

Answers to Supplementary Questions

Questions from The Hon. Mark Latham MLC

To OLG

1. When did Brett Whitworth become the head of OLG?
 - (a) What action did OLG take on the Saravinovski matters before this date?
2. Who prepared the Departmental Report on Saravinovski that became the basis of the March 2024 referral to NCAT?
3. How many times did OLG and the Department Secretary use section 11 of the ICAC Act on the Saravinovski matters?

ANSWER:

1. I am advised:

Brett Whitworth became the Departmental Chief Executive of the Office of Local Government on 9 January 2023.

A referral of material was received from a third-party integrity agency by OLG on 14 December 2022.

OLG does not disclose operational or process matters related to councillor conduct matters, to preserve the integrity of its investigation function.

2. I am advised:

Departmental reports are prepared by OLG.

3. I am advised:

OLG does not disclose operational or process matters related to councillor conduct matters, to preserve the integrity of its investigation function.

To the Minister

4. Given that you spoke to no one (you claimed in evidence to the Committee) about the NCAT referral and the matter was not public knowledge, how, to the best of your knowledge, did the ALP know to take Mayor Bill Saravinovski off its 2024 Bayside Council election ticket?

5. Why did you fail to declare an interest in the Saravinovski matter, given your 30 year association with your Labor colleague representing a district where you had also been a long time Mayor?

(a) Why instead did you tell Mr Whitworth to get a criminal barrister in 2023 and expedite the matter in 2024?

ANSWER:

4. I am advised:

Party preselections for Council tickets are a matter for the Australian Labor Party (NSW Branch).

5. I am advised:

Under the *Local Government Act 1993* the Departmental Chief Executive has the power to refer misconduct matters to the NSW Civil and Administrative Tribunal under section 440J. Given NCAT determines matters based on hearings it is customary for OLG to engage specialist legal counsel to advocate on its behalf.

I wanted to ensure the Department's legal position was effectively argued so I recommended to Mr Whitworth the Department engage counsel.

Questions from The Hon. Chris Rath MLC (on behalf of the Opposition)

Compliance with the Code of Conduct on Gifts / Ministerial Discretion and Public Perception / Accountability and Future Conduct

6. Minister, under the Code of Conduct for Council Staff, accepting gifts or benefits can create a perception of undue influence and is generally discouraged. Given this, do you acknowledge that your decision to present a gift to a young apprentice may have been a breach of the Code or, at the very least, displayed poor judgment?
7. The Code specifically states that council officials must not accept gifts that could be seen to influence their decision-making or create a conflict of interest. Do you accept that, by presenting this gift, you have set a poor example for staff who are bound by these rules?
8. Minister, as a senior member of government, you have a responsibility to uphold public confidence in the integrity of local government. Given that council staff are prohibited from accepting gifts in most circumstances, do you believe it was appropriate for you to act contrary to the principles set out in the Code?
9. Do you accept that this action may have set an inconsistent standard for council staff, who are expected to comply with strict gift acceptance rules?
10. Given the precedent this sets, will you commit to issuing formal guidance to councils and staff regarding gift-giving and acceptance, to prevent future inconsistencies in the application of the Code of Conduct?
11. In hindsight, do you believe this was an error in judgment, and will you be reviewing your approach to such matters in the future to ensure consistency with governance standards?

ANSWER:

6. - 11. I am advised:

This issue was addressed in the hearing at pages 22 to 23 of the Transcript.

Financial Sustainability of Local Government

12. Minister, you previously stated that the Government's response to the financial sustainability inquiry has been delayed due to further discussions with the Auditor-General and IPART. Given that councils are struggling with financial sustainability and cost-shifting, what specific interim relief measures are you considering for councils facing immediate financial distress?

ANSWER:

12. I am advised:

The Government has already made significant progress in addressing the financial challenges of councils.

In 2023, the Independent Pricing and Regulatory Tribunal (IPART) finalised a new rate peg methodology that incorporates a forward looking 'Base Cost Change' model. IPART uses this new methodology when determining the 2025-26 rate peg for NSW councils. The 2025-26 rate peg for each council ranges from 3.7% to 7.6% (including a population factor).

The Government has also made a \$252 million investment in local government capacity and capability through the NSW Apprentices and Trainees Program. This is one of the largest investments ever made by a State Government in Australia into local government workforce and capability.

Finally, the Government has also committed \$520 million that will benefit councils as part of the Transit Oriented Development program. These direct investments represent a significant investment both in councils as well as supporting councils to provide infrastructure and services for local communities.

Local Government Procurement and Corruption Risks

13. Minister, you acknowledged ICAC's concerns regarding procurement and transparency issues in local councils, particularly in light of Operation Mantis. You mentioned reviewing statutory provisions under the Code of Conduct. Can you outline specific changes you are considering to ensure procurement processes are both transparent and supportive of local economies?

14. Given the ongoing concerns regarding corruption risks in local government procurement, will your department implement mandatory auditing of council procurement contracts exceeding a certain threshold?

ANSWER:

13. I am advised:

The Office of Local Government (OLG) is developing refreshed Procurement Guidelines for local government. A key focus of the Guidelines is to promote best practice procurement by councils, to assist councils to achieve best value for money procurement outcomes and to ensure appropriate probity standards are met.

In developing the Guidelines, OLG has been reviewing relevant ICAC investigations, including Operation Mantis, and the corruption prevention recommendations arising from them.

14. I am advised:

The Audit Office completed a performance audit of council procurement in 2020 and found that the audited councils had procurement management policies and procedures that were consistent with the legislative requirements for sourcing and assessing tender offers. The Audit Office also found that the councils procurement practices mostly complied with legislative requirements and their own policies and procedures but also found some gaps in compliance in some councils and made specific recommendations on closing these gaps.

OLG's role is to uplift the sector's capability and OLG's role as the regulator of local government includes monitoring council performance and addressing any non-compliance. OLG's new structure includes a compliance and interventions team. The establishment of the new team will allow OLG to be more proactive in the exercise of its functions as a regulator, including by undertaking audits of key parts of councils' operations.

Code of Conduct Reforms

15. Minister, you stated that local government needs a "cultural change" regarding governance and misconduct and that you are facing pushback from councils on open meetings and banning private briefings. Given this resistance, will you commit to legislating mandatory transparency measures rather than relying on voluntary compliance?

16. You acknowledged frustration with NCAT's handling of serious misconduct complaints. Given this, will you push for legislative reforms to provide more efficient and enforceable disciplinary actions for councillor misconduct?

17. The Model Code of Conduct and the Staff Code of Conduct emphasize the importance of integrity and preventing abuse of power. Given the Canterbury-

Bankstown findings, will you mandate external integrity audits for councils found to have repeated governance failures?

18. In relation to your yet to be finalised reforms to the Code of Conduct investigation process, will not having matters “dealt with by a councillor’s peers” still result in an inherent conflict of interest and the Code of Conduct being weaponised by political competitors or partisan persons?

19. Instead of having political competitors and/or partisan persons investigate and determine penalties for Councillors’ conduct, why have you not considered a system similar to the NSW Supreme Court’s Costs Assessment process and its Costs Assessors? To ensure independence and prevent fee gauging, the Office of Local Government could appoint, on a flat fee basis, a suitably qualified Investigator to investigate conduct complaints, and failures to disclose non pecuniary and pecuniary conflicts of interests. Costs for such investigations could be charged back to the respective Council. Will you undertake to consider this system and by what date do you expect the Code of Conduct and investigatory process to be finalised?

20. In view of State and Federal Members of Parliament being given access to legal representation when they are accused of misconduct and/or must appear before the Independent Commission Against Corruption, the National Anti Corruption Commission and a Court, will you ensure that Councillors appearing before NCAT, any other investigatory body or court, are given the same legal support and reimbursed for reasonably legal expenses?

