



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2021-2022
Answers to questions taken on notice on 1 November 2021

Portfolio Committee No. 7 – Planning and Environment

LOCAL GOVERNMENT

Hearing: Monday 1 November 2021

Budget Estimates secretariat
Phone 9230 2303
BudgetEstimates@parliament.nsw.gov.au

Question from Mr JUSTIN FIELD, page 12 of the transcript

Mr JUSTIN FIELD: I have adjusted my headset. Ms Fishburn, on 23 July I made a complaint under section 429A of the Local Government Act to the Office of Local Government with regard to Shoalhaven City Council's actions in relation to the Tomerong Quarry. You have got a copy of that, and I seek to have that tabled. Could you provide an update on the response to that request for an investigation?

Ms FISHBURN: Mr Field, I will have to take that on notice for you. Generally if an investigation is underway it is the position of the Office of Local Government not to comment on it, for reasons I think I detailed earlier today. I will take it on notice and get what information I can to you.

Answer:

The Office of Local Government has made preliminary enquiries into this matter. The assessment of the matter has not been finalised.

Question from Ms ABIGAIL BOYD, page 20 of the transcript

Ms ABIGAIL BOYD: Good afternoon, Minister. Last time we spoke at estimates, we were talking about the code of practice that oversees the day-to-day management of council pounds, which had not been updated since 1996. You said during that estimates session that you would seek advice from your companion animals reference group on the updating of that. Did you do that?

Mrs SHELLEY HANCOCK: We are undertaking that very thing because we feel that the conditions are outdated in many of the council pounds. We have directed increased funding towards them, but we want to include auditing of some of those smaller facilities to make sure that we know everything there is to know about all of our council pounds. Having said that, we know that sometimes resources are an issue. That is why we recently directed more money towards them, especially during COVID. We will continue to actually increase or improve the standards. Some are very good.

Ms ABIGAIL BOYD: When do you expect a revised version of that code to be produced?

Ms FISHBURN: I do not want to give you an inaccurate date. I will take that on notice and we will come back to you.

Answer

Work to update the *NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments* is being progressed as part of broader reforms to the animal welfare legislative framework under the NSW Animal Welfare Action Plan led by the Minister for Agriculture and Western New South Wales.

Question from Ms ABIGAIL BOYD, page 22 of the transcript

Ms ABIGAIL BOYD: Are you able to tell me how many public complaints your office received, Minister, and the Office of Local Government received regarding this incident?

Mrs SHELLEY HANCOCK: No, I would have to take that on notice.

Answer

There were 82 ministerial pieces of correspondence received on this general issue.

Question from MARK PEARSON, page 23 of the transcript

The Hon. MARK PEARSON: Very well, thanks. I would like to ask a question about greyhound rehoming. You probably remember that I raised this before at budget estimates when the regulations in that portfolio changed and it no longer became a requirement for somebody who owned a greyhound but transferred it to someone else, sold it to someone else, and the greyhound ceased to be needing to be traced by the whole-of-life register under Greyhound Racing. So there was a concern that these animals again might disappear. I just want to confirm, under the Companion Animals Act is it a requirement that greyhounds must have all-of-life tracking even if they are no longer owned by a greyhound trainer or are part of the greyhound industry?

Mrs SHELLEY HANCOCK: I am not sure about that, Mr Pearson. I would have to take that on notice about a requirement for all-of-life tracking.

The Hon. MARK PEARSON: He said that that was going to be what the Government would do, because I kept putting to him the main reason it was set up was to stop the practice of just shooting a whole pile of them and burying them; that we have to know where each greyhound was at each point of life. It would be great if you could take that on notice, just to confirm that there is a requirement about it.

Mrs SHELLEY HANCOCK: Yes I will. We will take that on notice. I think if Mr Anderson said that

Answer

Many details of an animal are tracked on the Companion Animals Register, including the date of birth and death of the animal. Under the Code of Practice, it is an offence for an industry participant to transfer a greyhound in circumstances where the participant knows, or ought to know, or has reason to believe, that the greyhound may be euthanised.

Councils and animal welfare agencies have access, via the Companion Animal Register, to details of all identified cats and dogs in NSW. Like other pet owners, owners of greyhounds are subject to compliance, enforcement and educational activities.

Question from MARK PEARSON, page 23 of the transcript

The Hon. MARK PEARSON: That is great to hear. So if that is the case—you will probably have to take this on notice as well—I am interested to know how many greyhounds have been added to the NSW Companion Animals Register in 2019-20 and, of those, which were retired greyhounds and of those how many came from the New South Wales Government's Greyhounds As Pets program?

