



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2024-2025

Supplementary questions

Portfolio Committee No. 8 – Customer Service

Local Government

Hearing: Thursday 5 December 2024

Answers due by: 5.00 pm Friday 24 January 2025

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BUDGET ESTIMATES 2024-2025
SUPPLEMENTARY QUESTIONS

Questions submitted by the Whip on behalf of the Opposition
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LOCAL GOVERNMENT

Local Roads Government Assessment

- (1) How will the government ensure sustainable long-term funding to assist councils facing growing infrastructure backlogs?
- (2) Is there a plan to review and adjust the Disaster Recovery Funding Arrangements to expedite support for local councils post-newly established Tripartite Agreements?
- (3) What steps will the government take to strengthen governance frameworks for local councils to ensure transparency and effective road asset management?
- (4) Will there be more stringent guidelines or oversight introduced to ensure councils adhere to Integrated Planning and Reporting (IP&R) requirements?
- (5) How does the government plan to ensure equitable allocation of resources to rural and regional councils with limited revenue bases?
- (6) Will the government introduce a statewide framework for monitoring and reporting on council road asset performance and KPIs to improve accountability?

Financial Sustainability

- (7) Will the Government align statutory fees and charges with the rate peg to reduce the financial burden on local councils?

Code of Conduct

- (8) The submissions period for the Code of Conduct discussion paper ended in November. How has the feedback informed the proposed changes, and what are the immediate next steps to ensure these reforms are prioritised?
- (9) What specific measures are being considered to address ongoing issues with councillor misconduct under the current framework while reforms are being finalised?
- (10) How does the department plan to ensure the new Code of Conduct improves both accountability and efficiency in dealing with complaints?

Conflict of Interest

- (11) Has the Office of Local Government provided guidance or recommendations to councils regarding proactive management of conflicts of interest for councillors, particularly those involved in multiple roles or external directorships?
- (12) What specific improvements are being proposed to strengthen conflict of interest policies within the new Code of Conduct?
- (13) Given recent cases, has the Office of Local Government reviewed its oversight mechanisms to prevent and address conflicts of interest at both council and parliamentary levels?

Apprenticeship Programs

- (14) The first round of the apprenticeship program saw strong uptake. What specific measures are in place to address regional inequities and ensure all councils, including smaller or disadvantaged ones, can fully participate?
- (15) How will the program address potential attrition rates and ensure apprentices transition into long-term roles within local government after their training ends?
- (16) What lessons from round one of the program are being applied to improve the process for the second round in March 2025?
- (17) Has there been any framework developed to evaluate the impact of the apprenticeship and trainee program on local workforce development, particularly in regional areas? If so, what are the key performance indicators.
- (18) What specific arrangements have been made with TAFE and other training organisations to ensure adequate geographic coverage and availability of programs for apprentices, especially in remote areas?
- (19) How is the allocated \$252 million being distributed to councils, and what percentage of this funding is directed toward on-cost versus direct training and salary support?
- (20) What provision are in place to support apprentices in rural areas who may need to travel significant distances or require accommodation to attend training programs? Is funding allocated for these additional costs?
- (21) The Minister mentioned in the Budget Estimates that councils will have autonomy to choose apprenticeship types. How is the program ensuring alignment between council selections and broader skill shortages in critical areas such as planning, engineering and childcare?

Animal Welfare and Enforcement

- (22) The \$12.5 million funding for animal welfare enforcement was announced recently. How will the Office of Local Government ensure these funds are used effectively and transparently?
- (23) With increased euthanasia rates and rising numbers of animals entering pounds, how will the funding to RSPCA and Animal Welfare League address systemic issues in rehoming and animal shelter capacity?
- (24) The RSPCA has previously highlighted funding gaps for enforcement programs. Are there plans to ensure sustainable funding beyond FY 2024/25 for these essential services?
- (25) How does the OLG ensure that both the Minister for Local Government and Minister for Agriculture is thoroughly briefed and provide information when both departments provide shared responsibility between LOG and DPI. How will the funding responsibility ambiguity be resolved as it appears at times that that Minister for Agriculture is misinformed or does not have all the details?