(a) If not, why not?

21. Can you explain the process of mayors and councillors setting their remuneration levels? Is this something looked at as part of your review?

22. Can you explain the process when a councillor submits a complaint against a General Manager or mayor? Is this process being reviewed as there are situations when it is not an effective manner of dealing with such complaints?

23. Is the new Code of Conduct framework looking at promoting transparency, integrity and public participation? Will this include matters such as NSW Government leasing arrangements of Local Council owned or managed properties?

ANSWER:

15. I am advised:

The Government publicly exhibited a discussion paper between 5 September 2024 and 29 November 2024 detailing its proposed approach to reforming the Code of Conduct

framework. The feedback received to that discussion paper is being compiled and reviewed to inform the final proposal.

The NSW Government is examining a number of reforms to improve the management of serious misconduct complaints aimed at improving the efficiency and effectiveness of the broader local government councillor misconduct framework.

Further announcements on detailed reforms will be made in the coming months.

16. See answer to question 15.

17. I am advised:

All councils and joint organisations are now required to have a risk management framework and an internal audit function in place to identify risk (including governance risks) and to provide assurance that it is being appropriately addressed. Councils' risk management and internal audit functions are required to be overseen by an independent and expert audit risk and improvement committee whose role is to advise the governing body on the management of risks to the council's operations and the achievement of its strategic goals.

In addition, OLG's new structure includes a compliance and interventions team. The establishment of the new team will allow OLG to be more proactive in the exercise of its functions as a regulator, including by undertaking audits of key parts of councils' operations.

18. I am advised:

The Government released a discussion paper on its proposed Councillor Code of Conduct reforms for public consultation in 2024. Consultation has now closed and the responses are being considered. The reforms proposed will provide more effective and efficient management of Code of Conduct complaints, including conflict of interest.

Further announcements as to the new proposed Councillor Code of Conduct framework will be made in due course.

19. See answer to question 15.

20. I am advised:

Section 2.3.6 of the 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW,' pursuant to Section 252 of the *Local Government Act 1993* enables councils to indemnify or reimburse a councillor's legal expenses.

21. I am advised:

The process of mayor and councillor remuneration is explained in Chapter 9, Part 2, Divisions 4 and 5 of the *Local Government Act 1993*. There are no plans to reform the current mechanisms for setting councillor remuneration.

22. I am advised:

The process for making and managing code of conduct complaints about councillors (including the Mayor) and the general manager is set out in the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. Councils are required to manage code of conduct complaints locally in the first instance in accordance with the Procedures.

The framework for regulating councillor conduct is being reviewed as outlined in earlier answers. Complaints about the general manager will continue to be managed locally by the council. Because the general manager is an employee of the council, it is appropriate that councils continue to deal with complaints about the general manager.

23. I am advised:

The Code of Conduct discussion paper, which contains the Government's proposed approach, is publicly available. It is unrelated to NSW Government leasing arrangements.

Governance and Transparency

24. Minister, you mentioned that Canterbury-Bankstown Council does not livestream its meetings and indicated that you would include mandatory transparency measures in the new Code of Meeting Practice. Will the Government legislate a requirement for all councils to livestream and archive meetings for public access?

25. Given concerns raised about council transparency, will you require councils to publish detailed expenditure reports, including breakdowns of discretionary spending, on a quarterly basis?

ANSWER:

24. I am advised:

Councils are not currently required to livestream their meetings. Under section 236 of the Local Government (General) Regulation 2021, councils are required to record each meeting of the council or council committee whose members are all councillors by means of an audio or audio-visual device and make the recording publicly available on the council's website at the same time as the meeting is taking place, or as soon as practicable after the meeting.

As flagged in evidence given to the hearing at page 4, this is a matter that will be addressed as part of the meeting code reforms.

25. I am advised:

On 6 March 2025, OLG released draft Quarterly Budget Review Statement (QBRs) Guidelines and an accompanying Consultation Guide. The proposed framework has been designed to ensure councillors and their communities are provided with clear, consistent and valuable information that enables elected officials to have effective oversight and be visibly in control of the financial performance of their council.

The draft QBRs Guidelines put in place mandatory reporting requirements for all NSW councils including standardised QBRs reporting to be presented to councillors, the community and to the OLG on a quarterly basis. Feedback closes on 18 April 2025.

Office of Local Government Funding

26. Minister, you mentioned an additional funding allocation of \$37.4 million to the Office of Local Government and "I think you will find that the Office of Local Government is restructuring itself":

- (a) How many complaints did you and or the OLG received in the past Financial Year and how many were actually investigated?
- (b) How many complaints actually investigated resulted in disciplinary action of a Councillor?

27. As a Barrister, you would be aware of case law, that delays in investigations can amount to serious breaches of procedural fairness – how many investigations in the last financial year by the Office of Local Government took over:

- (a) Six months to resolve?
- (b) One year to resolve?
- (c) Two years to resolve?

28. It has been reported that the Office of Local Government has stated "Councils are expected to be prudent managers of their finances".

- (a) What sort of assistance is provided to Councils to be prudent managers of public funds, particularly when you consider they often have budgets worth hundreds of millions of dollars and hundreds of employees?

29. Can you provide a list of all Councils with approved SRVs for the past five financial years and the current financial year to date showing the percentage increases in Rates by Council?

30. It is widely acknowledged that the Councils with the greatest relative disadvantage are generally rural and remote councils with small and declining populations, limited capacity to raise revenue and greater responsibility for declining roads and infrastructure. Our rural and regional communities deserve the same facilities and services that our larger centres enjoy.

(a) When the GPC (General Purpose Component) grant is allocated based on population increases/decreases, what have you done to advocate for a fairer share of the GPC to Councils in rural and remote NSW?

31. Of the various reviews and inquiries, are the processes and procedures of the Office of Local Government being looked at for the most efficient and sustainable functioning?

ANSWER:

26. I am advised:

The OLG publishes its complaints statistics on its website at

<https://www.olg.nsw.gov.au/public/council-complaint-statistics/council-complaint-statistics/complaint-statistics-2023-24/>

27. I am advised:

OLG undertakes a range of enquiries and departmental reports, including into councillor misconduct and pecuniary interest matters. OLG undertakes assessments of allegations reported to us to determine whether an investigation should be commenced. This includes matters which are assessed as being unsubstantiated or better dealt with by the Council or a third-party integrity agency or where OLG has obtained a satisfactory resolution from the Council. For these reasons, providing a timetable of how long investigations take is not straightforward.

Data on complaint statistics and investigations is available on the Office of Local Government website, as is the status of Section 430 investigations.

28. I am advised:

The Office of Local Government provides a range of assistance and guidance to improve financial reporting and decision making:

- The Code of Accounting Practice and Financial Reporting prescribes standard financial reporting requirements, aligned to the Australian Accounting Standards

and the requirements of the Local Government Act, to ensure councils are reporting their finances in a consistent and comparable format each year.

- Hit the Ground Running sessions are run after each local government election to provide councillors with essential information to serve their community and fulfil their civic responsibilities, and include two training sessions on 'the governing body and financial management'.
- The OLG's council portal also includes a range of training programs and resources aimed at developing the skills and capability of councillors, general managers and finance staff.
- OLG has recently released draft Quarterly Budget Review Statement (QBRS) Guidelines for consultation. The proposed framework has been designed to ensure councillors and their communities are provided with clear, consistent and valuable information that enables elected officials to have effective oversight and be visibly in control of the financial performance of their council. The draft QBRS Guidelines put in place mandatory reporting requirements for all NSW councils including standardised QBRS reporting to be presented to councillors, the community and to the OLG on a quarterly basis.