Mrs SHELLEY HANCOCK: Ms Fishburn can answer that. She has got that information right here.

The Hon. MARK PEARSON: Great. Excellent.

Ms FISHBURN: Thank you. I cannot quite get into the weeds there but I can confirm that there are currently 11,919 purebred and crossbreed greyhounds recorded on the NSW Companion Animals Register. This includes 1,254 that were registered in 2020 and another 1,321 so far in 2021. Greyhounds are very popular this year apparently. I do not have the further detail as to where these greyhounds would come from, but I will take that on notice for you.

Answer

There are 11,919 purebred and crossbred greyhounds recorded (identified or registered) on the NSW Companion Animals Register. This includes 1,254 that were registered in 2020 and another 1,321 so far in 2021.

In 2019/20 the Greyhounds As Pets program managed by Greyhound Racing NSW received 246 greyhounds while other animal adoption or rescue agencies accepted 373 retired greyhounds.

Question from MARK BUTTIGIEG, page 27 of the transcript

The Hon. MARK BUTTIGIEG: Minister, how many councils in New South Wales currently use contractors for their waste services?

Mrs SHELLEY HANCOCK: I am not sure. I can take that on notice for you.

The Hon. MARK BUTTIGIEG: If you could, that would be great.

Mrs SHELLEY HANCOCK: That is a difficult question for me to answer. Mr Buttigieg, just say that again: How many councils use contractors for waste?

The Hon. MARK BUTTIGIEG: How many councils in New South Wales currently use contractors for their waste services?

Mrs SHELLEY HANCOCK: I do not know.

The Hon. MARK BUTTIGIEG: This a fairly topical thing, so I am surprised. Anyway, you take it on notice. That is fine; that is your right.

Mrs SHELLEY HANCOCK: Has anyone got the information on the number of contractors? No.

Mr DAVID SHOEBRIDGE: Too many.

Mrs SHELLEY HANCOCK: Clearly from the question the implication is that there are too many. We will get that to you.

The Hon. MARK BUTTIGIEG: I genuinely do not know, Minister.

Mrs SHELLEY HANCOCK: I do not either.

The Hon. MARK BUTTIGIEG: I mean given the amount that the councils collect on waste levies, is that not an area of interest?

Mrs SHELLEY HANCOCK: Everything to do with council is an area of interest, including waste services. Again, I am not sure of the statistics. Clearly, it is an issue that is of concern to you. I will have a look at that and get back to you and perhaps have a further discussion with you about that.

The Hon. MARK BUTTIGIEG: I would appreciate that. If a council puts a waste contract out to tender and ultimately awards it to new contractors, what protections are in place for waste collection workers under the Local Government Act or any other State Government legislation?

Mrs SHELLEY HANCOCK: Can you answer that, Ms Fishburn? Protection for the workers.

Ms FISHBURN: No, I cannot. That is an industrial relations matter. I am happy to take it on notice and come back with more information for you.

Answer

The Office of Local Government does not hold information on how many councils use contractors for their waste services.

The *Local Government (General) Regulation 2021* prescribes protections for waste collection workers where councils change contractors. Under section 170 of the Regulation, where councils invite tenders for domestic or other waste management services of the same kind as those performed under a contract in force immediately before the tenders were invited, the tender documents inviting tenders must specify the information which must be submitted about the continuity of employment of workers employed or engaged by the contractor under the existing contract to perform the domestic or other waste management services. The information to be submitted must include:

- a statement as to whether or not the proposed contractor intends to offer the existing workers employment or engagement with the contractor if the tender is accepted, and
- if employment or engagement is offered—relevant details of the terms and conditions of employment or engagement that will be offered (including details of remuneration, preservation of accrued or accruing leave and other entitlements, hours of work, working conditions and rights to negotiate working conditions under the Industrial Relations Act 1996, the conduct of training with respect to industrial rights and occupational health and safety, duration of the employment or engagement and rights with respect to trade union membership).

Question from DAVID SHOEBRIDGE, page 31 of the transcript

Mr DAVID SHOEBRIDGE: I am now going to look to Ms Fishburn and ask: Is that in train that there will be the detailed briefing, the information including dealing with how this is an important way of at least providing some assistance to have more women councillors elected. Is that in train? Will that be available?

Ms FISHBURN: I had the Minister say in my ear "Good question", so I am beholden to answer that in a way that satisfies my Minister. Actually, I can assure you that we will do an extensive induction package with new councillors coming in. In fact, I have been expanding that to make sure we cover the planning space. I would have to double-check for you that superannuation is dealt with in it, but there is absolutely no reason why we will not and cannot.

