

## Resolution of Council

**19 February 2024**

### **Item 14.10**

#### **Integrity in Local Government – Lobbyist and Property Developer Register**

Moved by Councillor Gannon, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
- (i) the Independent Commission Against Corruption (ICAC) last year exposed three former local government councillors in South Sydney for engaging in serious corrupt conduct;
  - (ii) late last year Operation Tolosa found that the City of Canada Bay Council Mayor and others engaged in serious corrupt conduct between November 2015 and February 2019. Operation Tolosa reiterated the need for a lobbyist register in local government;
  - (iii) the NSW Local Government Act 1993 (the Act) contains the framework for regulating conduct, honesty, disclosures of interest, misconduct, and corruption. Section 439 imposes a statutory duty on a councillor to “act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions”;
  - (iv) the Act also allows for the creation of a “model code” which sets out the minimum standards of conduct for council officials. Its purpose includes assisting officials to act in way that “enhances public confidence in local government”;
  - (v) as local government officials we play a crucial role in the decision-making process, not limited to property development, however in the Model Code and the Act the word lobbyist is not mentioned;
  - (vi) the Lobbying of Government Officials Act 2011 that is in place covers lobbyists, ensuring that lobbyists comply with ethical standards of conduct and other requirements set out in the Lobbyists Code. However, this Act does not apply to local government officials;

- (vii) the rules for lobbying that the state and federal government face, must be the same rules applied to local governments. Recent ICAC findings support this with Operations Dasha (2021), Eclipse (2021) and Witney (2022) specifically considering and making recommendations relating to corruption risks associated with the lobbying of councillors;
  - (viii) on 22 August 2022, the Office of Local Government responded to ICAC's findings by issuing a circular announcing it proposed to develop guidelines to enhance transparency around the lobbying of councillors and a model policy on lobbying to support councils to implement the guidelines, with the policy supplementing their codes of conduct; and
  - (ix) we, as Councillors, must lead the way in holding our own integrity to the high standard we want, and our community wants, by pushing for the same rules to be had across all three levels of government;
- (B) the Chief Executive Officer be requested to develop a procedure by which City of Sydney Councillors be required to publicly disclose their meetings with registered lobbyists and property developers on the City's website in the same fashion as state parliamentarians and report back to Council with a process and timeline for commencing; and
- (C) the Chief Executive Officer be requested to write to the Office of Local Government expressing Council's support for the development of the model policy and guidelines referred to in paragraph (A) (viii) and requesting an update on progress.

The motion, as varied by consent, was carried unanimously.

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