Each year the OLG updates the YourCouncil website with council financial data. The website provides councillors, councils and the community with financial information to enable them to track and compare how their council is performing.

In addition, OLG regularly monitors the financial performance of councils, and identifies areas for improvement where appropriate.

29. I am advised:

This is available on IPART's website at

<https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Special-Variations>

30. I am advised:

This is a matter for the NSW Local Government Grants Commission.

31. I am advised:

Yes, continually.

Residents of Jerrabomberra

32. Residents of Jerrabomberra, NSW, have written to the Minister for Local Government, Planning & Environment, Premier, Shadow Minister for Local Government, Local Government Ombudsman, Office of Local Government, Queanbeyan-Palerang Regional Council GM & Mayor, and Councillors. The residents allege QPRC have abdicated their obligations under the Planning Act and perverted the process of DA assessment. As the proposed project is above \$30 million, the assessment is through the Southern Regional Planning Process. However, there are questions as to QPRC's obligations under the Planning Act.

(a) Can you advise on this matter and how it is being addressed?

ANSWER:

32. I am advised:

This is a matter for the Minister for Planning and Public Spaces.

Northern Beaches Council

33. I refer to your statement in relation to Northern Beaches Council's expenditure on alcohol for Councillors "Providing they're acting in accordance with the law" - Does a breach of a Policy, made pursuant to the Local Government Act, ie the Councillor Expenses and Facilities Policy not amount to a breach of the law? If not, why not?

34. Since June 2024 to the present:

- (a) How many complaints have you or the Office of Local Government received about Northern Beaches Council and requests for an investigation?
- (b) How many requests have you or the Office of Local Government received for a Public Inquiry into Northern Beaches Council?
- (c) How many Petitioners have signed Legislative Assembly Petitions (submitted by Stuart Gold and David Smith) directed to you as Minister requesting an Investigations and/or Public Inquiry into Northern Beaches Council?

35. In relation to your statement regarding the obvious breach of the Councillor Expenditure and Facilities Policy at Northern Beaches Council - "I'll request Mr Whitworth to look at it"

- (a) Will you ensure this is a formal investigation?
 - i. If not, why not?

(b) Will you also ensure a formal investigation into all the complaints received by you and the Office of Local Government about the conduct of management and certain councillors at Northern Beaches Council, particularly the conduct of certain Councillors at Council meetings on 28 January 2025 and 18 February 2025 where it has been recorded by TV, Radio and print media that certain Councillors attacked members of the public objecting to the SRV application as "running misinformation campaigns", "running Trump like" campaigns and being "neo Liberalists"? Will you also cause an investigation into those Councillors, at those meeting who have told other Councillors (as published by TV , Radio and print media) to shut up and "f'off" during these meetings?

i. If not, why not?

(c) Will you ensure a formal investigation into the Mayor of the Northern Beaches, Sue Heins who at these meetings, clearly abused her power and failed to accord with the Code of Meeting Practice and Code of Conduct by abusing and making improper inferences towards members of the public and certain Councillors and allowing members of her Party and faction to bully and harass certain Councillors?

36. Minister, the behaviour and mismanagement by Management and Councillors at Northern Beaches Council has been the subject of National TV, Radio and print media as well as several Petitions and letters calling on you to act:

(a) Why have you failed to appoint a temporary financial controller pursuant to your powers?

(b) Why have you failed to cause the issuance of a Performance Improvement Order on the Council in relation to the management of their finances, failure to uphold policies, serious waste of public funds and conduct that continues to bring the Council into disrepute and loss of confidence and trust by the community?

(c) Why have you failed to cause a section 430 Investigation? Is it because of your personal relationship and long time friendship with Ray Brownlee, who presided over the financial mismanagement of the Council while he was CEO of Northern Beaches Council? Have you ever acted as a Referee for Mr Brownlee for any employment position?

37. In relation to Performance Review Committees for Council General Managers, that also make recommendations as to salary increases, do you not think it is an inherent conflict of interest for General Managers to be able to appoint a Councillor (to represent their interests) to those Committees? Will you undertake to abolish this?

38. You stated during the Hearing that Northern Beaches residents agreed to "Northern beaches agreed to 10.7 per cent. That's rare" – can you please confirm on what date and how residents agreed to a 10.7 per cent rate increase?

39. Reference is made to my question regarding the Daily Telegraph's article of Tuesday 11 February 2025 where it was reported: "Premier Chris Minns indicated yesterday he would leave any audit of council expenditure to IPART. "They assess everything," he said.

At the Hearing, you stated "They will certainly be assessing their expenditure to ensure that the councils can justify their application. I can look at the basis of the application by, say, Northern Beaches and North Sydney and I can see the increases in expenditure. Sure, IPART will be quizzing them in relation to it because that's the whole purpose of their determinations for SRVs."

Noting the IPART's IPART fact sheet "Is your council talking about a Special Variation?" dated 17 September 2024 which states: "We do not assess the merits of council spending decisions or spending priorities, such as how a council has decided to allocate its funds for future projects. We also cannot audit council finances as part of our assessment process as this is not part of our delegated functions - How can the community and this Parliament have confidence in the process if it appears that the Premier has stated the IPART has powers it does not possess and you too stated "They will certainly be assessing their expenditure to ensure that the councils can justify their application" when it the IPART does not undertake such assessments? Have you mislead the Committee?

40. It is again noted that since 6 September 2010, after the then Minister for Local Government, The Hon Barbara Perry MP, delegated to IPART statutory powers to vary rates, gaming of the rating system by councils began immediately, in view of your comments at the Hearing and given your statements on ABC Radio Sydney, NSW Local that you had told councils they needed to be "extremely cautious" about issuing "ridiculous" demands "because we're in a cost-of-living crisis and now is not the time for councils to be asking for excessive rate increases when people are struggling to make ends meet", will you remove your delegations to IPART and reject what you see as "ridiculous" demands by certain Councils with their SRV applications?

(a) If not, why not?

41. You testified at the Hearing in relation to the Northern Beaches Council that "The funds that they're seeking to justify their application, from what I can determine, are in staff costs and infrastructure spends. They don't look like immediate infrastructure spends that they need to fund, but IPART will work that out.":

(a) Are you aware that Northern Beaches Council in every year since amalgamation, except in this last year, following it undertaking a mere desk top re-evaluation of two asset classes, had met the great majority, if not all of its Office of Local Government's Benchmarks, the NSW Auditor General certified that Northern Beaches Council has no liquidity issue, particularly considering that it has over \$200 million in cash and investments and over \$5.6 billion in property, plant, equipment and infrastructure? Given that the Council failed to release its desk top re-evaluation to the public and Councillors as well as the report by a company Asset Technologies Pacific ATP, will you cause an independent investigation into the methodology used to justify a rate increase of almost 40%, in particular, the Asset Management Plan and Long Term Financial Plan prepared by the Council or its consultants Morrison Low and Asset Technologies Pacific Pty, that included \$251m in additional depreciating assets, \$13.4m of which was in the first year, indexed thereafter into future years, to overstate depreciating assets acquisition, yet failed to explore efficiency and cost savings? Will you ensure that Northern Beaches Council has not deliberately, improperly and misleadingly overestimated its assets and future maintenance costs, in order to improperly support, using your own words - a "ridiculous" SRV application?

i. If not, why not?

