

Wednesday 20 July 2022

Investigation into the conduct of the local member for Drummoyne

ICAC FINDINGS

The ICAC found that Anthony (John) Sidoti MP engaged in serious corrupt conduct by, between approximately late 2013 and February 2017, engaging in a protracted course of conduct, involving the use of his official position as a member of Parliament and the local member for Drummoyne, to try to improperly influence City of Canada Bay Liberal councillors, Helen McCaffrey, Mirjana Cestar and Tanveer Ahmed, to adopt and advance certain positions in relation to the Five Dock town centre that would benefit his family's property interests in the area.

ICAC RECOMMENDATIONS

The Commission seeks the advice of the Director of Public Prosecutions (DPP) on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Sidoti for the offence of misconduct in public office in relation to the course of conduct in which he engaged between approximately late 2013 and February 2017, involving the use of his official position as a member of Parliament and the local member for Drummoyne to:

- try to influence the Liberal councillors on City of Canada Bay Council (CCBC) to exercise their official functions partially in favour of planning outcomes that would favour his family's property interests in and around the Five Dock town centre, and
- engage in a breach of public trust by representing that he was acting at all times in the interests of his constituents and the local community, when the outcomes he pursued in respect of his family's property interests were inconsistent with what had been determined by CCBC to be in the public interest.

CORRUPTION PREVENTION

The Commission has made [15 corruption prevention recommendations](#) to help improve systems regarding the disclosure of pecuniary and private interests, and the management and declaration of conflicts of interest for members of Parliament, and to address councillors' governance obligations, particularly in relation to lobbying, conflicts of interest and environmental planning issues.

BACKGROUND

On 12 September 2019, then leader of the Opposition Jodi McKay wrote to the Chief Commissioner to request that the Commission investigate allegations that Mr Sidoti, then a minister of the Crown, had used his parliamentary positions for personal benefit in relation to property interests, including in Five Dock. On the same day, then-premier Gladys Berejiklian announced a review by the secretary of the NSW Department of Premier and Cabinet into allegations concerning Mr Sidoti's conduct in connection with his property investments, including whether he had access to confidential information that was personally beneficial and his compliance with his disclosure requirements and other obligations as a minister.

On 13 September 2019, the Commission received a letter from the Hon Robert Borsak MLC, chair of the portfolio committee conducting annual budget estimates hearings, that had heard evidence from Mr Sidoti the previous day. In accordance with a resolution of the committee following the hearing, Mr Borsak referred the transcript of Mr Sidoti's evidence to the Commission for investigation, with particular reference to comments made regarding interests held by Mr Sidoti in properties located at Rouse Hill and Five Dock. The Commission determined to conduct a preliminary investigation of these matters on 13 September 2019 and, on 17 September 2019, the premier confirmed that she had suspended the DPC's review at the Chief Commissioner's request, pending the Commission's investigation. The ICAC escalated the matter to a full investigation on 6 December 2019, after evidence during the preliminary investigation tended to indicate that Mr Sidoti may have sought to influence the CCBC Liberal Party councillors in the exercise of their official functions in connection with the council's planning decisions about the Five Dock town centre, for the benefit of his family's property interests in the area. Read the full report [here](#).