

Answers to Questions on Notice

Page 5

The CHAIR: As I say, I support the idea of having more oversight into the Companion Animals Fund. I know that there's little information about how councils are spending that. I think it's a fantastic move to have a further look into that. My concern was simply that we're going to take this very small amount of \$8 million, which funds all councils across New South Wales on their animal welfare, and try to divide that out further. As you say, there's a limit on how much that can be increased before it's got a further negative welfare effect with people not registering their animals. It means that there needs to be another pocket of money that is included within this space rather than trying to take one very small crumb and dividing it up.

The other thing I wanted to ask you about is mental health. As I'm sure you're aware, this isn't just an animal welfare issue but also a mental health and safety issue for volunteers as well. I regularly get emails from rescuers and from people working in that rescue group that say they're absolutely inundated with the number of animals that are coming into their care. I got an email last month, Minister, that said, "The lack of support was causing untold mental damage to us on the ground," and warned that people will start committing suicide if no-one comes to help. Do you agree that supporting animal rescues is an issue that needs to be addressed as a priority so that we're supporting these people that are doing this very important work as well?

Mr RON HOENIG: I didn't know that the matter was that serious. I wasn't aware of that. But now that you've brought it to my attention, I will have that looked at immediately.

The CHAIR: My follow-up question was have you met with the Minister for Mental Health, but, based on your answer, I'm assuming that would be a no.

Mr RON HOENIG: No, I haven't. I'm happy to speak to the Minister for Mental Health about the issue at any time. But I really had no idea. I could understand why people may well be distressed volunteering in that space, but I didn't know that it had that sort of serious impact. I'll seek to address that immediately.

The CHAIR: To give some information around that, a lot of these people are big animal lovers. When they're getting emails and calls to take animals in and they're beyond capacity already, it leads to a lot of distress for people because they know that if they say no to a certain animal, that probably means that animal will be euthanised. That's where that real stress comes into their day-to-day, on top of the fact that many people that work in the rescue space are skipping meals to be able to make sure that they can afford veterinary costs and various other things to be able to care for the animals in front of them. Minister, my last question is around when we might hear about any funding changes, noting that you have put in a bid through the process. Will we hear something before the budget itself is announced or do we have to wait for the budget itself?

Mr RON HOENIG: I think you're going to have to wait for the budget, because that's where the money is voted.

ANSWER:

I am advised:

No question was taken on notice on this page of the transcript.

I have raised the issue of mental health among animal rescue workers with the Minister for Mental Health.

The matter of animal rescue funding will be considered through the budget process.

Page 7

The Hon. AILEEN MacDONALD: Given that, Minister, what steps, if any, are you considering to ensure that ratepayers' funds are spent responsibly, and to your point with regard to CEOs?

Mr RON HOENIG: Ratepayers' funds being spent responsibly are matters for the democratically elected councillors. To intrude in what they consider to be responsible is not appropriate. This is a matter that has troubled me since I've been the Minister, but it does not have an easy response. There's a shortage of good, qualified general managers. The really good ones can dictate a price. You have to be careful you do not throw the baby out with the bathwater, Mrs MacDonald.

The Hon. AILEEN MacDONALD: You say it has troubled you.

Mr RON HOENIG: It has.

The Hon. AILEEN MacDONALD: And then you say it's up to councils. What steps can you, as Minister for Local Government and not Minister for looking into local government, do?

Mr RON HOENIG: I suppose if the Nats and the Libs would have had a solution to this issue, you would have done it years ago.

The Hon. AILEEN MacDONALD: I'm not talking about what we did. I'm talking about what you can do.

Mr RON HOENIG: This is a matter that has been created through legislation in 1993.

The Hon. AILEEN MacDONALD: You're the Minister now. You can fix it. How are you going to fix it?

Mr RON HOENIG: I don't think it can be fixed that easily. But if you have a solution, I'm happy to consider it.

The Hon. AILEEN MacDONALD: I'm not the Minister. You're the Minister. I'm asking the questions.

Mr RON HOENIG: I don't have an easy solution. I know it's a problem. There are plenty of problems I don't have easy solutions to, or otherwise they wouldn't be problems anymore.

The Hon. AILEEN MacDONALD: Would you support greater transparency in how these salaries are determined and whether they should align more closely with New South Wales government senior executive pay scales?

Mr RON HOENIG: I'm happy to have a look at that. You've got to be careful what you wish for in these things. They could go up.

The Hon. AILEEN MacDONALD: They can go up?

Mr RON HOENIG: You know what some of the public sector pay scales are like.

ANSWER:

I am advised:

No question was taken on notice on this page of the transcript.

A review was undertaken of the regulation of general managers' remuneration under the previous government in consultation with the local government sector and other stakeholders. The review found that the remuneration received by general managers in NSW was, on average, comparable with their counterparts in other jurisdictions and in the NSW public sector.

The review disclosed that there was little support for any change to the current arrangements for the regulation of general managers' remuneration.

Page 8-9

The Hon. AILEEN MacDONALD: Wouldn't you, if they're asking for a special rate variation, start to look at these figures?

Mr RON HOENIG: I don't consider special rate variation applications; IPART does. Secondly, you're talking about a really large council that covers the entire northern beaches. I don't know what that expenditure includes compared to their overall budget. Councils have civic responsibilities. They have receptions and other community events. I have no idea what they do. Providing they're acting in accordance with the law, they are accountable to their own communities for their own expenditure. The day the State starts taking control of how councils start spending money that's within their discretion, you may as well not have elected people. The fact that elected people are under pressure—the fact that they're feeding this stuff through to the Liberal Party to put them under pressure—is good. That's what democracy is all about. They should be facing community pressure to justify their expenditure.

The Hon. AILEEN MacDONALD: Can I just stop you there? At the start, I said that it was a Northern Beaches Council councillor expenses and facilities policy. Will you take any action on what is a clear breach by the Northern Beaches Council of its councillor expenses?

Mr RON HOENIG: On the basis of your assertion that they're acting contrary to the law because they're acting outside of their 252 policy, I'll request Mr Whitworth to look at it. But being sent down rabbit holes because of a local political squabble and using the limited OLG resources, I'd be pretty annoyed if that's what it turned out to be. I'm happy for you to run issues on their behalf. I'm happy for you to ask me questions and highlight what you or others locally might consider to be inappropriate expenses. An assertion of impropriety under section 252 of the Local Government Act that requires me to ask the OLG to look at an internal squabble and use limited resources that I can't spare—if you want me to do that, I will do it. I'll ask him to do it.

The Hon. AILEEN MacDONALD: I would like you to—

The Hon. SCOTT FARLOW: Minister, this isn't a case of some sort of petty squabble between councillors. This is a case where you have a council that is seeking an extraordinary, as you've conceded yourself, special rate variation in this area. Wouldn't you have thought, with these issues being raised in the public sphere—this is not the first place that they've been raised—that you would have already instructed the Office of Local Government to have an investigation as to the council's compliance?

Mr RON HOENIG: Unless somebody brings to my or the OLG's attention that there is some suggested unlawfulness in breach of a section 252 policy, it's not for the OLG to drill down into their expenses. They've got an application before IPART. IPART will make the determination. As I said to you, \$24,000 for alcohol doesn't equate to a substantial portion of a 40 per cent rate increase where they're seeking tens of millions of dollars. 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.

The Hon. SCOTT FARLOW: With respect to the council's policy and the use on alcohol, food, entertainment expenses and the like, whether they may be civic receptions or not, you've undertaken now to direct the Office of Local Government to have an investigation.

This is not the first time that these issues have been ventilated. As you've said, this has gained considerable media attention and residents on the northern beaches are significantly concerned about the impact of the rate increase. Wouldn't you have asked the Office of Local Government to look into these matters before today's hearing?

Mr RON HOENIG: I don't send the Office of Local Government to go and look at every issue that's run in the media where people are complaining about the expenditure of a council. They are democratically elected. They're accountable to their community. In places like the northern beaches, they're getting the scrutiny and the criticism, in my view, that they deserve. This is the first time I have been told by a member of the Legislative Council that they seem to be acting unlawfully in terms of one of their items of expenditure. If she maintains that, then my duty is to request the Office of Local Government to look at it, and I've done so on a third-party basis in your presence.

The Hon. SCOTT FARLOW: Thank you, Minister, for undertaking that action and asking the Office of Local Government to inspect this, but it does seem to be a fairly hands-off approach, when you've got a council that's seeking an extraordinary rate variation, to have not taken any action until now.

ANSWER:

I am advised:

According to information on the Northern Beaches Council website, it is not correct that Northern Beaches spent \$24,000 on alcohol for councillors at meetings, briefings, ceremonies and parties involving councillors.

The Council's website indicates that in the 2023/24 financial year, Council spent \$17,777 on catering for councillors attending Council meetings and briefings. This largely comprises the cost of meals (\$17,281). This equates to approximately \$13.21 per meal.

This is permissible under Council's Councillor Expenses and Facilities Policy, which is based on the model councillor expenses and facilities policy issued by the Office of Local Government (OLG). This provides that "appropriate refreshments" are to be provided for staff and councillors working at after-hours events, such as the Council meetings, evening workshops and briefings.

The definition of "appropriate refreshments" in both the model policy and Council's policy expressly excludes alcohol. The information published on Council's website indicates that it spent \$496 on alcohol for councillors in 2023/24.

Following Budget Estimates, OLG has written to the Council requesting information about this potential non-compliance with its policy and is waiting on a response.

