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The Commissioner  
Independent Commission Against Corruption  
Level 21  
133 Castlereagh Street  
Sydney NSW 2000

Dear Commissioner,

I have read the Commission latest report on development control decision-making.

While it goes some of the way towards dealing with the issues, in the end, it could have gone further.

Exhorting Councillors to behave better will never solve the fundamental problem of how they make development control decision.

As the report rightly points out, Councilors have conflicting roles as representatives and as members of a development control authority. Further, they are required to conduct the development control function in a parliamentary mode.

Because we recognize it would conflict with the separation of powers doctrine, we do not ask members of the State or Federal parliaments to conduct judicial type roles in parliamentary mode. We therefore should not expect Councilors to be able to do it successfully.

No amount of exhortation will therefore solve this problem. The problem is the result of poor system design. A risk management approach therefore calls for system redesign to reduce the risks of corruption and undue influences that are present in the current system.

The answer lies in providing an independent body to conduct fair hearings on disputed applications and to make independent assessments and decisions or recommendations. The Independent Hearing and Assessment Panels at Liverpool and Fairfield Councils provide the Commission with excellent models to test this solution.

Instead of expecting Councilors to do better with the current flawed system, the Commission should to give the State Government a detailed report on how to redesign that system. As the accompanying document explains, at present there is nobody in State Government who appears to have the task of providing advice on a corruption adverse system. Clearly the Commission has a mandate, if not a duty, to provide such advice.

The problems with councils and development control decisions are real ones. They are undermining the public's faith in local government. Appeals from poor decision processes are costing the community money. There is a better way, it has been demonstrated at Fairfield and Liverpool and the Commission can be facilitating its extension to the rest of the State. I have outlined in my submission how this could be done in a manner that did not threaten local government.

I will ring your assistant to make an appointment to meet with you to discuss the issues raised in my paper.

Yours sincerely,

**John Mant**

**13 Feburary 2002**