(b) Are you aware that in the last two years, the company, Morrison Low, with its "Capacity to Pay" reports, have been behind and supported the North Sydney Council's 87% proposed increase, the Northern Beaches Council's 40% proposed increase, Strathfield Council's 93% approved increase, and Canada Bay's 32.5% approved increase and that Northern Beaches Council has refused to have Morrison Low's Report independently reviewed or peer reviewed? Given that at Northern Beaches Council, it has been revealed by Council on 27 February 2025 that every year since 2019 every there have been over 12,000 residents unable to pay Council instalments on time and that in 2023/24 this increased substantially to 13,938 and that as at 31 January 2025 the total amount of interest remaining outstanding is \$1,108,898 million and that Council has last week advertised for a new "Rate Collector" position, will you cause will you cause an investigation into Morrison and Low, Northern Beaches Council and those other Councils that have relied upon Morrison and Low to ensure that the reports from that company have not being improperly misleadingly in order to improperly support, using your own words - a "ridiculous" SRV application?

i. If not, why not?

(c) Will you also cause an investigation into Morrison Low's role in the gaming of the rating system by certain Councils over the years? If not, why not?

(d) Given you have stated that some Councils are asking for too high and ridiculous rate increases, will you revoke your delegation to IPART to set council rates and make these decisions yourself?

(e) When will you actually admit to ratepayers that you are ultimately responsible for approving rate increases and merely hiding behind IPART, which you could revoke your delegations to at any time?

42. Are you aware of the Petition submitted to the NSW Legislative Assembly by Mr Stuart Gold signed by 5150 Petitioners since its submission on 5 January 2025 calling on the Government to:

- Ensure that Northern Beaches Council is prevented from introducing a Special Rate Variation
- Ensure that the Minister issues an Improvement Notice under the Local Government Act
- Ensure the Minister introduces a mandatory salary scale in line with community expectations for CEOs and senior staff in order to prevent excessive salaries and waste
- Ensure the Minister initiates changes to electoral legislation so that it falls in line with State and Federal legislation prohibiting registered political parties from misleading the public and using the word "Independent" in party names like the "Your Northern Beaches Independent Team" registered political party
- Ensure the Minister initiates stronger and more efficient monitoring procedures for the Council regarding the management of projects to prevent cost and timing blowouts and independent management of projects
- Ensure the Minister adopts recommendations of the NSW Parliament's "Ability of Local Governments to fund infrastructure and service" and amends the Act to restrict and have more specificity on services (with a greater emphasis on core services)
- Ensure the Minister initiates reform so that Councils and the IPART have set consultation procedures, not perform any public consultation over a holiday period and MUST have regard to the outcome of community consultation results
- Should the Council continue to fail to meet the community's expectations, require the Minister for Local Government to cause the appointment of an Investigator under section 430 of the Local Government Act.

(a) Will you accede to each of the above mentioned requests?
i. If not, why not?

ANSWER:

33. I am advised:

If a council pays an expense or provides a facility to councillors that is not permitted under its councillor expenses and facilities policy adopted under section 252 of the *Local Government Act 1993*, this is a breach of section 252(3). That subsection provides that a council must not pay any expenses to a councillor or provide a facility other than in accordance with a policy adopted under section 252.

Information published on Northern Beaches Council's website indicates that it spent \$496 on alcohol for councillors in 2023/24.

OLG has written to the Council requesting further information about this apparent non-compliance with its policy.

34. I am advised:

- a) Between 1 June 2024 and 28 February 2025, the Office of Local Government received 110 complaints about Northern Beaches Council. 17 of those complaints requested an investigation.
- b) Between 1 June 2024 and 28 February 2025, the Office of Local Government received 4 requests for a public inquiry into Northern Beaches Council.
- c) Information about petitions to the Legislative Assembly is publicly available on the NSW Parliament website.

35. I am advised:

OLG has written to Northern Beaches Council requesting further information about the apparent non-compliance with its councillor expenses and facilities policy.

- a) If the OLG becomes aware of information warranting a formal investigation under the *Local Government Act 1993*, I will consider requesting one.
- b) Complaints are to be managed under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) in the first instance. In specific circumstances, councils are required to refer certain complaints to the OLG. If a complaint warrants a referral to the OLG, all the available information will be scrutinised. If appropriate in the circumstances, I may determine that an investigation is necessary to determine whether a councillor has engaged in misconduct. It would be inappropriate to comment on any intention to request an investigation prior to a thorough analysis of all the available information.
- c) It would be inappropriate to comment on any intention to request an investigation prior to a thorough analysis of all the available information.

36. I am advised:

These matters were discussed at Budget Estimates on pages 6-9 of the transcript.

OLG has not identified any matters relating to the governance or operation of Northern Beaches Council that warrants an investigation or other formal intervention.

The complaints to date relate to the Special Rate Variation proposed by Council.

Any questions as to the assessment and process of the Northern Beaches Council application is a matter for IPART to consider during its consideration of the application.

37. I am advised:

The Office of Local Government's Guidelines for the Appointment and Oversight of General Managers recommends that general managers' performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager. The Guidelines also recommend that an independent observer be included on the Panel.

The Guidelines recommend that a councillor nominated by the general manager be included on the panel to ensure general managers are dealt with fairly in their performance reviews. It should be noted that that person is only one of four councillors on the panel.

38. I am advised:

Northern Beaches Council's community engagement report and consultation collateral are available on the IPART website. This information is for IPART to consider during its consideration of the SRV application from Northern Beaches Council.

39. I am advised:

The Integrated Planning and Reporting (IP&R) Framework determines how councils plan, document and report to their council and communities. It includes a suite of documents including their Resourcing Strategy identifying a council's Long-Term Financial Plan and their Operational Plan which includes a copy of a council's budget and revenue policy.

The Independent Pricing and Regulatory Tribunal (IPART) assesses Special Variations based on the 'Guidelines for the Preparation of an Application for a Special Variation to General Income' issued by the Office of Local Government. Under the Guidelines, IPART examines Special Variation applications based on councils' compliance with their obligations under IP&R. In particular, the OLG guidelines require IPART to look that:

- The need for, and purpose of, a SRV is clearly articulated and identified in the council's IP&R documents
- Evidence is provided to demonstrate the community is aware of the need and extent of the rate rise
- Council has considered the impact of the SRV on ratepayers as being reasonable

- The IP&R documents have been adopted by council and the IP&R docs or councils SRV clearly outline productivity improvements and cost containment strategies

40. I am advised:

These matters were discussed at Budget Estimates on pages 6-9 of the transcript.

Rating and special variations are being considered as part of the NSW Government's response to the recommendations of the Legislative Council's *Inquiry into ability of local governments to fund services and infrastructure*.

41. I am advised:

IPART reviews all Special Variation applications under the relevant provisions of the *Local Government Act 1993*. This process is undertaken independent of Government. This process has been in place for a number of years, including under Liberal and National Ministers for Local Government.

Any questions as to the assessment and process of the Northern Beaches Council application is a matter for IPART to consider during its consideration of the application.

The Government will provide a response to the Legislative Council Financial Sustainability inquiry shortly which will respond to the inquiry recommendations on Special Variations.

42. I am advised:

Pursuant to Legislative Assembly Standing Order 125, the Minister must lodge a response with the Clerk within 35 calendar days of a paper petition or electronic petition being received by the House if that paper petition or electronic petition has been signed by 500 or more persons.

Should the Clerk refer the petition to the Minister for a response, the Government will respond within 35 days of its referral.

Councillor Safety

43. In relation to candidate safety, the NSW Local Government Association and Councils following Resolutions have written to you on several occasions calling on you to amend legislation to what it was, whereby a Local Government Candidate can put their PO Box instead of address on authorisation of Electoral material to ensure candidate safety.

You have responded in writing claiming that candidates can put the address of their "workplace" which still poses a safety risk to candidates and some can't put their work address if they are employed by the NSW or Federal Governments.

There are no exemptions, even for those protected by AVOs.