Page 9

Dr AMANDA COHN: Minister, coming back to the issues of integrity and transparency, I wanted to raise with you an issue in councillors' disclosures of their property interests. We had a debate in the Legislative Council last year on the Local Government Amendment (Pecuniary Interests) Bill, and I raised this adjacent issue. I appreciate that it hasn't come to the Legislative Assembly for debate yet. The issue that has been raised with me is that some councils are allowing the addresses of all properties owned by councillors to be redacted on the grounds of their privacy. I understand that's really important for people's primary residence. We're afforded the same privacy for our primary residence as members of Parliament. It has been raised with me that that shouldn't extend to investment properties owned by a councillor. I'm interested in your view on whether that's acceptable and if it's something that you might address.

Mr RON HOENIG: No, it's not acceptable. I have got to go further than just forcing them to—they're entitled to privacy for their primary place of residence, as are we. They are entitled to privacy for maybe a secondary residence that they might utilise in certain circumstances, such as security reasons. But they're not entitled to not disclose their property holdings. They have to do that. I'm going to address that. The other thing they cannot do, which I'm going to address—and I know the Government is going to address this for New South Wales MPs and MLCs—is breaking through trusts as well so that assets can't be hidden in trusts. Whether you're a trustee or beneficiary, they have to be disclosed. That has been a vehicle to avoid disclosure. You're on the right track. It's going to go further. It's just not acceptable. You might remember one of the commissioners that's responsible for making sure documents are public. There are some councils that just refuse to disclose those things. There were seven, I think. Now there's only about three, the last I got told. There is going to be some statutory process. There'll be some process or code that won't allow it.

Dr AMANDA COHN: When you say "some process or code", are you referring to the current code of conduct review or a different, future piece of work?

Mr RON HOENIG: That process. My initial view was to have the code of conduct to be similar to ours, and then have a regulatory process in place. After talking to ICAC and having them give me some confidential material, I didn't quite appreciate the extent of the problem. That's one of the reasons why I've had a bit of a rethink.

Dr AMANDA COHN: And in the interim, it would be your advice to those councils that are redacting property interests—

Mr RON HOENIG: I might have the OLG have a look at the current provisions and see if I can make some quick change. I'm just not having it, because those people refusing to do that just throws up a lack of trust for the sector and it impacts on public confidence.

ANSWER:

I am advised:

No question on notice was taken on this page of the transcript.

I agree with Dr Cohn's views on this matter and will consider the regulatory regime relating to the disclosure of properties belonging to Councillors as part of the Code of Conduct reforms.

Page 14

The Hon. NICHOLE OVERALL: I guess it's the longer term effects of all of this as well. You're saying that you're monitoring this very closely. There are going to be monthly reports on council, so I presume that has to be prepared by council staff. More importantly, Minister, what are the ramifications going to be, and what sort of timeline are you looking at, should any of those councillors who have now signed this order be in breach? Are we going to be back here in 12 months time asking the same questions, or are you going to be able to act more quickly?

Mr RON HOENIG: I don't want to publicly prejudge something that hasn't occurred. That would probably be improper and it could be subject to a legitimate complaint.

The Hon. NICHOLE OVERALL: The ultimate ramification would be council going into administration. That would be the worst-case scenario.

Mr RON HOENIG: That would need a public inquiry. You don't interfere lightly with the democratic process.

The Hon. NICHOLE OVERALL: No, I agree with you, Minister. But this is a very, very serious situation, as you know.

Mr RON HOENIG: I understand it's a very serious situation.

The Hon. NICHOLE OVERALL: The community is absolutely beside themselves. If it continues to go on, it's also setting a bad example for other councils across the State, and bringing them into disrepute.

Mr RON HOENIG: It brings local government into disrepute.

The Hon. NICHOLE OVERALL: It absolutely does.

Mr RON HOENIG: It needs all the assistance it can to restore its reputation generally.

The Hon. NICHOLE OVERALL: It does; I agree. I presume you are already, but I ask that you commit to ensuring that this continues to be looked at in the most serious way possible, and that action is taken as required.

Mr RON HOENIG: I can assure you that it is being. I'll make a point of considering whether I should involve myself and give the mayor the benefit of my local government experience, as distinct from my ministerial duties, in an effort to try to aid the process.

ANSWER:

No question was taken on notice on this page of the transcript.

Page 15

The Hon. SCOTT FARLOW: Minister, you said you raised the issue with the Treasurer? Is that correct? Federal Treasurer?

Mr RON HOENIG: I've raised this issue with the Federal Minister, who's raised it with the Federal Treasurer. All the State Ministers have done that.

The Hon. SCOTT FARLOW: Have you raised the issue with the Prime Minister at all?

Mr RON HOENIG: I haven't raised it specifically with the Prime Minister. I can, though, next time I see him.

The Hon. SCOTT FARLOW: Does your electorate overlap his?

Mr RON HOENIG: But I'm sure, of all the matters I discuss with the Prime Minister, that would be—I don't think that would be given the priority, dealing with it through the Prime Minister. It's best to deal with the Federal Government through the six States and two Territory local government Ministers and the Federal Minister through to the Federal Treasurer, with the support of the Australian Local Government Association.

The Hon. SCOTT FARLOW: And so, through that process, have you seen any movement at all from the Federal Government in addressing this issue?

Mr RON HOENIG: Yes. There's been a Federal parliamentary inquiry into it that has resulted from that. It hasn't reported yet, as far as I know. I can check, if you like.

The Hon. SCOTT FARLOW: Thank you. Minister, one of the recommendations on council financial sustainability that's been put forward is for State-owned facilities and assets to pay rates. What are your thoughts on this? And do you think it would assist councils in becoming more financially sustainable?

ANSWER:

I am advised:

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport released its interim report into local government sustainability in February 2025.

The report can be accessed via:

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Regional_Development_Infrastructure_and_Transport/Localgovernmentsustaina/Interim_Report

Page 17-18

Ms SUE HIGGINSON: Finally, in terms of any other unspent or uncommitted or "in breach of initial arrangements", are there others that may come to light? Have we got a view across all of those grants?

Mr RON HOENIG: I'd have to ask Mr Whitworth, because they all happened prior to my time

BRETT WHITWORTH: There are a number of grants allocated under multiple different programs. The stronger communities fund, the new council implementation fund—there are a number of those election commitments. So there are a number of grants to councils where the funding has not been completed. We have created a mechanism to review requests for extension. We also are tracking those councils where they haven't met the time frame set out in the deeds.

Ms SUE HIGGINSON: Are there any others that you're requesting returns of funds at the moment?

BRETT WHITWORTH: At this point, we have requested returns of funds in—Hornsby wasn't the only council. There were other councils. I'm happy to take that on notice.

Ms SUE HIGGINSON: I might come back this afternoon and go a little bit, if I can, in some more detail.

ANSWER:

I am advised:

The Office of Local Government (OLG) is reviewing all grant programs and obligations of recipients to return uncommitted funds based on the Funding Agreement or Grant Acknowledgement Schedule. For the Stronger Community Fund and New Council Implementation Funds, panels have been established to review unspent funds and recommend actions to the Minister.

Two councils have already willingly returned funds to OLG (Edward River and Murray River) and a third council (Federation), was asked to return funds, but has instead proposed gaining approval for the funds to cover projects already completed by the Council.

Page 18

Dr AMANDA COHN: Minister, I'd like to come back to the issue of community safety for the LGBTQI community. It's something we discussed last year, and I understand that the OLG has disseminated advice from ACON to councils about how to hold events safely. Last year you made a commitment to meet with the Ministers for police and multicultural affairs about this. Did you?

Mr RON HOENIG: I'd have to check. If I've given that commitment, I'm sure I would have, but I don't have any specific recollection now. As you would appreciate, there's a fair bit of focus from the Government in that space. When there's not, usually the member for Sydney holds us to account pretty quickly. But I'll check.

ANSWER:

I regularly discuss local government matters with fellow Ministers.

Page 18

Mr RON HOENIG: When you say other ways in which to support them, what do you mean by "other ways"? Are you talking about funding, or are you talking about local government resources?

Dr AMANDA COHN: We discussed at length last year the *ACON Hosting LGBTQ+ Events Safely* guide. There's a number of ways that councils have been specifically recommended to be able to put these events on safely in terms of the ways that venues or ticketing or advertising is organised. It's not necessarily just a reliance on the police. I'm interested in what supports are actually available for councils to implement that advice.

Mr RON HOENIG: I'd have to take that on notice.

ANSWER:

I am advised:

The NSW Government has published the Event Starter Guide to assist in organising public, outdoor events. The Guide includes information about risk assessment and management and safety and security.

Councils are expected to have an Event Policy which applies directly to all events conducted on council owned or council managed land.

Council policy may require security personnel at all events deemed necessary by Police or Council. Those costs may be offset by grants made available for hosting community events.

Page 18-19

The Hon. TANIA MIHAILUK: You probably know what I'm going to ask you; this is about the Councillor Conduct Framework. I'm concerned at how long it's taking. I know you put the consultation paper at the end of November or September last year, and you sought submissions. When do you think this framework will be finally in effect in New South Wales?

Mr RON HOENIG: I've just been talking about that at length prior to the break, to questions asked by other members of the Committee. The code of conduct framework and the code of meeting practice framework have to act together. And there is constant communication in respect of what should be contained in it, and pushback from the sector, as well. As I indicated to the Committee—

The Hon. TANIA MIHAILUK: Does that arise from the submissions? Is that what's happened?