Answer

The NSW Government is committed to increasing the number of female councillors, which is why the Government provided \$167,500 to fund workshops held by Women for Election Australia and Australian Local Government Women's Association to help encourage more women to run for council.

The NSW Government has also committed \$2.3 million to further support all elected female councillors after the December 4 elections.

Further to this, Councils will be able to make superannuation contribution payments for councillors starting from the financial year commencing 1 July 2022.

Information about the availability of superannuation for councillors has been provided to candidates at the local government elections in the *Candidate Guide* and the Online Candidate Information Tool both of which are available on the Office of Local Government's website.

The new edition of the *Councillor Handbook*, which is being prepared also contains information about the availability of superannuation for councillors and information will also be provided on this in the induction webinars the Office of Local Government is holding for councillors after the elections.

The Office of Local Government will be issuing guidance to councils on the implementation of councillor superannuation payments closer to the start date on 1 July 2022.

Question from DAVID SHOEBRIDGE, page 33 of the transcript

Mr DAVID SHOEBRIDGE: Could you provide us with any other information that you have about the financial cost that other councils have indicated?

Ms FISHBURN: I would have to take that on notice. I do not have those figures off the top of my head. I have prepped out Minister Stokes' area to move into Minister Hancock's.

Answer

This is a matter for the Minister for Planning and Public Spaces, the Hon Rob Stokes.

Question from DAVID SHOEBRIDGE, page 33 of the transcript

Mr DAVID SHOEBRIDGE: Could you provide, on notice, the representations that have been made by councils?

Ms FISHBURN: I would have to take that on notice.

Answer

I am advised there have been 21 representations from councils on this matter

Question from MARK BUTTIGIEG, page 38 of the transcript

The Hon. MARK BUTTIGIEG: Minister, I want to take you to some information we got last week on estimates from Minister Dominello of Customer Service. My colleague Adam Searle asked the question:

During the earlier round of budget estimates, earlier this year—

that is 2021—

the Electoral Commission gave some disturbing evidence about the lack of preparedness of the Electoral Commission to meet the cybersecurity standards put in place by the Government. In answer to questions taken on notice, your department, or you, said the following:

"On 6 September, the business case of NSW Electoral Commission was undergoing assurance and review by an independent panel as part of DRF requirements"

Mr Wells then took up the questions and said:

Thanks, Mr Searle. We are currently working with the Electoral Commission on that business case. The total requested was—

I am not sure, Minister, this may be an uncorrected transcript, but Mr Wells said, "The total requested was \$122 million." I suspect it might be \$22 million, but I am not 100 per cent sure about that; I understand there is a big variation, but the Hansard says "\$122 million". So you have a situation here where as of last week, and that was six weeks out from 4 December—

Mrs SHELLEY HANCOCK: Sorry, can you just clarify the \$122 million? I thought it was \$2 million additional funding requested from Minister Dominello. Is this for cyber provisions?

The Hon. MARK BUTTIGIEG: Yes.

Mrs SHELLEY HANCOCK: I think we need to check that.

The Hon. MARK BUTTIGIEG: So in order to come up to the standards set by the Government, the request for the commission to come up to the mark was \$122 million and, as I said, that could be a typo; it could be \$22 million.

Mr DAVID SHOEBRIDGE: It was 22.

The Hon. SCOTT FARLOW: It could be \$2 million, the Minister was saying.

Mr DAVID SHOEBRIDGE: No. The cybersecurity request was \$22 million.

Mrs SHELLEY HANCOCK: I am sorry, can we just get a handle on that please?

Mr DAVID SHOEBRIDGE: It was \$22 million.

Answer

This was resolved in the hearing, no question taken on notice.

Question from DAVID SHOEBRIDGE, page 45 of the transcript

Mr DAVID SHOEBRIDGE: Ms Fishburn, there is no statutory requirement that concerns about a councillor's conduct from one council to another has to be taken through the code of conduct process, is there?

Ms FISHBURN: I would have to take that on notice and double-check for you. I stand by what I said that this practice allows councillors to be protected as much as council staff by preventing untested allegations being made through the public space. It is why we like to see code of conducts being treated with the respect owed to all parties participating in them.

Answer

Provisions in the *Model Code of Conduct for Local Councils in NSW* are designed to prevent code of conduct complaints being “weaponised” or misused for political purposes and to ensure that alleged breaches of councils’ codes of conduct are dealt with appropriately, independently and fairly and that allegations are properly tested before sanctions are imposed for breaches.

The Minister for Local Government has commissioned a review of the councillor misconduct framework to bolster procedures and ensure quick, effective and cost efficient action can be taken against councillors who breach the code of conduct.

A comprehensive consultation paper has now been released as part of the independent review and the NSW Government is calling for community feedback.