While noting the Electoral Commission's advice to you, you are ultimately the Minister with portfolio responsibility for the Local Government (General) Regulation 2021 and are well aware that Local Government candidates and Councillors are very different to State and Federal Candidates and State and Federal elections by way of funding caps, most don't have campaign offices and many are not Party candidates that can use the address of Party HQ.

You were asked to change this legislation immediately upon assuming office as Minister and by the State's Local Government representative body as it is seen as a major deterrent, particularly for women to stand for election.

(a) Why have you failed so badly to respond to these serious safety issues and shown such a lack of care?

(b) Will you undertake to urgently amend this legislation in your area of portfolio responsibility to ensure safety?

i. If not, why not?

44. Noting that your Office of Local Government has also responded to Councils refusing their requests to amend the Local Government (General) Regulation 2021 to be purportedly consistent with the State legislation – Electoral Act 2017 and Commonwealth Electoral Act 2018, why then has the Office of Local Government continually refused to bring into line the NSW legislation when it comes to State and Federal legislation which prohibits the use of the word "Independent" in the name of a registered political party?

(a) Will you ensure that NSW legislation is urgently amended to prohibit Parties from misleading the public by using the word "Independent" in Party names?

i. If not, why not?

ANSWER:

43. I am advised:

I have previously asked the Office of Local Government (OLG) to seek the views of the NSW Electoral Commission (the Commission) on this matter. Based on the Commission's advice, it has been decided to retain this requirement. The requirements prescribed under the *Local Government Act 1993* are consistent with those prescribed under the *Electoral Act 2017* and the Commonwealth *Electoral Act 1918*.

While I acknowledge these concerns, the authorisation requirements for electoral material prescribed under the Local Government (General) Regulation 2021 are an important electoral integrity measure. They ensure electors can verify the bona fides of electoral material that is printed, published, distributed, or publicly displayed for campaigning purposes during the “regulated period” before council elections.

The requirement under section 356G of the Regulation is to provide a street address at which the authoriser can be contacted during the day. This does not have to be the authoriser’s residential address; for example, it could be their workplace or an agent.

44. I am advised:

The rules governing the use of the term “independent” by candidates at local government elections are the same that apply at State elections. Section 320 of the *Local Government Act 1993* provides that parties participating at council elections are to be registered in accordance with the procedure applicable under Part 6 of the *Electoral Act 2017* (as modified by section 320) which applies to the registration of political parties for State elections.

Bayside Council

45. You attested to the committee in relation to investigations into Bayside Council, its Councillors, staff and certain associates that you are “in possession of a variety of documents that have been provided to me on the undertaking that I do not disclose them” and that “The matters are not concluded and are ongoing”:

- (a) Can you confirm that your statement is correct? Is it the Office of Local Government or ICAC that have ongoing investigations?
- (b) Why have you continued to receive information and documents about the Council and investigations into Bayside Council when it is clear that you have a significant conflict of interest in the matter with your wife being an employee of that Council?
- (c) In view of the matters raised above, in 14 and your long association and personal relationships with the former Mayor of Bayside Council, certain Councillors, certain staff and that your wife is employed at Bayside Council can you please confirm whether you have complied with the Independent Commission Against Corruption Amendment (Ministerial Code of Conduct) Regulation 2014 and reported your obvious significant conflicts of interest to the Premier, on what date and will you Table a copy of such disclosures to the Committee?
- (d) Can you confirm that all times you have not:

- i. Concealed a conflict of interest from the Premier and/or the Parliament in relation to any ICAC or OLG investigation into Bayside Council, its Councillors, staff or persons under investigation?
- ii. That you received written approval from the Premier, on what date/s to continue to participate in relation to matters pertaining to Bayside Council, its predecessor Councils, Rockdale and Botany and will you table a copy of any approvals to the Committee from the Premier, to make or participate in the making of any decision or take any other action in relation to Bayside Council, its Councillors, staff or persons under investigation?
- iii. Failed to disclose to the ICAC your conflict of interest in relation to any investigation into Bayside Council based on your wife's long term employment with that Council and preceding Council, and your relationships with certain Councillors, staff and persons under investigation by the ICAC? On what dates were those disclosures made and will you table copies of those disclosures to the Committee?

ANSWER:

45. I am advised:

These matters were discussed at Budget Estimates. OLG does not disclose operational or process matters related to councillor conduct matters, to preserve the integrity of its investigation function.

I have always acted in accordance with the Ministerial Code of Conduct.

Special Rate Variations

46. In Estimates, the Minister referred to IPART determining whether to approve special rate variations and there was discussion of the community and media outcry over the significant SRV sought by North Sydney Council. The Minister also acknowledged that IPART does not assess Council spending decisions and spending priorities, even when excessive SRVs are proposed.

At what point does the Minister for Local Government in NSW act to ensure that local government, in this case North Sydney Council, ensures that ratepayers have recourse over council spending decisions and priorities?

- (a) The Minister has referred to the democratic process as a means of accountability for Councils. Considering that North Sydney Council is proposing the almost double rates over two years, and this SRV will be completed more than a year before the next local government election can

impose any democratic accountability, will the Minister OLG commence an investigation or public inquiry into North Sydney Council's financial management in order to ensure community confidence in local government?

ANSWER:

46. I am advised:

The Independent Pricing and Regulatory Tribunal (IPART) assesses Special Variations based on the 'Guidelines for the Preparation of an Application for a Special Variation to General Income' issued by the Office of Local Government. Under the Guidelines, and as part of the conventions observed by local government Ministers from the Australian Labor Party, the National Party and the Liberal Party, IPART examines Special Variation applications independently from the Minister, based on the information provided by a council in its application and through council compliance with their obligations under the Integrated Planning and Reporting (IP&R) framework.

In particular, the OLG guidelines require IPART to look at:

- The need for, and purpose of, a SRV is clearly articulated and identified in the council's Integrated Planning and Reporting documents
- Evidence is provided to demonstrate the community is aware of the need and extent of the rate rise
- Council has considered the impact of the SRV on ratepayers as being reasonable
- The Integrated Planning and Reporting documents have been adopted by council and the IP&R documents or councils SRV clearly outline productivity improvements and cost containment strategies.

The community has the opportunity to comment on Special Variation applications during the development of the Integrated Planning and Reporting documents through the Council consultation process, by making a submission. If Council resolves to proceed with a Special Variation application, IPART will undertake a public consultation process to enable individual ratepayers and interested groups to view and provide feedback on the Special Variation applications.

General questions

CFMEU meetings

47. Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the CFMEU?

ANSWER:

47. I am advised:

In accordance with the Premier's Memorandum M2015-05 *Publication of Ministerial Diaries and Release of Overseas Travel Information*, all Ministers publish extracts from their diaries, summarising details of scheduled meetings held with stakeholders, external organisations, third-party lobbyists and individuals. Ministers are not required to disclose details of the following meetings:

- meetings involving Ministers, ministerial staff, parliamentarians or government officials (whether from NSW or other jurisdictions)
- meetings that are strictly personal, electorate or party political
- social or public functions or events
- meetings held overseas (which must be disclosed in accordance with regulation 6(1)(b) of the Government Information (Public Access) Regulation 2018 and Attachment B to the Memorandum), and
- matters for which there is an overriding public interest against disclosure.

Ministers' diary disclosures are published quarterly on The Cabinet Office's website (<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>).

ETU meetings

48. Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the ETU?

ANSWER:

48. I am advised:

In accordance with the Premier's Memorandum M2015-05 *Publication of Ministerial Diaries and Release of Overseas Travel Information*, all Ministers publish extracts from their diaries, summarising details of scheduled meetings held with stakeholders, external organisations, third-party lobbyists and individuals. Ministers are not required to disclose details of the following meetings:

- meetings involving Ministers, ministerial staff, parliamentarians or government officials (whether from NSW or other jurisdictions)
- meetings that are strictly personal, electorate or party political
- social or public functions or events
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- matters for which there is an overriding public interest against disclosure.

