

Department of Planning and Environment's report on the implementation of its plan of action in response to recommendations made in the Commission's *Investigation into the conduct of the local member for Drummoyne (July 2022)*

Please indicate which applies:

- This is a final report; the plan of action is fully implemented
- This is an interim report; a further report will be provided in twelve months

As previously advised, the scope and scale of recommendations made in investigation reports varies considerably, as do the plans of action public authorities develop in response.

The Commission recognises a single template may not be effective for reporting on the implementation of all action plans. In view of this, the Department of Planning and Environment is invited to use a reporting format that best illustrates the comprehensiveness of the implementation of the plan of action.

The Commission asks that proposed report formats are discussed with the ICAC's corruption prevention representative named in the cover letter. The ICAC corruption prevention representative will advise if the report format has the Commission's endorsement.

However if the Department of Planning and Environment prefers to adhere to an established format, the following may be used as a guide.

Report (interim)

Recommendation 9:

That the NSW Department of Planning and Environment ensures any guidelines issued pursuant to s 23A of the *Local Government Act 1993* regarding the lobbying of councillors include advice about:

- **the nature and frequency of meetings between councillors and interested parties, including the need to ensure transparency around these interactions**
- **how and where to report concerns about lobbying practices**
- **the receipt of submissions outside of formal processes, including the transmission of material to specific councillors in a way that excludes other councillors and staff**
- **councillors' attendance at staff meetings with parties interested in an outcome**
- **councillor representations to staff arising from lobbying interactions**
- **the lobbying of councillors by interested parties with whom they have a pre-existing relationship.**

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The Office of Local Government has completed the first round of consultation on the development of Lobbying Guidelines and a Model Lobbying Policy. These are currently being drafted. It is anticipated that consultation drafts will be issued later in the year.

Recommendation 10:

That the NSW Department of Planning and Environment updates the Model Code of Conduct for Local Councils in NSW to refer to any councillor lobbying guidelines and to reflect the substantive advice contained in the guidelines

Amendments to the Model Code of Conduct for Local Councils in NSW were to be made as part of implementation of the Kellar review of the councillor conduct framework. The new Government is yet to determine its position in relation to the recommendations arising from the Kellar review. Implementation of recommendation 10 has been deferred pending this being determined.

Recommendation 13:

That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to generally prohibit councillors' involvement in matters where they have a pecuniary or significant non-pecuniary conflict of interest, beyond exercising the general rights afforded to a member of the public. An exception should be made in circumstances where a councillor reallocates or delegates their duties, refers interested parties to the appropriate way of making a representation or makes a complaint due to becoming aware of improper conduct.

Amendments to the Model Code of Conduct for Local Councils in NSW were to be made as part of implementation of the Kellar review of the councillor conduct framework. The new Government is yet to determine its position in relation to the recommendations arising from the Kellar review. Implementation of recommendation 13 has been deferred pending this being determined.

Recommendation 14:

That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to include provisions about the appropriate role of council workshops. In particular, it should be made clear that workshops cannot be used to transact council business.

Amendments to the Model Code of Conduct for Local Councils in NSW were to be made as part of implementation of the Kellar review of the councillor conduct framework. The new Government is yet to determine its position in relation to the recommendations arising from the Kellar review. Implementation of recommendation 14 has been deferred pending this being determined.

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