicate that the system is working to discourage and prevent problematic lobbying practices and promote the objects of the regime. There is no evidence that allegations of breaches identified by the regulator or brought to the regulator's attention have not been adequately dealt with.

Thank you for the opportunity to comment on the Commission's Interim Paper.

Yours sincerely



**Tim Reardon**  
**Secretary**

24 January 2020

## Advice provided by the Office of Local Government to the Department of Premier and Cabinet - 14 May 2019

The policy response of the Office of Local Government (OLG) to ICAC's recommendations in its 2010 report on lobbying practices (Operation Halifax) was informed by its findings that:

- there was little evidence that council officials are lobbied by professional lobbyists
- lobbying that occurs at the local government level is generally done directly by small to medium-sized developers and
- any corruption risks that arise are a result of personal affiliation with councillors or council staff.

The OLG response to the issue was overtaken by a 2012 review of the Model Code of Conduct for Local Councils in NSW. A new iteration of the Model Code of Conduct was prescribed in March 2013. There has since been a further review of the Model Code of Conduct which saw a further iteration of the Model Code prescribed in December 2018. Both iterations of the Model Code were developed following a public consultation process and were developed in consultation with ICAC and others.

The latest iteration of the Model Code of Conduct is available [here](#), on the OLG website.

The Model Code of Conduct addresses the issues identified by ICAC in its 2010 report by prescribing a range of obligations relevant to the exercise of regulatory functions by council officials (including councillors, staff and delegates of councils). In particular:

- In exercising land use planning, development assessment and other regulatory functions, all council officials must ensure that:
  - decisions are properly made
  - all parties are dealt with fairly
  - council officials avoid any occasion for suspicion of improper conduct and
  - that no action, statement or communication with others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment (see clauses 3.13 and 3.14)
- Councillors who have lodged an application with the council must not discuss the matter with council staff in staff-only areas of the council (see clause 7.6(d))
- Councillors must not approach members of local planning panels or discuss any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting (see clause 7.6(e))
- Council staff must not meet with applicants or objectors alone and outside office hours to discuss planning applications or proposals (see clause 7.6(k))
- Council officials must not use their position to influence other council officials in the exercise of their functions to obtain a benefit for themselves or someone else (see clause 6.14)
- Council officials must not take advantage (or seek to take advantage) of their status or position with council, or of functions they perform for council, in order to obtain a private benefit for themselves or anyone else (see clause 6.15)

More critically given ICAC's 2010 finding that any corruption risks that arise from lobbying at local government level are a result of personal affiliation with councillors or council staff, the Model Code of Conduct contains highly prescriptive requirements for disclosing and managing pecuniary interests (including those of "related persons") (see Part 4) and non-pecuniary conflicts of interest (eg arising from close relationships or affiliations) (see Part 5).