Ministers' diary disclosures are published quarterly on The Cabinet Office's website (<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>).

Ministerial disclosures to The Cabinet Office

49. On what date did you last update/make a ministerial disclosure to The Cabinet Office?

ANSWER:

49. I am advised:

All Ministers are expected to comply with their obligations under the NSW Ministerial Code of Conduct (Ministerial Code) at all times.

The Ministerial Code sets the ethical standards of behaviour required of Ministers and establishes practices and procedures to assist with compliance.

Among other matters, the Ministerial Code requires Ministers to:

- disclose their pecuniary interests and those of their immediate family members to the Premier
- seek rulings from the Premier if they wish to hold shares, directorships, other business interests or engage in secondary employment (known as 'prohibited interests')
- identify, avoid, disclose and manage conflicts of interest
- disclose gifts and hospitality with a market value over \$500.

A substantial breach of the Ministerial Code (including a knowing breach of any provision of the Schedule) may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

Department(s)/Agency(s) Employees

50. How many redundancies were processed by each Department(s)/agency(s) within your portfolio responsibilities since 28 March 2023?

- (a) Of these redundancies, how many were:
- i. Voluntary?
 - ii. Forced?

- (b) What was the total cost of all redundancies in each Department / agency within your portfolio responsibilities?

(c) On what page are redundancies published in the respective Department(s)/Agency(s) Annual Reports?

ANSWER:

50. I am advised:

Redundancies are published in the respective Department(s)/Agency(s) Annual Reports under employee related expenses.

Published Annual reports can be accessed on respective Departmental websites.

Department(s)/Agency(s) Annual Reports

51. On what date were the annual report(s) from 2023-24 for each department / agency in your portfolio published?

52. Were the annual report(s) from 2023-24 for each department / agency in your portfolio printed?

(a) If yes, what was the printing cost(s) for each department / agency?

53. Did the annual report(s) from 2023-24 for each department / agency in your portfolio use in part or full an external production / body / consultant to draft?

(a) If yes, what was the cost(s) for each department / agency?

54. In what month will the 2024-25 annual report(s) for each department / agency in your portfolio be published?

55. Will the 2024-25 annual report(s) for the department / agency in your portfolio include a printed copy?

(a) If yes, how much is budgeted for printing in 2024-25 for each department / agency?

ANSWER:

51. I am advised:

The annual reports were tabled in accordance with the requirements of the *Government Sector Finance Act 2018*.

52. I am advised:

Annual reports should be prepared in accordance with the NSW Treasury Policy and Guidelines TPG23-10 Annual Reporting Requirements. TP23-10 also requires that an agency's annual report contain the total external costs incurred in the production of the report, including printing costs.

53. I am advised:

In accordance with the Treasury Policy and Guidelines TPG23-10 Annual Reporting Requirements, an agency's annual report must contain the total external costs incurred in the production of the report, including fees for consultants.

54. I am advised:

The annual report of a reporting GSF agency is to be prepared, submitted and tabled in accordance with requirements under the *Government Sector Finance Act 2018* and Treasurer's Direction 23-11 Annual reporting requirements.

55. I am advised:

Annual reports should be prepared in accordance with the NSW Treasury Policy and Guidelines TPG23-10 Annual Reporting Requirements. TP23-10 also requires that an agency's annual report contain the total external costs incurred in the production of the report, including printing costs.

State Records Act

56. Have you and your ministerial office had training and/or a briefing about the State Records Act from State Records NSW and/or The Cabinet Office and/or Premier's Department?

(a) If yes, when?

ANSWER:

56. I am advised:

The Ministers' Office Handbook provides guidance in relation to recordkeeping obligations under the *State Records Act 1998*.

The Cabinet Office also provide guidance, advice, training and support on these obligations for Ministers' offices.

Further information is available on State Records NSW's website:

(www.nsw.gov.au/departments-and-agencies/dciths/state-records-nsw).

I expect my office to comply with their obligations under the *State Records Act 1998*.

Advertising

57. On what page is advertising published in the respective Department(s)/Agency(s) annual report(s)?

ANSWER:

57. I am advised:

Annual reports are published on the website of the relevant department or agency and are also held by the Parliamentary Library.

Agency expenditure must be reported in accordance with TD23-11 Annual reporting requirements and TPG23-10 Annual Reporting Requirements.

Department(s)/Agency(s) Gifts and Hospitality Register

58. Does your portfolio department(s)/agency(s) have a gifts and/or hospitality register?

- (a) If yes, is it available online?
- i. If yes, what is the website URL?

ANSWER:

58. I am advised:

The standards for publishing gifts and hospitality are outlined in the Public Service Commissioner's Direction No. 1 of 2022 – Managing Gifts and Benefits: Minimum Standards.

- i. <https://www.nsw.gov.au/departments-and-agencies/department-of-planning-housing-and-infrastructure/information-access-governance-and-feedback/gifts-benefits-and-hospitality-register>

Ministerial staff disclosure of gifts and/or hospitality

59. Does your ministerial office keep a register of gifts and/or hospitality for staff to make disclosures?

- (a) If yes, what is the website URL?

60. Have any staff members in your office been the recipient of any free hospitality?

(a) What was the total value of the hospitality received?

(b) Are these gifts of hospitality declared?

ANSWER:

59. I am advised:

All Ministerial staff are required to comply with their disclosure obligations under the Gifts, Hospitality and Benefits Policy for Office Holder Staff and I expect them to do so.

A breach of the Policy may be a breach of the Office Holder's Staff Code of Conduct. The Policy includes disclosure obligations for Ministerial staff in respect of gifts, hospitality and benefits over \$150.

If a Ministerial staff member is required by their role to accompany their Office Holder at an event that the Office Holder is attending as the State's representative, or where the Office Holder has asked the staff member to attend, then attendance at that event would not constitute a gift or benefit for the purposes of the Policy.

60. I am advised:

All Ministerial staff are required to comply with their disclosure obligations under the Gifts, Hospitality and Benefits Policy for Office Holder Staff and I expect them to do so.

A breach of the Policy may be a breach of the Office Holder's Staff Code of Conduct. The Policy includes disclosure obligations for Ministerial staff in respect of gifts, hospitality and benefits over \$150.

If a Ministerial staff member is required by their role to accompany their Office Holder at an event that the Office Holder is attending as the State's representative, or where the Office Holder has asked the staff member to attend, then attendance at that event would not constitute a gift or benefit for the purposes of the Policy.

Ministerial Code of Conduct

61. Since 28 March 2023, have you breached the Ministerial Code of Conduct?

(a) If yes, what was the breach?

ANSWER:

61. I am advised:

All Ministers are expected to comply with their obligations under the NSW Ministerial Code of Conduct (Ministerial Code) at all times.

The Ministerial Code sets the ethical standards of behaviour required of Ministers and establishes practices and procedures to assist with compliance.

Among other matters, the Ministerial Code requires Ministers to:

- disclose their pecuniary interests and those of their immediate family members to the Premier
- seek rulings from the Premier if they wish to hold shares, directorships, other business interests or engage in secondary employment (known as 'prohibited interests')
- identify, avoid, disclose and manage conflicts of interest
- disclose gifts and hospitality with a market value over \$500.

A substantial breach of the Ministerial Code (including a knowing breach of any provision of the Schedule) may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

Credit Cards

62. Have you ever been issued with a credit card by a NSW Government department(s) and/or agency(s) since 28 March 2023?

(a) If yes, under what circumstance?

(b) If yes, what items and expenditure was undertaken?