Mr RON HOENIG: Yes, and they're constantly talking to me or complaining through various sources about, for example, the abolition of private briefings or the requirement of transparency—

The Hon. TANIA MIHAILUK: What kind of people talk to you about that? Councillors?

Mr RON HOENIG: Councillors, the president of the Local Government Association, the members of the Country Mayors Association—they're all pushing back about me preventing private briefing sessions and preventing—

The Hon. TANIA MIHAILUK: Why can't we make those submissions public? Can we make those submissions public?

Mr RON HOENIG: They're not in submissions. They're just constantly—

The Hon. TANIA MIHAILUK: No, but you've got 200 submissions.

Mr RON HOENIG: There is no reason why they can't be public.

The Hon. TANIA MIHAILUK: Can you commit to that now, that you can now make them public?

Mr RON HOENIG: Let me have a look to see what they say to make sure that they don't contain confidential information or—

The Hon. TANIA MIHAILUK: You can redact anything that's confidential, but can we get a commitment to make them public?

Mr RON HOENIG: Absent something not containing confidential information or absent something being redacted, I can see no reason why they can't become public.

The Hon. TANIA MIHAILUK: That's right. Because you have the commissioner for ICAC, and I think I put that question to your representative in the LC. Commissioner John Hatzistergos did say that he couldn't understand why their submission wasn't made publicly available. They were more than happy for their submission to be made publicly available. In fact, it's their policy that they would prefer any submission they make be made publicly available.

Mr RON HOENIG: I don't think there's been an active action by anybody not to make them public. I don't see why they should be—actually, it may well be to the Government's advantage that they are.

The Hon. TANIA MIHAILUK: I think they should be. It's up to you. All you've got to do is a tick of the pen, and let's go with it.

BRETT WHITWORTH: We are preparing for those submissions to be made public right now. That's a process that's underway.

ANSWER:

I am advised:

No question was taken on notice on this page of the transcript.

Submissions received in response to the consultation of the councillor conduct framework and meetings reforms will be published on OLG's website soon.

Page 23

The Hon. AILEEN MacDONALD: I agree. Do you acknowledge that giving an award to one apprentice does not address the issues preventing more women from entering trades? What financial assistance is available to all local government apprentices, regardless of gender, to help with tool costs, PPE and training materials?

Mr RON HOENIG: I don't understand the basis of your question. I sent her \$500 of my money, not government money.

The Hon. AILEEN MacDONALD: I know.

The Hon. SCOTT FARLOW: Minister, is this the same woman that appears in your 6 September 2024 video with the song that says, "I like the way your body is. Is it too obvious"?

Mr RON HOENIG: I don't know. I'd have to have a look.

The Hon. SCOTT FARLOW: That was captioned as the 2024 Minister's Awards for Women in Local Government.

ANSWER:

I am advised:

My social media accounts are publicly available.

Page 31

The CHAIR: Minister, you previously met with the organisation Warm Paws, and I thank you for your support of Warm Paws and their vital work. As you know, they've been raising money to get essential vaccinations into rural and regional pounds. There's been huge parvo outbreaks in different rural and regional pounds. A lot of these councils haven't found the funding to be able to actually vaccinate the animals inside these pounds for things like parvovirus. This is really critical work that they do. I thank you for your support of their work. I'm just wondering if you can update me on any work that you may have done in this space since meeting with Warm Paws outside of the review that's obviously currently underway.

Mr RON HOENIG: Other than the parvovirus that has caused us some problems—Mr Whitworth?

BRETT WHITWORTH: I'd like to take on notice any action that we've done, but I think we were presented with a number of propositions. Obviously we talked earlier about funding opportunities and how that would need to be part of a broader Government decision. I probably can't say much more than that.

The CHAIR: So it's more, again, something that might end up in the budget process, which we're waiting to hear back about?

BRETT WHITWORTH: As it's a matter for Government and a Government decision to take, I probably don't want to talk about individual organisations. The work around rehoming organisations and volunteers in that companion animal space is important work. We have put a proposition to Government that that should be fund

ANSWER:

I am advised:

I met with Warm Paws in October 2024 regarding their charity work to support NSW rural and outback pounds and highlight the challenges these pounds are facing. The Government has not put in place specific action in response to the work of Warm Paws, however in February 2025, I announced a comprehensive review of companion animals laws which, amongst other things, will be informed by the NSW Parliamentary Inquiry into Pounds in NSW and the funding available to pounds.

Animal vaccinations are a matter for the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales.

Page 31

The Hon. NICHOLE OVERALL: Minister, how many councils have applied to IPART for special rate variations for 2025-26?

Mr RON HOENIG: It's six or seven.

BRETT WHITWORTH: Six.

The Hon. NICHOLE OVERALL: How many applied for special rate variations in 2024-25?

Mr RON HOENIG: There were seven. One year is seven and one year is six. I'll get Mr Whitworth to look it up.

BRETT WHITWORTH: We can also take that on notice, if you'd like.

The Hon. NICHOLE OVERALL: Yes, I would like.

BRETT WHITWORTH: I do have the current years but not previous years in my notes.

ANSWER:

I am advised:

Six Councils have applied for SRVs for 2025-26 and nine applied in 2024-25. In 2024-25, the Tribunal approved five applications, approved a lower increase for three and declined one.

Page 34-45

The Hon. NICHOLE OVERALL: Moving on from that. In talking about generating respect for local councils and local government—and I thoroughly agree with you and was absolutely not being disrespectful in any way, because I'm not in disagreement—has there ever been given consideration to, or is it something that you would consider, that those who run for local government currently aren't required to be subjected to police checks, working with children and vulnerable people checks? Is this something that should be considered for potential applicants?

Mr RON HOENIG: I'm happy to do that. What I can tell you, Ms Overall, is that every time you embark upon an exercise to put something in train that impedes upon the election of somebody to a council, are you faced with the High Court's decision of *Unions NSW v New South Wales*. Even things like trying to stop real estate agents and developers from getting elected to council, in any way you do it or in any way you try and do it subsequent to elections, advice from Parliamentary Counsel and the Cabinet Office is that it's not constitutional. So I'm prepared to look at it, but all these issues—

The Hon. NICHOLE OVERALL: I understand the difficulties. But, given other organisations, including Parliament, working with children—local councillors do work with children—

Mr RON HOENIG: I'm happy to look at it.

The Hon. NICHOLE OVERALL: That would be great.

Mr RON HOENIG: I am just warning you that all these issues become quite fraught.

ANSWER:

I am advised:

No question was taken on notice on this page of the transcript; however, the Government will consider the Hon. Nichole Overall's suggestion.

Councils are democratic institutions and as such, anyone who is eligible and not disqualified from holding civic office under section 275 of the *Local Government Act 1993* is entitled to nominate as a candidate for election to their local council.

Page 37

The Hon. SCOTT FARLOW: Minister, have you seen the paper from the NSW Revenue Professionals, the discussion paper on community housing and council land rate exemptions, which was published on 17 February this year?

Mr RON HOENIG: No.

The Hon. SCOTT FARLOW: That report—and I invite you to have a look at it; I'm happy to provide a copy of it—lists in some council areas that there are up to 9 per cent of properties, managed by community housing providers, that are rate exempt. Is that something of concern to you for many of those councils?

Mr RON HOENIG: I just have to take that on notice. Community housing providers seem to have become the solution for managing public housing now for—

The Hon. SCOTT FARLOW: And that's some of councils' concerns, in terms of the difference between that and Homes NSW or what was LAHC.

Mr RON HOENIG: I remember a former housing Minister telling me that nobody has ever done the comparison. But it becomes an easy solution. It was under the former Government, anyway. But it's something that I need to consider. Thanks for raising it with me, actually.

ANSWER:

I am advised:

The issue of rating exemptions is 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*.

Page 38

The Hon. MARK LATHAM: I'm asking what happened between 12 September 2018 and Mr Whitworth becoming head of the Office of Local Government. What was done about this problem?

BRETT WHITWORTH: What I've said to you is that the Office of Local Government received material from a third-party integrity agency. I believe that material was provided late in 2022, and the Office of Local Government did take time to consider that. It was longer than what I was happy with, but in March 2024 I referred the matter to NCAT to ask NCAT to undertake a disciplinary review based on the material that we had provided.

The Hon. MARK LATHAM: So between 12 September 2018 and the material sent by a third-party integrity agency, who we assume to be ICAC, in late 2022, what complaints about this incident/event did the Office of Local Government receive, and what did it do about them?

BRETT WHITWORTH: I think I've answered that, Mr Latham. Is there something else that—we had received material from the third-party integrity agency.

The Hon. MARK LATHAM: In late 2022. I'm asking between September 2018 and late 2022 what complaints you received about the matter and what you did about them at the office.

BRETT WHITWORTH: So you're asking whether there were any further complaints?

The Hon. MARK LATHAM: Yes.

BRETT WHITWORTH: I'll take that on notice.

The Hon. MARK LATHAM: It's a four-year gap, you see? One of the curiosities about this and why we're asking questions is that it looks like there are four years where nothing happened. No-one thought this is significant enough to do anything. It seems to be an integrity matter, if that's what it is, and quite a long gap. Mr Whitworth, when did you first find about the less-than-significant pecuniary interest declaration by this councillor on 12 May 2021 and a view that it was inadequate—that there hadn't been a full disclosure?

