



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2022-2023

Supplementary Questions

Portfolio Committee No. 7 – Planning and Environment

Hearing: Thursday 25 August 2022

Answers due by: Wednesday 21 September 2022

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LOCAL GOVERNMENT

Questions from the Hon Mark Banasiak MLC

Central Darling Shire

1. Central Darling Shire Council has been in administration for the last 8 years, the current team have restored most services and brought a limited budget under control. The model for the operation of local Government is challenged by the vast area and limited rate base.

(a) Is the Minister in receipt of a report on future options for the Council?

Answer:

I am advised:

Yes.

(b) Will the Minister broadly outline the options that are being considered?

Answer:

I am advised:

The options proposed seek to ensure that Central Darling Shire can restore local democracy, deliver sustainable local government services and infrastructure, ensure a level of comparable service to the local community and create stronger linkages with the Aboriginal community.

(c) Will the Minister commit to a detailed and broad community consultation on these options before a decision is made on the option taken?

Answer:

I am advised:

Appropriate and well-run consultation and engagement with Central Darling Shire Council and its local communities is critical and will continue throughout this process, as appropriate.

(d) Will the Minister commit to releasing a report in the next 4 weeks?

Answer:

I am advised:

The NSW Government is currently considering the report and will consult with the community prior to making any decisions.

LOCAL GOVERNMENT

Questions from the Hon Mark Pearson MLC

Developments near koala, glider, and platypus habitat

2. Between January 1, 2017 and January 1, 2022 how many developments were approved by NSW Government authorities in areas encompassing or within 10km of:

- (a) Known koala habitat?
- (b) Known greater glider habitat? And
- (c) Known platypus habitat?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

3. What total area of land in hectares do these developments cover individually and all together?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

4. Please provide the street addresses of each development where possible and the name of the developer.

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

LOCAL GOVERNMENT

Questions from the Hon Mark Buttigieg MLC *(on behalf of the Opposition)*

Office of Local Government

5. How many full time equivalent staff were employed in the Office of Local Government as of 25/08/2022?

Answer:

I am advised:

There were 46.7 full time equivalent staff employed (as at 31 August 2022).

- (a) How many of those staff were full time?

Answer:

I am advised:

46 employees are employed on a full-time basis.

- (b) How many of those staff were part-time?

Answer:

I am advised:

One (1) employee was employed on a part-time basis.

- (c) How many redundancies were accepted by Office of Local Government employees during the period 01/07/2021 through to 30/06/2022?

Answer:

I am advised:

Two.

- (d) What was the total cost of those redundancies?

Answer:

I am advised:

Compensation payments were made in accordance with the *Government Sector Employment Regulations 2014*.

6. How many Office of Local Government employees are currently assigned to – or work within Office of Local Government’s Policy and Sector Group?

Answer:

I am advised:

21 employees work within the Policy and Sector Development team.

- (a) How many Office of Local Government employees were assigned to that group 12 months ago?

Answer:

I am advised:

26 employees worked within the Policy and Sector Development team 12 months ago (as at 31 August 2021). Five roles are currently under recruitment.

7. How many Office of Local Government employees are currently assigned to – or work within the Office of Local Government’s Sector and Performance Intervention Group?

Answer:

I am advised:

23 employees work within the Sector Performance and Intervention Group.

- (a) How many Office of Local Government employees were assigned to that group 12 months ago?

Answer:

I am advised:

There were 25 employees working within the Sector Performance and Intervention Group 12 months ago (as at 31 August 2022). Seven roles are currently under recruitment.

8. How many Office of Local Government employees are currently assigned to – or work within the Office of Local Government’s Legal Group?

Answer:

I am advised:

Legal services are provided to the OLG from the central Legal and Governance team within the Department of Planning and Environment.

- (a) How many Office of Local Government employees were assigned to that group 12 months ago?

Answer:

I am advised:

See answer to (8).

9. How many Office of Local Government employees are currently assigned to – or work within the Office of Local Government’s Business Service Group?

Answer:

I am advised:

Corporate Services support, such as Human Resources, Finance, Communications, ICT and business services, are provided by the centralised Department of Planning and Environment Corporate Services team and the Office of the Deputy Secretary team within the Crown Lands and Local Government group.

- (a) How many Office of Local Government employees were assigned to that group 12 months ago?

Answer:

I am advised:

See answer to (9).

10. How many formal complaints were lodged by Office of Local Government staff regarding an issue in the workplace in the 21/22 financial year?

Answer:

I am advised:

There were zero (0) formal complaints raised by Office of Local Government staff in the 21/22 financial year.