Questions from Ms Abigail Boyd MLC

LOCAL GOVERNMENT

Performance Improvement Orders (PIOs)

- (26) What are the elements required to be included in a Performance Improvement Order in order for it to be legally issued?
- (27) Is it a requirement for a PIO to state what actions the Minister may take if a PIO isn't complied with?
 - (a) In the case of the Performance Improvement Order issued to Central Coast Council, what are the actions the Minister may take if the PIO is not complied with by the newly elected council?
 - (b) For the PIO that was issued to Central Coast Council, what is the reason for there not being an element describing the enforcement activities that will be undertaken if the order is not complied with?
 - (c) For the PIO that was issued to Wingecaribee Shire Council, what is the reason for there not being an element describing the enforcement activities that will be undertaken if the order is not complied with?

- (d) For the PIO that was issued to Balranald Shire Council, what is the reason for there not being an element describing the enforcement activities that will be undertaken if the order is not complied with?
- (28) What is the standard process required for approval before a PIO is issued?
- (29) Is a PIO typically subject to legal review, to consider whether the order complies with the Act from a technical perspective, regardless of the merits of the order?
- (a) Was the PIO issued to Central Coast Council subject to a legal review prior to being issued?
 - (b) Was the PIO issued to Wingecaribee Shire Council subject to a legal review prior to being issued?
 - (c) Was the PIO issued to Balranald Shire Council subject to a legal review prior to being issued?
- (30) During evidence, Mr Whitworth referred to “a briefing note that set out the concerns about the council falling back if the trajectory of reform wasn’t maintained”.
- (a) Please provide a copy of the briefing note.
 - (b) Was the briefing note created at the request of the Minister?
 - i. If yes, what was the date of this request?
 - (c) When was the briefing note created?
 - (d) When was the briefing note provided to the Minister?
- (31) What alternative options were considered in relation to managing the orderly transition out of administration for the above councils?
- (a) Were any of these options presented to the Minister?
- (32) During evidence, Mr Whitworth said that the questions being asked had “neglected to talk about the legislation - so the head of power. The head of power talks about the Minister being able to take action if he feels that there is a need to ensure the ongoing performance of the council.” Section 438A of the Act states that “The Minister may issue an order in respect of a council if the Minister reasonably considers that action must be taken to improve the performance of the council.”

- (a) Does the Office of Local Government hold the position that these two statements have the same meaning? If no, would you like to correct your evidence to the Committee with relation to the contents of the Act?
- (33) Does the Office of Local Government hold the position that a PIO can be imposed preventatively, to pre-empt any potential deterioration of performance by a Council?
- (34) In the case of Central Coast Council, the draft PIO was considered during an Extraordinary Council Meeting held on 6th September. This meeting, including formalities, had a total duration of 4 minutes. Does the OLG consider this perfunctory meeting to fulfill the consultation and feedback requirements under the Act?
- (35) Did the OLG receive any public submissions on the PIO?
- (36) Was consideration given to waiting until after the Council elections, or indeed after the Councillors were sworn in, to issue the draft PIO, in order to receive a more meaningful engagement from the community?
- (37) Is the OLG concerned that the issuance of a PIO immediately following the election of a new council, before any activities were undertaken by those councillors, could set a precedent for Ministerial intervention in local government affairs?
- (38) Is the OLG concerned that the issuance of a PIO immediately following the election of a new council, before any activities were undertaken by those councillors, demonstrates a degree of distrust towards the incoming elected Council and their ability to manage local affairs effectively?
- (39) Is the OLG concerned that the PIO's restrictions on councillor-staff interactions and requests, appear to limit the councillors to effectively represent their constituents and to hold the administration accountable?
- (40) Does the OLG agree with the characterisation by the administrator of Central Coast Council, that "The discipline regarding staff interaction and councillor requests will ensure that resources can remain focused on delivering adopted plans and not be unduly influenced by unreasonable councillor demands."?