BRETT WHITWORTH: As I said to you, Mr Latham, the Office of Local Government received material from the third-party integrity agency. At some point prior to my referral of the matter to NCAT, I was provided with the investigation report that was undertaken and material that supported that. I don't have a date to hand when I first received it. If it's important to you, in terms of a time frame, I can—

The Hon. MARK LATHAM: Is that late 2022 as well?

BRETT WHITWORTH: No.

The Hon. MARK LATHAM: That's earlier?

BRETT WHITWORTH: In terms of the date for the investigation report that I received and the material that I relied on in order to refer the matter to NCAT. Up until that point, I had been given broad information, but I had not been given the specifics so I was unable to make a decision free of any concern that I had somehow biased myself before I referred the matter to NCAT.

The Hon. MARK LATHAM: Why would you bias yourself?

BRETT WHITWORTH: This was a view that if I knew too much about the material before I had had the chance to read the investigation report and see the material, I would have formed a view inappropriately. This was a legal concern. It's quite often an issue that is given to me about the risk of apprehended bias in the way in which we undertake our investigation process. That's a matter that I take seriously, but I have also been raising the question as to the extent to which we are too risk averse in that area.

The Hon. MARK LATHAM: If I can get you to take that on notice, the actual date. Also, the third serious matter that the Minister wasn't able to comment on—can I get a date on when you first became aware of that and the Office of Local Government first received it?

BRETT WHITWORTH: That would be as part of the same suite of material that we received from the third-party integrity agency.

ANSWER:

I am advised:

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

Page 39-40

Dr AMANDA COHN: I have a question about the closure of community justice centres, which I understand is due to happen by 30 June. My colleague Sue Higginson asked questions of the Attorney General this morning about what the alternatives are for people who were previously served by community justice centres. One of the answers for that was councils. What involvement, if any, did you have in that decision? Were you consulted? Were councils consulted?

BRETT WHITWORTH: I was provided with an email. I can't remember the precise details. Happy to take that on notice in terms of the date of the email, but was provided with an email to the effect that the Government has made a decision to close community justice centres, and that the Attorney General—effectively, that part of Communities and Justice department would be willing to make sure that we were kept apprised of the process by which the transition of community justice centres and their closure would occur.

ANSWER:

This question was answered at the hearing on Friday 28 February 2025 (see page 54 of the Transcript).

Page 41

ERICA van den HONERT: In December last year, I think when we talked about it, it hadn't yet gone live. In the middle of January this year we went live with the Link My Pet function. That is for all home owners and breeders to be able to now electronically link their pets with their Service NSW account. The next steps in that process will be to bring in other organisations: vets, councils and the rehoming organisations. We haven't got there yet. We are still finalising, doing the hypercare process for the owners and breeders, and exactly scoping out what those next stages should look like.

The CHAIR: Can I just clarify that the new mobile-friendly Pet Registry isn't an actual app, is it? It's just that the website is now optimised.

ERICA van den HONERT: I might take that on notice.

BRETT WHITWORTH: It's not accessible through the Service NSW app, but it is accessible through your Service NSW account.

The CHAIR: If you could find out a little bit more—I think you took that on notice as well. Is there going to be a separate phone app, or will it only will be through the current Service NSW app?

BRETT WHITWORTH: That would be a great ambition. It could be a costly ambition as well, but the choice of the platform for the Pet Registry, being the AMANDA platform, which is the platform the New South Wales Government uses for licences and so on, does mean that we can, at some point in the future, link to that Service NSW app. But that's an ambition; it's not a promise of a delivery.

ANSWER:

I am advised:

It is correct that the new mobile-friendly Pet Registry is not an actual app.

The pet registry is designed as a mobile first web application, meaning that it is optimised for ease-of-use on mobile devices. Users simply use their Service NSW login credentials to access the new pet registry from whichever device they chose.

Page 41

The CHAIR: How do you do that instant online transfer of ownership? How does that process actually work when someone is on the app?

BRETT WHITWORTH: When they're on the website.

The CHAIR: Or on the website, yes.

BRETT WHITWORTH: We would be happy to provide you with a flowchart to describe how that occurs, and we'll do that on notice.

The CHAIR: That would be helpful. Thank you.

ANSWER:

I am advised:

The process flow is provided on the OLG Website at:

<https://www.petregistry.olg.nsw.gov.au/owners/get-started-nsw-pet-registry>

Transfer of ownership is specifically described at:

<https://www.petregistry.olg.nsw.gov.au/breeders/transfer-ownership>

Page 41-42

The Hon. AILEEN MacDONALD: I wanted to follow up on Mr Latham's question. I understand that you're aware of reports concerning Bayside Council and you've made a referral. Prior to that, did you conduct a separate investigation into the matter?

BRETT WHITWORTH: As I said, we received information from the third-party integrity agency. What was referred to NCAT was a report under the Local Government Act. You could characterise that as being—that's an investigation report, but it relied on the material that we were provided by that third-party agency and we sought their leave in order to use that information and tender it to NCAT. This is why I'm being so careful.

The Hon. AILEEN MacDONALD: Will you provide the Committee documents relating to this issue? I understand that whilst it's ongoing, you won't be able to do that, but I put it to you that—

KIERSTEN FISHBURN: We would have to seek General Counsel advice to answer that question.

ANSWER:

I am advised:

The decision made by the NSW Civil and Administrative Tribunal in relation to Deputy Secretary, Local Government v Saravinovski is available at:

<https://www.caselaw.nsw.gov.au/decision/194aa6b92423acd3fc62170d>

The decision by Deputy President Siden identifies the background and the agreed statement of facts.

The Departmental Report and supporting material (provided by the third-party agency) presented to the NSW Civil and Administrative Tribunal is the subject of non-disclosure and non-publication orders made by the NSW Civil and Administrative Tribunal on 24 October 2024 and 13 February 2025.

Page 42

The Hon. AILEEN MacDONALD: I asked the Minister earlier about his gifting of a gift voucher to a young apprentice. I wanted to see whether you could provide advice to the Committee on the legality of this. Does the Minister need to make any disclosures on that gift?

KIERSTEN FISHBURN: I think those would be questions for the Cabinet Office, who manages those matters for government. I will take that on notice, though, and seek some advice from my own legal team as to who would be responsible for providing that advice.

The Hon. AILEEN MacDONALD: So that's on notice?

KIERSTEN FISHBURN: Yes.

ANSWER:

I am advised:

This is a question for The Cabinet Office.

Page 43

The Hon. SCOTT FARLOW: On that point, have you gone to NCAT on any other occasions?

BRETT WHITWORTH: Not for a sitting councillor. At the time, Councillor Saravinovski was a sitting councillor. Not me personally. We will—and I'm being very careful here—ensure that, if there has been a matter where we have gone straight to NCAT for a sitting councillor, we will take that on notice. We have gone to NCAT on a number of occasions where the councillor is no longer a councillor

The Hon. SCOTT FARLOW: Is that because they're out of your remit at that point?

BRETT WHITWORTH: Yes.

KIERSTEN FISHBURN: There's no penalty regime that could be exercised.

BRETT WHITWORTH: We are obliged to go to NCAT in those cases. While I have been deputy secretary, there have been at least three of those circumstances where we have been at NCAT for a former councillor.

The Hon. SCOTT FARLOW: To change pace a little bit, in terms of the financial sustainability of councils—

ANSWER:

I am advised:

The Departmental Chief Executive of the Office of Local Government has on a number of occasions presented Departmental Reports to the NSW Civil and Administrative Tribunal pursuant to section 440J of the *Local Government Act 1993* (the Act) in relation to a sitting Councillor. A list of all matters referred by the Departmental Chief Executive to since 2014 is available here - <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-misconduct/ncat-decisions/>

Those referred to the NSW Civil and Administrative Tribunal and relating to a councillor who at the time of referral was a current councillor include the matters of Bagnall [2014], Petty [2015], Bagnall [2018], Shelley [2018], Cornish [2018], Garrard [2021], Byrne [2021], Doueihy [2021], Saravinovski [2025].

The Hon. SCOTT FARLOW: Is there an expectation as to when that will be finalised?

BRETT WHITWORTH: There is not a definitive time frame. One of the things that I have been trying to do with the restructure in the Office of Local Government is to free up our policy capacity. There are people that are doing multiple jobs, effectively, at the same time, and some of those people have been helping to manage governance and compliance issues while also preparing governance and governance policy. By freeing that resource up, I'm hopeful that I can accelerate a number of key policy updates. The procurement policy for councils is one that I feel is quite critical, because there have been a number of ICAC recommendations. We talked about a recommendation this morning about council procurement policies. The council expenses policy will also be updated. I hope that we can try to incorporate that with the Councillor Conduct Framework update, but that's an ambition rather than a promise.

The Hon. SCOTT FARLOW: To that point, in terms of ICAC recommendations, how many of those that the ICAC have made are still outstanding?

BRETT WHITWORTH: Can I take that on notice? I do have a table, but it would be quite a boring reading. I'm more than happy to take that on notice.