63. Do public servants in your portfolio department(s)/agency(s) been issued with department/agency credit cards?

64. If yes, what is the website URL of the credit card policy?

ANSWER:

62. I am advised:

Ministers and Ministerial Staff are not eligible to receive Departmental credit cards except in the case of overseas travel. In cases of overseas travel short-term cards will be issued and returned at the completion of official travel together with a travel diary for fringe benefit tax purposes.

Where an NSW Government-issued credit card is provided the credit card must only be used for official overseas business trips and official business purposes, this includes for

transport to/from the airport when departing/returning from the trip. NSW Government issued credit cards for official business trips overseas will be held with government contract bankers and used within credit limits imposed.

Credit cards are a useful means of expenditure control, but their use should never be for personal purposes.

Costs associated with overseas travel are published on the NSW Government website in line with M2015-05.

63. I am advised:

The use and management of purchasing (credit) cards for official purposes is in accordance with standard procurement arrangements of the NSW Government.

64. I am advised:

The Department's Purchasing Card Policy is accessible via this link:

<https://www.nsw.gov.au/sites/default/files/2024-03/dphi-purchasing-card-policy.pdf>

Department(s)/agency(s) desk or office

65. Do you have a desk or office in your portfolio department(s)/agency(s) building(s)?

ANSWER:

65. I am advised:

I make use of offices in 52 Martin Place, NSW Parliament and my Electorate office.

When travelling, Ministers may make ad hoc arrangements to work for periods in departmental offices.

Department(s)/agency(s) desk or office

66. As at 1 February 2025, how many senior executives in your portfolio department(s) / agency(s) have a driver?

ANSWER:

66. I am advised:

No senior executives employed within Department(s)/Agency(s) reporting to me has a driver.

GIPA Applications – Ministerial Office

67. Has your Ministerial Office received a GIPA Application(s) since 28 March 2023?

- (a) If yes, how many?
- (b) If yes, what is the website URL of the disclosure log?

ANSWER:

67. I am advised:

- a) GIPA statistics for Ministers' offices are published in the annual reports of the Department of Communities and Justice.
- b) <https://www.nsw.gov.au/departments-and-agencies/department-of-planning-housing-and-infrastructure/information-access-governance-and-feedback/disclosure-log>

GIPA Applications – Department(s)/Agency(s)

68. Since 28 March 2023, have you and/or your ministerial office given instructions to your portfolio department(s)/agency(s) in relation to Government Information (Public Access) Act application(s)?

ANSWER:

68. I am advised:

Under the *Government Information (Public Access) Act 2009*:

An agency is not subject to the direction or control of any Minister in the exercise of the agency's functions in dealing with a particular access application.

My Ministerial office complies with the *Government Information (Public Access) Act 2009*.

GIPA Act – Disclosure Log Website URL

69. What is the website URL for the GIPA Act disclosure log each of your portfolio department(s) / agency(s)?

ANSWER:

69. I am advised:

Disclosure logs are published and are available on the respective websites of each Department(s)/Agency(s).

<https://www.nsw.gov.au/departments-and-agencies/department-of-planning-housing-and-infrastructure/information-access-governance-and-feedback/disclosure-log>

TikTok

70. Are you on TikTok?

(a) If yes, do you access TikTok from a NSW Government device?

ANSWER:

70. I am advised:

The Circular DCS-2025-01 Cyber Security NSW Directive - Restricted Applications List advises how NSW Government agencies are required to appropriately manage risks to NSW Government information on government-issued devices, or personal devices that are used for government business.

Signal

71. Are you and/or your ministerial staff on Signal?

(a) If yes, do you and/or your ministerial staff access Signal from a NSW Government device?

(b) If yes, does Signal comply with the State Records Act?

ANSWER:

71. I am advised:

Like the former Coalition Government, a range of communications are used by the NSW Government.

I comply with the *State Records Act 1998* and I expect all staff members to comply with their obligations under the *State Records Act 1998*.

Training

72. Since 28 March 2023, have you had training from an external stakeholder that included an invoice and payment paid for using your ministerial budget?

- (a) If yes, what is the description of training?
- (b) If yes, how much?

ANSWER:

72. I am advised:

Ministers have undertaken a program of Ministerial induction training.

Ministers have undertaken training on the Respectful Workplace Policy.

Members of Parliament are provided with a Skills Development Allowance that may be used in a manner consistent with the Parliamentary Remuneration Tribunal Annual Determination.

Ministerial Office Budgets are managed in accordance with the Ministers' Office Handbook.

Cabinet documents / Parliamentary Secretary

73. Since 28 March 2023, have you shared Cabinet documents with your Parliamentary Secretary?

74. Does your Parliamentary Secretary have pass access to your ministerial office?

75. Does your Parliamentary Secretary have a desk in your ministerial office?

76. Has your Parliamentary Secretary ever used your Ministerial Vehicle?

ANSWER:

73 - 76. As has been previously explained – and is publicly available knowledge – I do not have a Parliamentary Secretary.

Media releases and statements

77. Are all the ministerial media releases and statements issued by you publicly available at <https://www.nsw.gov.au/media-releases>?

(a) If no, why?

ANSWER:

77. I am advised:

The Department of Customer Service (DCS) is responsible for managing www.nsw.gov.au/media-releases and the publication of media releases.

Overseas Travel

78. As Minister, do you approve overseas travel for public servants from your portfolio department(s)/agency(s)?

ANSWER:

78. I am advised:

The NSW Government Travel and Transport Policy provides a framework for NSW Government travelling employees and covers official air and land travel by public officials using public money.

Section 2.1 of that Policy sets out approvals required in relation to overseas travel. Further information in relation to the Policy can be found here:
<https://www.info.buy.nsw.gov.au/policy-library/policies/travel-and-transport-policy>.

NSW Treasury Policy and Guidelines – Annual Reporting Requirements (TPG-10) requires agencies to include information on overseas visits by officers and employees in agency annual reports.

Data Breaches

79. Does your portfolio department(s)/agency(s) keep a register of data breaches in accordance with the Privacy and Personal Information Protection (PPIP) Act?

80. If yes to 79, what is the website?

ANSWER:

79 - 80. I am advised:

The Department of Planning, Housing, and Infrastructure keeps an internal register of eligible data breaches as required by section 59ZE, Part 6A of the Privacy and Personal Information Protection Act 1998 (PPIP Act). Agencies are required by section 59ZD of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) to prepare, publish and make publicly available a data breach policy. The PPIP Act does not provide for the internal register to be made public.

Under clause 17 of Schedule 1 to the *Government Information (Public Access) Act 2009*, it is conclusively presumed that there is an overriding public interest against disclosure of information contained in a document prepared for the assessment of an eligible data breach under the PPIP Act, Part 6A, if the information could worsen a public sector agency's cyber security or lead to further data breaches.

<https://www.nsw.gov.au/departments-and-agencies/departments-of-planning-housing-and-infrastructure/information-access-governance-and-feedback>

Discretionary Fund

81. As Minister, do you have a discretionary fund?

- (a) If yes, what department(s)/agency(s) administer it?
- (b) If yes, what is the website URL detailing expenditure?

ANSWER:

81. I am advised:

Information relating to grants administered by Department(s)/Agency(s) are available in their respective individual Annual Reports.

Published Annual reports can be accessed on respective websites.

Qantas Chairman's Lounge

82. Are you a member of the Qantas Chairmans Lounge?

ANSWER:

82. I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (Regulation) sets out

Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament.

The Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics Report on Review of the Code of Conduct, Aspects of Disclosure of Interests, and Related Issues (December 2010) notes that:

"Advice has been received from the Crown Solicitor that use of the Chairman's Lounge by invitation is not a "gift" for the purposes of clause 10 of the Regulation, as it does not involve disposition of property. However, when the membership leads to an upgrade valued at more than \$250, it becomes disclosable as a contribution to travel, and should be reported under clause 11 of the Regulation."