Wamberal Sea Wall

- (41) Manly Hydraulics Laboratory (MHL), in association with the Water Research Laboratory (WRL) of UNSW Sydney and Balmoral Group Australia (BGA) was commissioned by

Central Coast Council to undertake the Wamberal Terminal Coastal Protection Assessment in 2020.

- (a) Did the Wamberal Beach Seawall Advisory Taskforce (the Taskforce), the Central Coast Council or its Administrator provide drafts of this document to the OLG? If so, please provide those drafts.
 - (b) Did the OLG provide any comments or feedback on any draft of this document prior to it being finalised?
- (42) Stage 6 of this work undertaken by MHL/WRL/BGA involved “cost benefit analysis and distributional analysis of options” (the MHL CBA).
- (a) Was the OLG informed as to why the MHL CBA was not released for public review in the same way that reports from other stages of this work were?
 - (b) Did OLG provide any comments or feedback on the MHL CBA report, or communicate with the Taskforce, Central Coast Council or its Administrator in relation to the process for consulting on that stage of the work?
 - (c) Is the OLG aware that significant changes occurred through successive drafts of the MHL CBA before it was finalised? Did the OLG receive any of those drafts? If so, please provide those drafts.
 - (d) Does the OLG support the decision of the Taskforce and/or the Administrator to privately consult with select property owners but not the broader community in relation to the MHL CBA, given that it changed significantly from the author’s first draft and is now being relied on in submissions being made in relation to seawall DAs being considered by the Hunter Central Coast Regional Planning Panel?
 - (e) Does OLG accept that insufficient oversight of this process was a result of there being no elected councillors, only an Administrator, for Central Coast Council?
 - (f) What actions will OLG now take to ensure full transparency over the process that was undertaken in relation to this work? Will OLG ask Central Coast Council to immediately release to the public all draft documents?

Puppy farm reforms

- (43) Has the Department of Primary Industries and Regional Development provided any estimate of how much they will fund NSW OLG to undertake new responsibilities

associated with the recently passed Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024?

- (44) In relation to the Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024, given that many of the changes necessary to implement the Act are planning matters and animal welfare matters, how will NSW OLG work with NSW Department of Planning, Housing and Infrastructure, RSPCA NSW and AWL NSW to ensure that these reforms are implemented successfully?
- (45) Has NSW OLG received any advice on the legal implications associated with delays of the rollout of the Pet Registry and/or the Link My Pet functionality for rescue groups with delayed council processing (6 months and up to 12 months)?
- (a) When will NSW OLG have a timeline for these necessary fixes?

RSPCA NSW deed of agreement

- (46) In the hearing on 5 December, Mr Whitworth said there is a deed of agreement between RSPCA NSW and the NSW Government in relation to the \$20.5 million provided to RSPCA NSW. How does the NSW OLG monitor specific improvements undertaken to ensure better outcomes for animals?
- (a) Who monitors these initiatives and plans?
- (47) What specifically are the other “multiple grants” made to RSPCA NSW referred to by Mr Whitworth? Please specify amounts, purpose and grantor.

Council pounds

- (48) How does NSW OLG monitor requirements of pounds to 1) give written notice to at least two rehoming organisations that an animal is available for rehoming and will remain available for at least 7 days from the date of the notice, and 2) take reasonable steps to advertise on a webpage or through a social media platform that animals are available for rehoming?
- (a) Does NSW OLG monitor euthanasia rates at specific pounds in relation to these requirements?
- (49) Has NSW OLG undertaken any type of audit on council pounds to determine adherence and compliance with the requirements under the Companion Animals Amendment (Rehoming Animal) Act 2022?
- (a) If yes, what were the results of the audit?

- (50) How many complaints have been received by NSW OLG during 2024 to date in relation to the condition of NSW council pounds or animal welfare issues regarding the treatment of impounded animals, and what are the outcomes of those complaints?
- (51) From 1 January 2024 to date, which NSW council pounds have been impacted by outbreaks of parvovirus?
- (a) Which councils have had multiple outbreaks?
 - (b) How many puppies have died or been euthanised as a result of a parvovirus outbreak?
 - (c) How many adult dogs have died or been euthanised as a result of a parvovirus outbreak?