ANSWER:

I am advised:

Status of ICAC corruption prevention recommendations OLG is responsible for:

Operation Dasha (Canterbury)

ICAC Recommendation Operation Dasha	Current status of response	Timeframe
Recommendation 1 That the DPIE amends the Guidelines for the Appointment and Oversight of General Managers to recommend that the performance agreements of general managers include performance indicators related to ethical culture. Specific measures that could be promoted include the conduct and measurement of outcomes from staff surveys and the promotion of whistleblowing procedures.	The <i>Guidelines for the Appointment and Oversight of General Managers</i> have been updated to include guidance that councils should include performance indicators in their general managers' performance agreements relating to the promotion of an ethical culture (e.g. through staff surveys and activities to promote the <i>Public Interest Disclosures Act 2022</i> and information on how to report wrongdoing).	Completed August 2022
Recommendation 2 That the DPIE conducts a review into the no "reason" termination provision in the Standard Contract, which should canvass options such as requiring a two-thirds majority vote of a council, an absolute	The "no fault" termination provisions in the standard contract of employment for general managers of councils have been reviewed in consultation with the parties to the Local Government (State) Award. The contract has been amended to	Completed August 2022

ICAC Recommendation Operation Dasha	Current status of response	Timeframe
majority vote or the availability of mediation.	strengthen access to mediation and to require reasons to be given for "no fault" terminations where they are requested.	
<p>Recommendation 4 That the DPIE clarifies what constitutes "consultation" with council by the general manager for the purpose of appointment and dismissal of senior staff as required by s337 of the LGA. The clarification should:</p> <ul style="list-style-type: none"> • detail acceptable consultation processes and procedures • in the absence of compelling reasons to the contrary, recommend restricting or, preferably, prohibiting councillor-dominated interview panels. 	<p>A circular to councils (Circular 21-22) was issued providing detailed guidance on what constitutes "consultation" with councils by the general manager on the appointment and dismissal of senior staff as required by s337 of the <i>Local Government Act 1993</i>.</p> <p>Among other things, the guidance stated that the only circumstances where it would be appropriate for councillors to participate in recruitment panels for staff is where the role involves the provision of administrative or other support directly to councillors. When recruiting for such roles, councillors should only comprise a minority of panel members.</p> <p>This guidance was incorporated into <i>Guidelines for the Appointment and Oversight of Senior Council Executive</i> (see Recommendation 5).</p> <p>Section 337 has since been repealed as part of a package of measures to remove the option for councils to determine "senior staff positions" in their organisation structure and to employ the holders of those positions under statutory contracts.</p>	Completed August 2021
<p>Recommendation 5 That the DPIE introduces guidelines under s23A of the LGA concerning the appointment of senior staff. The guidelines should address the following:</p> <ul style="list-style-type: none"> • that a senior human resources manager, or external recruitment consultant, be involved in recruitment processes, and have a role in verifying that council processes 	<p><i>Guidelines for the Appointment and Oversight of Senior Council Executive</i> have been developed in consultation with the parties to the Local Government (State) Award.</p> <p>The guidelines were issued in October 2022.</p>	Completed October 2022

ICAC Recommendation Operation Dasha	Current status of response	Timeframe
<p>and procedures were followed in the appointment of senior staff</p> <ul style="list-style-type: none"> the inclusion of subject matter experts on interview panels for the appointment of senior staff, especially for high-risk positions that require specialised technical knowledge the provision of independent assurance through the involvement of internal audit in conducting periodic reviews into senior staff recruitment processes the appropriate avenues for reporting concerns about process or complaints about suspected corrupt conduct. 		
<p>Recommendation 6 That the DPIE amends the Model Code of Meeting Practice for Local Councils in NSW to require that council business and briefing papers include a reminder to councillors of their oath or affirmation, and their conflict of interest disclosure obligations.</p>	<p>The <i>Model Code of Meeting Practice for Local Councils in NSW</i> has been amended to require that council business and briefing papers include a reminder to councillors of their oath or affirmation, and their conflict of interest disclosure obligations (see clause 3.23).</p>	<p>Completed November 2021</p>
<p>Recommendation 8 That the DPIE, following a reasonable period of consultation, issues guidelines under s23A of the LGA to introduce measures to enhance transparency around the lobbying of councillors. The guidelines should require that:</p> <ul style="list-style-type: none"> councils provide meeting facilities to councillors (where practical) so that they may meet in a formal setting with parties who have an interest in a development matter councils make available a member of council staff to be present at such a meeting and to prepare an official file note of that meeting to be kept on the council's files (any additional notes made by the member of council staff and/or 	<p>Guidelines under s23A of the <i>Local Government Act 1993</i> will be issued following consultation with the local government sector to enhance transparency around the lobbying of councillors and a non-mandatory model policy on lobbying of councillors for adoption by councils to support the implementation of the guidelines.</p> <p>A draft of the proposed guidelines and a model lobbying policy has been prepared and will be issued for consultation in 2025 as part of the broader reforms to the Code of Conduct and meeting practices framework. It is anticipated that the guidelines and model policy will be finalised by the end of 2025.</p>	<p>End 2025</p>

ICAC Recommendation Operation Dasha	Current status of response	Timeframe
<p>the councillor should also be kept as part of the council's records)</p> <ul style="list-style-type: none"> • all councillors be invited when a council conducts formal onsite meetings for controversial rezonings and developments • council officers disclose in writing to the general manager any attempts by councillors to influence them over the contents or recommendations contained in any report to council and/or relating to planning and development in the local government area. 		

Operation Witney (Canada Bay-Sidoti)

ICAC Recommendation – Operation Witney	Current status of response	Timeframe
<p>Recommendation 9: That the NSW Department of Planning and Environment ensures any guidelines issued pursuant to s 23A of the Local Government Act 1993 regarding the lobbying of councillors include advice about:</p> <ul style="list-style-type: none"> • the nature and frequency of meetings between councillors and interested parties, including the need to ensure transparency around these interactions • how and where to report concerns about lobbying practices • the receipt of submissions outside of formal processes, including the transmission of material to specific councillors in a way that excludes other councillors and staff • councillors' attendance at staff meetings with parties interested in an outcome 	<p>Guidelines under s23A of the <i>Local Government Act 1993</i> will be issued following consultation with the local government sector to enhance transparency around the lobbying of councillors and a non-mandatory model policy on lobbying of councillors for adoption by councils to support the implementation of the guidelines.</p> <p>A draft of the proposed guidelines and a model lobbying policy has been prepared and will be issued for consultation in 2025 as part of the broader reforms to the Code of Conduct and meeting practices framework. It is anticipated that the guidelines and model policy will be finalised by the end of 2025.</p>	<p>2025</p>

ICAC Recommendation – Operation Witney	Current status of response	Timeframe
<ul style="list-style-type: none"> councillor representations to staff arising from lobbying interactions the lobbying of councillors by interested parties with whom they have a pre-existing relationship. 		
<p>Recommendation 10: That the NSW Department of Planning and Environment updates the Model Code of Conduct for Local Councils in NSW to refer to any councillor lobbying guidelines and to reflect the substantive advice contained in the guidelines</p>	<p>It is proposed to prescribe a requirement in the Local Government (General) Regulation 2021 for councils to adopt a lobbying policy. It is proposed to issue a model policy on lobbying for councils that reflects the proposed guidelines. If adopted by councils, compliance with the model policy will be enforceable under the existing provisions of councils’ codes of conduct.</p>	<p>2025</p>
<p>Recommendation 13: That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to generally prohibit councillors’ involvement in matters where they have a pecuniary or significant non-pecuniary conflict of interest, beyond exercising the general rights afforded to a member of the public. An exception should be made in circumstances where a councillor reallocates or delegates their duties, refers interested parties to the appropriate way of making a representation or makes a complaint due to becoming aware of improper conduct.</p>	<p>In September 2024, the Government issued the <i>Councillor conduct and meeting practices discussion paper</i> outlining proposed reforms to the Councillor Conduct Framework in NSW. The reforms will include revision of the Model Code of Conduct and a review of the pecuniary or significant non-pecuniary conflict of interest tests.</p>	<p>2025</p>
<p>Recommendation 14: That the Department of Planning and Environment amends the Model Code of Conduct for Local Councils in NSW to include provisions about the appropriate role of council workshops. In particular, it should be made clear that workshops cannot</p>	<p>Reforms are proposed to prevent councils from considering and discussing information outside of the context of council or committee meetings. These form part of the review of the broader Councillor Conduct Framework reforms.</p>	<p>2025</p>

ICAC Recommendation – Operation Witney	Current status of response	Timeframe
be used to transact council business.		

Operation Galley (Hurstville-Georges River)

ICAC Recommendation – Operation Galley	Current status of response	Timeframe
<p>Recommendation 1 That the DPE issues guidelines under s 23A of the Local Government Act 1993 addressing:</p> <ul style="list-style-type: none"> • approval and reporting requirements for overseas travel by councillors in an official capacity • governance and probity guidance about councillors travelling overseas in an official council capacity, including related funding arrangements. 	<p>ICAC has developed guidelines on overseas travel by councillors. These are now available on the OLG and ICAC websites. This guideline has been issued under section 23A of the Local Government Act.</p>	<p>Completed June 2024</p>
<p>Recommendation 2 That the Department amends the Model Code of Conduct to prohibit council officials, including councillors, from accepting gifts and benefits (including hospitality and contributions to travel) from property developers. An exemption should be considered for situations where the receipt of hospitality is in connection with a councillor’s attendance at industry briefing, educational, professional development and training events – such as workshops, conferences, seminars, symposiums – that are provided, organised or sponsored by a property developer.</p>	<p>The <i>Model Code of Conduct for Local Councils in NSW</i> (Model Code of Conduct) already prohibits the acceptance of all gifts, hospitality, and contributions to travel with a value of more than \$100.</p> <p>In September 2024, the Government issued the <i>Councillor conduct and meeting practices discussion paper</i> outlining proposed reforms to the Councillor Conduct Framework in NSW. Implementation of recommendation 2 will be considered as part of the current review.</p>	<p>2025</p>