- (a) How many in the 20/21 financial year?

Answer:

I am advised:

There were zero (0) in the 20/21 financial year.

(b) How many in the 19/20 financial year?

Answer:

I am advised:

There was one (1) in the 19/20 financial year.

11. What was the payout amount for former head of the Office of Local Government, Tim Hurst?

Answer:

I am advised:

Mr Hurst resigned in May 2021 and received his leave entitlements only.

12. Hilltops Council had an Operational Performance Ratio of -21.4 in 19/20. Were any issues regarding Hilltops financial situation – whether they be a negative Operational Performance Ratio or some other financial concern of the council – raised in 2016/17?

Answer:

I am advised:

The OLG is not aware of any specific concerns relating to Hilltops Council's 2016/17 financial results.

(a) The Operational Performance Ratio for Hilltops in 16/17 and 17/18 were not reported in the time series data published by the Office of Local Government. Why was that?

Answer:

I am advised:

Hilltops Council is a merged council of the former Boorowa, Harden and Young Shire Councils. The merger took place May 2016. The 2016/17 timeseries data states “as the council was not created until 12 May 2016, its Financial Statements were from 13 May 2016 until 30 June 2017 (13.5 months), the varied reporting timeframe does not allow for consistent data comparatives with other councils, nor allow for accurate trend analysis in future years”. The financial information was, therefore, not possible to be captured. In 2017/18, the Hilltops Council sought an extension for the lodgement of their Financial Statements due to the implementation of a Local Government Information System in their newly merged Council. The 17/18 Financial Statement was not signed off until 13 September 2019 and the data was not able to be captured in the 17/18 timeseries.

Councils in administration

13. Is the Central Darling Shire Council administration period still scheduled to end following the local government elections in September 2024?

Answer:

I am advised:

Yes.

- (a) Will any individuals who served as councillors on the last Central Darling Shire Council be prevented from running for council at the local government elections in 2024?

Answer:

I am advised:

Section 275 of the *Local Government Act 1993* sets out the criteria for disqualification from holding civic office.

14. Is Wingecarribee Shire Council's administration period still set to end following the local government elections in 2024?

Answer:

I am advised:

Yes.

- (a) Will any individuals who served as councillors on the last Wingecarribee Shire Council be prevented from running for council at the local government elections in 2024?

Answer:

I am advised:

Section 275 of the *Local Government Act 1993* sets out the criteria for disqualification from holding civic office.

15. Is Central Coast Council's administration period still set to end following the local government elections in 2024?

Answer:

I am advised:

Yes.

- (a) Will any individuals who served as councillors on the last Central Coast Council be prevented from running for council at the local government elections in 2024?

Answer:

I am advised:

Section 275 of the *Local Government Act 1993* sets out the criteria for disqualification from holding civic office.

16. Is Balranald Shire Council's administration period still set to end following the local government elections in 2024?

Answer:

I am advised:

Yes.

- (a) Will any individuals who served as councillors on the last Balranald Shire Council be prevented from running for council at the local government elections in 2024?

Answer:

I am advised:

Section 275 of the *Local Government Act 1993* sets out the criteria for disqualification from holding civic office.

17. In the past 12 months have any other councils been identified as being at risk of being placed in administration?

Answer:

I am advised:

The OLG works closely with councils to monitor their performance and track their ongoing viability. The OLG's Improvement and Intervention Framework outlines a range of actions available to me, in addition to the OLG, in matters relating to dysfunction and maladministration. Where warranted, the OLG will support me in determining what, if any, intervention is required. Any determination is made publicly available.

Rehoming Practices Review

18. What stage is the Rehoming Practices Review up to?

Answer:

I am advised:

The Rehoming Practices Review is progressing as planned with the issues paper and first round of consultation now complete. Work on data analysis, cost estimates and the draft report is currently being finalised to enable another round of consultation on the draft report.

(a) Was there a tender process regarding who would conduct the consultation process prior to the Centre for International Economics being appointed?

Answer:

I am advised:

Yes.

i. If yes, how many organisations registered their interest?

Answer:

I am advised:

Three (3) pre-qualified organisations were invited to express their interest, two (2) formally responded.

(b) Were the public able to make submissions into the review?

Answer:

I am advised:

Information on the Rehoming Practice Review is publicly available on the OLG website and has been since the project commenced in May 2022. Members of the public are invited to contact CIE to provide input into the Review.

i. If so, when did submissions open and close?

Answer:

I am advised:

There is no formal deadline for submissions or feedback on the Rehoming Practices Review. Submissions can still be accepted and feedback provided up until the Review is received by me.

ii. How many submissions were made?