Clause 16 of the Regulation allows a Member to, at their discretion, disclose any direct or indirect benefit, advantage or liability, whether pecuniary or not.

Relevant disclosures have been made to the Cabinet Office and to the Parliament.

Local Government Councillors

83. How many of your Ministerial staff is a local government councillor(s)?

ANSWER:

83. I am advised:

Ministerial staff are employed by Ministers, on behalf of the State, in their capacity as "political office holders" under Part 2 of the *Members of Parliament Staff Act 2013*.

All Ministerial staff are required to comply with the NSW Office Holder's Staff Code of Conduct, including obligations to seek approval for secondary employment, and to take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interest (real or apparent).

Questions from The Hon. Abigail Boyd MLC

Responsible Pet Ownership Reference Group

Has there been any progress made in setting up the Responsible Pet Ownership Reference Group?

ANSWER:

I am advised:

The Responsible Pet Ownership Reference Group (RPORG) was established in 2014 in response to recommendations of the Companion Animals Taskforce. The Reference Group met on a quarterly basis under the former Government and was chaired by Justin Clancy MP. It was put on hold prior to the March 2023 State Government elections.

There are no plans in the immediate future to reinstate the RPORG as the Office of Local Government has been provided greater resources to build expertise in-house and appropriately consult stakeholders on a per-needs basis.

Pounds

84. The government response to Recommendation 15 of the pounds inquiry indicated the government will commit to the development of a code of practice for rehoming and rescue organisations. Can you provide a timeline for this?

(a) Recommendation 15 referred to the creation of a code with standards for pounds regarding the care and housing of companion animals and the construction of pounds. Will you be developing this, and can you provide an anticipated timeline?

85. How many council pounds are promoting or advertising animals on either a website or social media platform?

(a) Who is responsible for monitoring councils' compliance with this?
(b) Where non compliance is identified, what action is taken by NSW OLG?

86. Does OLG monitor or oversee whether any council pounds are still using shooting as a method of euthanasia?

87. Why is the NSW government reluctant to introduce laws to outlaw the shooting of animals in council pounds?

88. Does OLG monitor or oversee how many council pounds currently don't accept cats?

89. In relation to incidents at Queanbeyan Queanbeyan-Palerang Council and Moree Plains Shire Council where large numbers of dogs and puppies died or were euthanised during outbreaks of parvovirus, are you aware of the number of dogs who hadn't tested positive and weren't showing symptoms but were euthanised regardless?

(a) Has OLG conducted an audit or review to investigate this?

90. What action has been taken by OLG to address the formal complaint lodged with Moree Plains Shire Council by Animal Liberation regarding animal welfare concerns at the council pound?

91. Does the Minister or his office ever receive reports or advice from RSPCA NSW, AWL NSW or the NSW Ombudsman in regards to animal welfare issues and/or non-compliance in NSW council pounds?

(a) If so, can you please provide details of such reports or advice received since March 2023?

ANSWER:

84. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

85. I am advised:

A council must, before taking action to destroy a seized or surrendered animal under section 64 or 64A of the *Companion Animals Act 1998*, give written notice to at least 2 rehoming organisations that the animal is available for rehoming and take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming. Where non-compliance is reported, OLG will make the appropriate inquiries.

86. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

87. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

88. I am advised:

OLG does not undertake an active monitoring role regarding intake of cats at council pounds. However, where non-compliance is reported, OLG will make the appropriate inquiries.

A council must accept, at its pound, a cat that has been lawfully seized under the *Companion Animals Act 1998* (CA Act) and which has been detained at an approved premises and not claimed after 72 hours following its delivery to the approved premises.

The CA Act does not specifically direct a council to accept, at a council pound, any cat from a member of the public even if it was lawfully seized. But there is a reasonable expectation that a council, in properly exercising its functions under the CA Act, would accept the animal at the council pound or at least have an arrangement with an approved animal welfare organisation to accept such an animal. Capacity issues are also a factor, in that a council pound may find itself in breach of the *Prevention of Cruelty to Animals Act 1979* (POCTAA) if it accepts animals beyond its capacity to house them in a way that meets the welfare standards of POCTAA.

The issue of council pounds accepting cats is being considered as part of the review of the *Companion Animals Act 1998*.

89. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

90. I am advised:

The Deputy Secretary, Office of Local Government wrote to the General Manager of Moree Plains Shire Council in January 2025 about this matter. The Deputy Secretary requested that Council advise OLG in writing what action it is taking or will take in response to any recommendations made by RSPCA NSW in relation to its pound facility.

91. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

Second-generation Anticoagulant Rodenticides (SGARs)

92. At the 2022 Local Government NSW Annual Conference, councils overwhelmingly supported a motion calling on the NSW Government to legislate a ban on the retail sale of Second-generation Anticoagulant Rodenticides (SGARs), change rodent management practices on state-owned properties and advocate for a national ban on SGARs. What actions or steps has the Government taken in response to this motion, and will it commit to implementing these recommendations?

93. Given the significant environmental harm caused by Second-generation Anticoagulant Rodenticides (SGARs) to native wildlife, including threatened species like Powerful Owls, and recognising the advisory role of OLG in supporting councils to implement biodiversity conservation strategies, will the Government work with LGNSW to develop standardised guidelines or model clauses for local government tender processes that explicitly prohibit the use of SGARs?

94. How will the Government support councils in implementing these measures to align procurement practices with biodiversity conservation goals under the Biodiversity Conservation Act 2016?

ANSWER:

92. I am advised:

As noted in the answers to supplementary questions from the Initial hearings of Budget Estimates 2024/25, this is a matter for the Minister for the Environment, and the Minister for Agriculture.

93. See answer to question 92.

94. See answer to question 92.

Pet registry and greyhounds

95. In the March 2024 Budget Estimates hearing, Mr Whitworth indicated that the new pet registry could have the ability to look at tracking greyhounds, specifically to address the gaps regarding greyhounds exiting the greyhound racing industry. Has there been any progress on this functionality?

(a) Will there be any ability to extract data from the pet registry regarding the number of greyhounds on the pet registry, their age, etc?

ANSWER:

95. I am advised:

At page 31 of the transcript from the March 2024 hearing Mr Whitworth said:

Ms ABIGAIL BOYD: Yes, but it's a whole other issue where they don't then have power to go and investigate under the Act. It's something we've been working on. Is there any additional functionality under the Pet Register?

BRETT WHITWORTH: That would potentially be one of the portals that that could gain access to.

As noted in the response in March 2024, there would need to be a specific portal created to enable the Greyhound Welfare Integrity Committee to use the Pet Registry to investigate. The additional portals for access to the Pet registry are dependent on government funding approvals.

At present retired greyhounds that are rehomed must be registered in the NSW pet registry. There is no data relating to these dogs' racing history held in the pet registry, only data that relates to a dog since it became a pet and was entered into the NSW digital pet registry.

OLG animal welfare division

96. In relation to OLG's newly formed animal welfare division, how many staff are now employed under this and what are their roles?

- (a) How many are existing staff?
- (b) How many are new positions filled?
- (c) Do any of these staff have experience or expertise in animal welfare?

97. Can you explain the roles and responsibilities of the division?

98. Will the division have responsibility for overseeing compliance and conditions in council pounds?

ANSWER:

96. I am advised:

OLG does not have an animal welfare division. OLG is responsible for companion animals and its Companion Animals Policy and Programs includes teams working on the Pet Helpline, the new digital Pet Registry and puppy farm compliance.

Animal welfare is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.

97. See answer to question 96.

98. I am advised:

This is a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, and the Department of Primary Industries and Regional Development.