ICAC Recommendation – Operation Galley	Current status of response	Timeframe
<p>Recommendation 3 That the Department provides guidelines for councils stating that, when they propose to form an informal committee consisting of councillors, they should establish:</p> <ul style="list-style-type: none"> • clear terms of reference and objectives for the group, including its role • governance arrangements, accountability and transparency measures (including proper record-keeping requirements and ensuring the group cannot direct staff) • an obligation to report in a timely manner on the deliberations of the group to other councillors • that the group does not have a decision-making function normally carried out through other council processes or activities. 	<p>In December 2025 the Government released <i>A new model code of meeting practice consultation draft</i>. The reforms include a proposal to prevent councils from considering and discussing information outside of the context of council or committee meetings.</p>	<p>Mid 2025</p>
<p>Recommendation 4 That the DPE also provides guidelines for councils in relation to when it is appropriate or inappropriate to establish informal working groups. For example, whether they should be convened to deal with statutory and administrative decisions including planning and other regulatory and procurement matters.</p>	<p>In December 2025 the Government released <i>A new model code of meeting practice consultation draft</i>. The reforms include a proposal to make clear how councillors receive information outside of the context of council or committee meetings.</p>	<p>Mid 2025</p>

ICAC Recommendation – Operation Galley	Current status of response	Timeframe
<p>Recommendation 5 That the DPE amends the Model Code of Meeting Practice for Local Councils in NSW to require a council’s governing body to provide reasons for approving or rejecting development applications, planning proposals and planning agreements where decisions depart from the recommendations of staff. These reasons should refer to the relevant merits criteria and explain why the decision is more meritorious than the recommended outcome.</p>	<p>The Office of Local Government has released a consultation draft proposing to amend the <i>Model Code of Meeting Practice for Local Councils in NSW</i> (Model Meeting Code) to require councils and committees of councils to provide reasons for “planning decisions” (as defined under the Model Meeting Code), where they depart from the recommendations of staff.</p> <p>The Model Meeting Code defines a “planning decision” as a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act. That definition will be amended to include Voluntary Planning Agreements (see response to Recommendation 10).</p>	<p>Mid 2025</p>

ICAC Recommendation – Operation Galley	Current status of response	Timeframe
<p>Recommendation 10 That the DPE seeks amendment of section 375A of the Local Government Act 1993 to include planning agreements in the definition of planning decisions that require a register of votes to be kept.</p>	<p>The definition of “planning decision” in section 375A of the <i>Local Government Act 1993</i> already includes Voluntary Planning Agreements by implication. The definition of “planning decision” contained in section 375A includes the exercise of any function of a council under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and only expressly excludes the making of an order under Division 2A of Part 6 of that Act.</p> <p>However, an amendment will be sought to the list of items referred to in paragraph (a) of subsection (1) of section 375A to include Voluntary Planning Agreements for clarity next time the Government seeks to amend the <i>Local Government Act 1993</i>.</p> <p>An amendment will also be made to the definition of “planning decision” in the <i>Model Code of Meeting Practice for Local Councils in NSW</i> to include Voluntary Planning Agreements. This may also be achieved through consequential amendments as part of a bill to amend the EP&A Act.</p> <p>The amendments will be made as part of the broader reforms to the Councillor Conduct Framework</p>	<p>2025</p>

Operation Tolosa (Canada Bay)

ICAC Recommendation – Operation Tolosa	Current status of response	Timeframe
<p>Recommendation 1 That the Department of Planning, Housing and Infrastructure:</p> <ul style="list-style-type: none"> amends the Model Code of Conduct for Local Councils in NSW to expand the stand-alone categories of interests that require disclosure in written returns to include the financial dealings conducted via trusts and partnerships produces a fact sheet and updates guidance materials for councillors to provide details about their disclosure obligations to include financial dealings conducted via trusts and partnerships. 	<p>Subject to the outcomes of the review of the councillor conduct framework, the <i>Model Code of Conduct for Local Councils in NSW</i> will be amended to expand the stand-alone categories of interests that require disclosure in written returns to include financial dealings conducted via trusts and partnerships.</p> <p>The Office of Local Government's <i>Guide to Completing Returns of Interests</i> will also be updated to provide guidance on the disclosure of interests arising from financial dealings conducted via trusts and partnerships.</p>	<p>Mid 2025</p>
<p>Recommendation 2 That the Department of Planning, Housing and Infrastructure:</p> <ul style="list-style-type: none"> amends the Model Code of Conduct for Local Councils in NSW to specifically require councillors to disclose political donations received under electoral laws of the Commonwealth, or another state or territory, as non-pecuniary conflicts of interest issues a circular to assist councillors in the disclosure of political donations, including those received in other jurisdictions, as non-pecuniary conflicts of interest. 	<p>Subject to the outcomes of the review of the councillor conduct framework, the <i>Model Code of Conduct for Local Councils in NSW</i> will be amended to specifically require councillors to disclose political donations received under electoral laws of the Commonwealth, or another state or territory, as non-pecuniary conflicts of interest.</p> <p>The amendments will be made as part of the broader reforms to the Councillor Conduct Framework</p> <p>The Office of Local Government will also issue a circular to councils to inform them of the amendments to the Model Code of Conduct.</p>	<p>Mid 2025</p>

ICAC Recommendation – Operation Tolosa	Current status of response	Timeframe
<p>Recommendation 3 That the Department of Planning, Housing and Infrastructure:</p> <ul style="list-style-type: none"> takes steps to require councils to proactively release relevant business papers, correspondence and reports where confidentiality under Part 1 of the Chapter 4 of the Local Government Act 1993 no longer exists, either via initiating an amendment to legislation or a regulation, and/or amending the Model Code of Meeting Practice for Local Councils in NSW and The Closure of Council meetings to the Public guidelines <p>advises councils of an appropriate framework for considering the release of information previously considered confidential.</p>	<p>The <i>Model Code of Meeting Practice for Local Councils in NSW</i> will be amended to require councils to release relevant business papers, correspondence, and reports where confidentiality under Part 1 of the Chapter 4 of the <i>Local Government Act 1993</i> no longer exists.</p> <p>The Office of Local Government is currently consulting on proposed amendments to the <i>Model Code of Meeting Practice for Local Councils in NSW</i>. This recommendation is included in the proposed amendment.</p> <p>The Office of Local Government’s <i>Closure of Council Meetings to the Public Guidelines</i> will also be updated to provide guidance on the circumstances where it is appropriate to release information previously considered confidential.</p>	December 2025
<p>Recommendation 4 That the Department of Planning, Housing and Infrastructure limits the ability of a council to make decisions to advance planning matters at meetings in the absence of an assessment report considering relevant matters and an associated recommendation.</p>	<p>The <i>Model Code of Meeting Practice for Local Councils in NSW</i> will be amended to limit the ability of councils to make decisions to advance planning matters at meetings in the absence of an assessment report considering relevant matters and an associated recommendation.</p> <p>The Office of Local Government is currently consulting on proposed amendments to the <i>Model Code of Meeting Practice for Local Councils in NSW</i>. This recommendation is included in the proposed amendment.</p>	December 2025

Page 44-45

The Hon. SCOTT FARLOW: I'm happy to receive that on notice. Would you be able to provide on notice a list of all the councils that have had approved special rate variations for the past five financial years, as well as those that you undertook to take on notice this morning that have applied in this round and for the next financial year.

BRETT WHITWORTH: Certainly. That information is available on the IPART website, but we can undertake some research for the Committee and provide that information.

ANSWER:

I am advised:

2025-26 – still to be determined:

Northern Beaches, North Sydney, Shoalhaven, Federation, Gunnedah Shire; Upper Hunter Shire.

2024-25 – approved:

Blayney, Goulburn Mulwaree, Griffith, Kempsey, Narrandera, Randwick, Tamworth Regional, Willoughby.

2023-24 – approved:

Armidale, Bega Valley, Bellingen, Canada Bay, Federation, Hornsby, Junee, Lithgow, Liverpool Plains, Port Stephens, Queanbeyan Palerang, Snowy Monaro, Strathfield, Tenterfield, Tweed, Walcha, Woollahra.

2022-23 – approved:

Central Coast, Hunters Hill, Kyogle, Snowy Valleys.

Separately, 86 councils received increases of between 1.6% and 2.5% through a special "Additional Variation" process following IPART's rate peg announcement of 0.7%.

2021-22 – approved:

Armidale Regional, Canterbury Bankstown, Central Coast, Cootamundra-Gundagai, Federation, Georges River, Liverpool Plains, Tweed.

2020-21 – approved:

Nil.

2019-20 – approved:

Burwood, Dungog, Hunters Hill, Kiama, Ku-ring-gai, Lithgow, Muswellbrook, North Sydney, Randwick, Richmond Valley, Sutherland.

Page 45

The Hon. MARK LATHAM: Mr Whitworth, when the third-party integrity agency sent you this material about the Bayside councillor, did they say why they were sending it? It was the first time in their 34-year history that they'd referred this to the Office of Local Government.

BRETT WHITWORTH: I wasn't around at the time, and I'm not in the habit of having those sorts of conversations with any third-party integrity agency along those lines. I believe their view was that this is a matter that the Office of Local Government might be better suited to addressing because of the view that it was a misconduct matter under the code of conduct and, therefore, it would be better addressed through the Office of Local Government, rather than being a matter under their legislation.

The Hon. MARK LATHAM: Could you take that on notice, check the file and come back with any detail?

KIERSTEN FISHBURN: Again, I'm going to have to advise that I have to seek general counsel advice about what we can and can't release.

ANSWER:

I am advised:

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.

Page 45-46

The Hon. MARK LATHAM: Prior to late 2022, what other complaints of misconduct had been received about Councillor Saravinovski and been investigated?

BRETT WHITWORTH: I believe that was the question you asked me before, but I'll take it on notice.

The Hon. MARK LATHAM: After mid-2023, how often did you keep the Minister up to date with this particular matter as it unfolded?

BRETT WHITWORTH: As I said, it was part of the broad process of me apprising the Minister of the issues that I'm dealing with within his portfolio. I wouldn't say that there was a regularity about it.

The Hon. MARK LATHAM: Every couple of months? Can you take on notice the briefings? I assume you've got notes to file about briefings with the Minister.

BRETT WHITWORTH: These were not formal briefings where there is a formal briefing note. These are regular discussions that I have with the Minister—sorry, they're not regular; they're irregular discussions in that we have just finished a meeting and I have the chance to tell him a few bits and pieces about things that are of interest in his portfolio that I feel he should be apprised of. That's the sort of briefing that we're talking about.

ANSWER:

I am advised:

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

Page 46

The Hon. MARK LATHAM: As the office investigated the matter and barrister Cobb-Clark got about his work, what consideration was given to sending the matter back to ICAC? It sounds like the third matter, which can't be spoken about, is quite serious. The second matter or the first one is regarded as criminal in the nature of the counsel who was commissioned. At what point was consideration given to send it back to a third-party integrity agency, given that's more their job than yours?

BRETT WHITWORTH: That's a very challenging question to ask and to answer, because any decision that I take to refer a matter to a third-party integrity agency should be a decision that is taken without publicity. I think the safest course for me is to adopt the position that my secretary has suggested, that we will answer that on notice based on the advice of our counsel.

The Hon. MARK LATHAM: Isn't the test whether it's of a nature sufficient for ICAC to investigate rather than whether or not there's any publicity? I mean, you can do these things confidentially.

KIERSTEN FISHBURN: We do have requirements, as you'll be aware, Mr Latham, particularly myself under section 11 of—

The Hon. MARK LATHAM: Notifying?

KIERSTEN FISHBURN: Notification requirements. Part of that is not disclosing when I have made that notification. So we're not trying to not provide you with information. I just want to seek some legal advice as to what information I can give to the Committee.

The Hon. MARK LATHAM: Okay. So under section 11 it is possible you made a reference back and they said you should still handle it?

KIERSTEN FISHBURN: I have requirements to make referrals. I'm not stating whether a referral was made or not. I'm simply stating that this is the situation we're in, and we do need to seek some legal advice.

ANSWER:

I am advised:

The OLG investigates alleged breaches of the *Local Government Act 1993*.

Page 47

The CHAIR: I've got a few more questions about the Pet Registry. I'm just wondering if there has been any loss of data or any other sort of glitches come up through the transition process to the new online Pet Registry. The only reason I ask this is because one of my team actually linked her Service NSW account with the Pet Registry this week and she lost the images of her cats, and so that all had to be re-uploaded. I just wanted to know if that was an anomaly or if there are some sort of glitches as the system rolls out.

BRETT WHITWORTH: There's two elements, I suppose. Firstly, the material around the registration of the pet, the microchip details et cetera, is held in the CAR, in the Companion Animals Register. The Pet Registry and the Link My Pet enables you to link your Service NSW account to the details in the Companion Animals Register and then to provide additional information, such as pictures and so on. We are aware of some challenges in making sure that when the data is effectively connected there is a need to have—in some cases, the data connects beautifully. In other cases, it needs a manual process in the background to help. We've been dealing with that and have put some additional staff on in our pet helpline because they've been dealing with quite a number of calls to address that. The particular issue about losing information of pictures is new to me, so we're happy to look at that and to see whether that's something we can address through the hypercare process that exists with the Department of Customer Service, who is undertaking the build of the registry for us.

ERICA van den HONERT: I might just add onto that. The team has advised that that was an anomaly. Having the loss is an anomaly. It's a confusing bunch of words. But, as Mr Whitworth has said, we have got additional resources into the pet helpline team. For example, they went up to Gosford on the Central Coast and had a pet day the weekend before last. The Pet Registry team was there helping register pets and working with the community.

The CHAIR: Great, fantastic. What's the next steps for the upgrade generally? What can we see in the next six to 12 months with the whole Pet Registry?

ANSWER:

I am advised:

No loss of data is occurring when a pet is linked using the Link My Pet feature. The Link My Pet feature links a pet owner's new pet registry account with a pet in the Companion Animals Register. The Companion Animals Register does not hold the pet photographs associated with a pet and as such the Link My Pet feature was never planned to migrate pet photographs.

These photographs are not lost, they are available within the OLG Pet registry data records. If a pet owner would like their pet photos to upload to their new pet registry account, they can contact OLG to obtain these.

Page 48

The CHAIR: Because I work quite a lot with the rescue space, and I know that there is a lot of concern there—I know we have spoken about that quite a bit—it would be good at some point to get some more information about some of the issues that you said have been flagged with you that you want to look further into. That is just because there is this real concern that they're not going to be on there or they're not going to be on there for a long time and obviously the changes with the puppy farm legislation delaying the timeline even further in regards to—I assume so, correct me if I'm wrong. It will delay the full Pet Registry package coming out even further because there's more complicating factors to work out. I would really appreciate getting some further information on that and what we can do in the interim as well, particularly as this system becomes more and more used by most people but rescue groups are not getting that access.

BRETT WHITWORTH: I think a lot of people have been focused on these portals, and, I think, what we need to do is actually go back to what is the business that needs to be transacted and is there another way in which that business can be transacted. We're more than happy to have those conversations. As I said, our focus is puppy farm legislation, but we're also dependant on government funding to move forward with expanding the Pet Registry.

ANSWER:

This is not a question that was taken on notice at the hearing.

Page 48

The CHAIR: I also wanted to ask about the pound data generally. There are a few questions I have about the pound data that has come in. There seems to be an uptick in the number of councils supplying the data, which is good news. It looks like Murrumbidgee Council is listed as "no report". Do you know why they haven't reported?

BRETT WHITWORTH: No, I don't, but we we're going to follow them up, so I'm happy to take on notice any response to how we had followed them up. It could well be that they just didn't have—sorry, I'd be speculating.

The CHAIR: That's all right. If you're following it up, that's great. The other councils that came to my attention were Lane Cove and Hunters Hill that report their numbers in as zero. I find it quite hard to believe that LGAs would have zero impounded animals in a 12-month period. It's not quite clear online which pound facilities those councils are operating through. I'm just wondering if you have any details on those two councils and why they report a zero number.

BRETT WHITWORTH: My recollection of those two councils is that they actually shared a pound, so we are happy to follow that up as to why they didn't actually record any animals coming in. They might have arrangements, for example, with rehoming organisations. I don't know.

The CHAIR: If you could follow up, that would be fantastic. Thank you.

ANSWER:

I am advised:

OLG followed up Murrumbidgee Council as to why it didn't submit a report and it responded by advising it did not have any animals go into the pound during the reporting period. OLG has requested that Council complete a nil return in the Companion Animal Register which was updated in March 2025.

Hunters Hill Council advised that no dogs or cats were seized in FY 2023/24 resulting in a nil return for the pound data report.

In regards to Lane Cove Council: Blacktown Animal Rehoming Centre (BARC) did take in animals for Lane Cove until 30 June 2024. BARC and Lane Cove have since concluded their pound sharing arrangement.

Lane Cove does have a holding facility at its Council to re-unite lost pets to owners. In the 2023/24 pound data return, it only received 23 dogs. All dogs were returned to owners and therefore nil animals entered a pound.

Page 49

The Hon. AILEEN MacDONALD: I'm not sure if it was last week or early this week, there was a report in I believe The Sydney Morning Herald about council expenses and overseas travel claiming they have spent a combined \$7 million of ratepayers' funds on interstate and overseas travel, including study tours. What oversight does the Office of Local Government have to ensure that these expenses are reasonable?

BRETT WHITWORTH: It's the council that needs to decide whether it's a reasonable decision for someone to go overseas and to be paid for out of the ratepayers' money. If I am left with a position where I have to decide on some individual decisions of councils to spend money, then that's hardly local democracy. It's a matter for the councillors to take that decision on that. There are certain rationales for international travel, and that would be the obligation and the expectation that when international travel is undertaken that there is a report provided of the reasons for the travel and the outcome of the travel and any interactions. The Independent Commission Against Corruption raised concerns about—not concerns, but they identified a need to update the policies around that for councils, and we provided advice to councils off the back of that request from the Independent Commission Against Corruption.

The Hon. AILEEN MacDONALD: If I could just go further, given it's ratepayers' funds and you have given advice, is that further measures that you'd introduce to increase transparency and accountability into local government financial management?

BRETT WHITWORTH: It was a circular. I'm sure that it was a circular. I remember that it related to the decision for councils to provide funding for either councillors or staff to undertake international travel. But there was also an issue coming out of Operation Galley with ICAC around some of the corruption risk that exists with international travel and the perception that the role of a mayor is quite different in a Chinese environment than what it is in an Australian environment, and so it was to be aware of those issues. That was the additional detail. I can't find it immediately to hand.

The Hon. AILEEN MacDONALD: Are you able to on notice provide a copy of that circular?

BRETT WHITWORTH: Of that circular? Yes, certainly.

ANSWER:

I am advised:

The relevant circular is Council Circular 24-11 ICAC guidance for Councillors on corruption risks associated with overseas travel.

The circular can be found on the OLG website at <https://www.olg.nsw.gov.au/https-www-olg-nsw-gov-au-category-https-www-olg-nsw-gov-au-category-council-circulars/24-11-icac-guidance-for-councillors-on-corruption-risks-associated-with-overseas-travel/>

Page 50-51

The Hon. SCOTT FARLOW: How many performance audits are undertaken by the Office of Local Government with respect with to local councils each year?

BRETT WHITWORTH: We don't undertake performance audits. That's the role of the Auditor-General.

The Hon. SCOTT FARLOW: How many are undertaken by the Auditor-General? Do you have any data for that?

BRETT WHITWORTH: No, I don't. We can take that on notice, but isn't that a question for the Auditor-General?

The Hon. SCOTT FARLOW: It may be, but I thought maybe that would be something the Office of Local Government potentially has the data on. Do you get provided with any information from the Auditor-General?

BRETT WHITWORTH: We get advised as to when an audit is going to commence, whether it's a performance audit or another form of audit, and we will be provided with a copy of the report at the completion of the process. In some cases, we will also be subject to the performance audit ourselves when the Audit Office is looking at the broader process. I'm trying to think of an example that we've had. I think the Audit Office did an audit of DA processes, for example. They incorporated the Department of Planning, Housing and Infrastructure into an audit.

ANSWER:

I am advised:

The NSW Audit Office conducts performance audits on whether government programs and services in NSW are delivered efficiently, effectively, economically and in accordance with the Law.

In the 2024 calendar year, the Audit Office published two performance audit reports (Road Asset Management and Cyber Security) and has in progress a report on Coastal Management. All these performance audits involve a selected group of councils.

Page 51

The Hon. SCOTT FARLOW: You outlined previously the additional staff that have been taken on in the Office of Local Government. Does that additional funding cover just those additional staff members, or are there other initiatives that that funding covers?

BRETT WHITWORTH: That \$37 million does predominantly cover labour expense costs. I have been asking for an increase in our operational costs, but it has been quite minor. But it is critical, if we are to undertake certain activities and we want to advise people, that we have funds to go out and do advertising or a community engagement campaign to support it, which takes money to do. I have also, though, been working to achieve the aims of the Government in terms of its reduction in our expenditure on travel, advertising, legal and consultants, and to build the capability of the Office of Local Government to effectively provide that consulting work within house and to provide that opinion within house. That's another reason why our labour expense costs need to go up.

The Hon. SCOTT FARLOW: To that point, what has been the cost of external consultants engaged by the Office of Local Government over the last, say, three financial years? Has there been a significant change?

KIERSTEN FISHBURN: We will take that one on notice.

The Hon. SCOTT FARLOW: I suspected you might.

KIERSTEN FISHBURN: We'll get the chief financial officer to provide advice.

BRETT WHITWORTH: But I will say that we're quite lean, in that sense. I have been trying to build the capability internally.

ANSWER:

I am advised:

This information is published annually in the Department of Planning, Housing and Infrastructure's Annual Financial Statements.

Page 52

The CHAIR: I have just got a few more questions about the pound statistics, but particularly in relation to the Blacktown animal rehoming facility. I know that the Blacktown council has a number of LGAs that they run the pound for. They reported having an incoming number of 2,500 cats and dogs. I just wanted to clarify if that 2,500 animals were just from the Blacktown City Council LGA or if that's the total number of animals coming into the BARC facility, regardless of what LGA they come from.

ERICA van den HONERT: Blacktown does, in actual fact, look after the Lane Cove and Hunters Hill, which is why they're recorded as zero. We will take that on notice, though, because what we need to do is take those numbers from Blacktown and check them out against the different LGAs that are recorded as zero.

The CHAIR: There's more than just Hunters Hills and Lane Cove, isn't it? They have got quite a few.

ERICA van den HONERT: Same as Sydney Dogs and Cats Home, where they look after different councils. We will get back to you on that on that one.

ANSWER:

I am advised:

Yes, 2,500 dogs and cats were received from Blacktown City Council LGA. The Office of Local Government (OLG) contacted Blacktown Animal Rehoming Centre (BARC) regarding its recording of Pound Data for all the LGAs it receives animals from. BARC confirmed it records Blacktown, Parramatta, Fairfield, Ryde, Willoughby and Woollahra separately.

To clarify questions related to Hunters Hill and Lane Cove councils submitting a zero return, OLG checked with these councils and their responses are provided below:

- **Hunters Hill:** No dogs or cats were seized in 2023/24 FY so no pound was required.
- **Lane Cove Council:** Blacktown Animal Rehoming Centre (BARC) did take in animals for Lane Cove until the end of June 2024. BARC and Lane Cove have since concluded their pound sharing arrangement. Lane Cove Council has a holding facility at its Council to re-unite lost pets to owners and it received 23 dogs in 2023/24. Lane Cove put in a report that all dogs were returned to owners.

Page 53-54

The Hon. MARK LATHAM: Just quickly, Mr Whitworth, in March of last year the department and yourself were satisfied that the respondent, Mr Saravinovski, had engaged in misconduct. You submitted a referral to the tribunal. What public disclosure was there about that referral?

BRETT WHITWORTH: There was no public disclosure. We're not obliged to make a public disclosure. The fact that we have referred something to NCAT and then the method and process by which it lists an item—it did become public as a result of it being listed.

The Hon. MARK LATHAM: Prior to the 14 September council election, who knew about this matter and referral? You, the Minister, some people in the department, your barrister, NCAT and, maybe a little bit, ICAC—would that be a pretty good summary of who had knowledge?

BRETT WHITWORTH: You're assuming that ICAC is the third party—

The Hon. MARK LATHAM: Sorry, the third-party integrity agency.

BRETT WHITWORTH: I can't speak to the number of people that might have picked up on the fact that when it was listed—because when it was listed, there was also an argument for a non-publication order. So I can't talk to the fact that people may have seen that it popped up on a public website at NCAT.

The Hon. MARK LATHAM: Can you take that on notice, to see if it had popped up?

BRETT WHITWORTH: I can assure you that it was on a public website at NCAT. What I'm saying is I can't speak to the number of people that would have seen that—

The Hon. MARK LATHAM: As of March 2024, it was on a website.

BRETT WHITWORTH: —when it was listed. There is a listing process.

The Hon. MARK LATHAM: When was that? When was it listed?

BRETT WHITWORTH: That, I can take on notice—the dates on which there were listing hearings.

The Hon. MARK LATHAM: Can you? Is it perhaps possible that you have a record of the nature of the listing? That would be helpful as well.

BRETT WHITWORTH: The listing is simply, "The matter is being considered in today's"—

The Hon. MARK LATHAM: Just his name, and that's it?

BRETT WHITWORTH: Yes. It would be—

The Hon. MARK LATHAM: No description of the allegation?

BRETT WHITWORTH: No, it's simply the name, which is the deputy secretary—

The Hon. MARK LATHAM: Right. Okay. Still, if you could provide a copy of what was the listing on notice, please, that's helpful as well.

BRETT WHITWORTH: Okay.

ANSWER:

I am advised:

The matter of “*Deputy Secretary, Local Government, under delegation from the Secretary, Department of Planning, Housing and Infrastructure v Bill Saravinovski*” was first listed for a directions hearing, that is a procedural hearing, on 23 April 2024.

Further listing dates included:

- 8 July 2024
- 26 September 2024
- 9 October 2024
- 17 October 2024
- 4 November 2024

Prior to each of those dates, the details of the listing including the names of the parties, listing date and location of the listing appeared on the NSW Online Registry at

<https://onlineregistry.lawlink.nsw.gov.au/content/court-lists>

The below example excerpt shows the information that is contained in the publicly available court listing:

Date	Time	Case no.	Case name	Jurisdiction	Court	Listing type	Presiding officer	Location	Court room	List no.
26 Sep	9:30 am	2024/00233480	Deputy Secretary, Local Government, under delegation from the Secretary, Department of Planning, Housing and Infrastructure v Bill Saravinovski	NCAT	NCAT OD	Directions (Other Professionals)	Judge R Seiden SC Deputy President	NCAT Sydney	NCAT John Maddison Tower Room 10.1 Level 10	-

Page 54

The Hon. MARK LATHAM: In your discussions with the Minister to say, "We have to be thorough. It would be good to move this along," was the Minister mindful of the forthcoming local government elections and, obviously, sorting out the ticket and whether this guy runs again?

KIERSTEN FISHBURN: We can't speak to the Minister's mind.

BRETT WHITWORTH: Yes, I can't speak to the Minister's mind.

The Hon. MARK LATHAM: But did you have a discussion with him about that? Did he raise it with you—"We have to get this sorted out so we can sort out whether or not he runs again in September"?

BRETT WHITWORTH: The Minister was anxious for this to be resolved. Again, he was concerned about the length of time that it was taking.

The Hon. MARK LATHAM: But did he mention the forthcoming election?

BRETT WHITWORTH: I would have to go back and try to recollect.

The Hon. MARK LATHAM: You'll take that on notice? Thank you.

ANSWER

I am advised:

The matter was first listed for a directions hearing by the NSW Civil and Administrative Tribunal in April 2024, before the September 2024 elections.

Once listed, OLG had no control over the NCAT processes.