Answer:

I am advised:

477 submissions have been received in the first round of consultation. The CIE also ran a number of consultation forums and participated in stakeholder events to discuss issues and gather feedback.

(c) When is the review expected to be complete?

Answer:

I am advised:

The review is expected to be completed in 2022.

(d) Will the review be made public?

Answer:

I am advised:

It is intended to publicly release the report.

Local Government Boundaries Commission

19. Is there a minimum and maximum set hours, days or weeks that the Local Government Boundaries Commission members must meet to be entitled to their specified remuneration?

Answer:

I am advised:

No.

(a) Is there scope to create an additional Local Government Boundaries Commission should the commission's workload dictate it?

Answer:

I am advised:

The membership of the Commission is regulated by section 261 and Schedule 2 to the *Local Government Act 1993*. The Commission can engage external resources to assist it with its workload.

- (b) Is there scope to hire additional Local Government Boundaries Commission members should the workload dictate it?

Answer:

I am advised:

See answer to (19)(a).

- (c) Has the review into the Local Government Boundaries Commission – announced by former Minister for Local Government, Shelley Hancock MP, been completed yet?

Answer:

I am advised:

No.

- i. If not, when is it due to be completed?

Answer:

I am advised:

In the first half of 2023.

- ii. Will the report be made public?

Answer:

I am advised:

The NSW Government will consider the report prior to making any decisions.

- iii. Where is the review up to?

Answer:

I am advised:

The Terms of Reference have been set and a reviewer appointed. The review was placed on hold during 2022 to enable the Boundaries Commission to focus on reviewing, examining and reporting on the de-amalgamation proposal for Cootamundra-Gundagai that was re-submitted to it.

- iv. Who is conducting the review?

Answer:

I am advised:

Dr Juliet Lucy.

20. Are Local Government Boundaries Commission members provided additional remuneration if they do work beyond the scope for which they signed up?

Answer:

I am advised:

The scope or functions of the Boundaries Commission is outlined under section 263 of the *Local Government Act 1993*. Commissioners are not appointed to do work outside the parameters of the section.

21. How long did it take for the Local Government Boundaries Commission to complete the examination of the Snowy Valleys Council demerger proposal?

Answer:

I am advised:

Approximately 12 months.

22. Has the Local Government Boundaries Commission been provided any other demerger requests to examine regarding any other councils?

Answer:

I am advised:

No.

- (a) If no, does it expect to receive some in the future?

Answer:

I am advised:

This is a matter for individual councils.

Council investigations

23. In a letter quoted in a Blue Mountains Gazette article dated 14 April 2022 (later updated on 18 April 2022) to Matthew Bennett, the husband of former Hawkesbury councillor Sarah Richards, the Office of Local Government Executive Director Ally Dench determined that Mr Bennett did not satisfy the definition of a property developer. How was that decision was reached?

Answer:

I am advised:

The OLG conducted preliminary enquiries which involved, but were not limited to, reviewing publicly available material including company and person searches for development applications both at Council and via the ePlanning portal and assessing additional information obtained during

the course of the enquiries. This also included informal discussions with Mr Matthew Bennett and Ms Sarah McMahon (nee Richards). Based on the available information, the OLG determined that Mr Bennett does not fall within the definition of a 'property developer' for the purposes of section 53 of the *Electoral Funding Act 2018*.

- (a) A Sydney Morning Herald article by Angus Thompson dated 14 March 2022 stated that Mr Bennett's business (at the time of writing) was called BCM Property Group and that it was a real estate agency that sold and leased properties but was 'not a property development company'. The article reports that in November 2021 the website was titled BCM Real Estate and Development and it offered 'end to end property development services'. Was Ms Dench aware when writing the letter that Mr Bennett's company website was previously reportedly titled BCM Real Estate and Development?

Answer:

I am advised:

Yes.

- i. Was Ms Dench aware that as of November last year, Mr Bennett's BCM Real Estate and Development company reportedly offered 'end to end property development services'?

Answer:

I am advised:

Yes.

- ii. If yes, how was the Office of Local Government able to determine that Mr Bennett is not a property developer?

Answer:

I am advised:

See answer to (23).

- iii. If no to both, given that evidence, would you reassess your decision regarding Mr Bennett?

I am advised:

Not applicable.

- (b) The Sydney Morning Herald article by Angus Thompson dated 14 March 2022 said that “in late 2017, BCM – named on council documentation as Bennett Cooney Mackman Real Estate – lodged a development application” for a multi-million subdivision in Riverstone for 103 residential lots. Was Ms Dench aware of this when writing the letter?

Answer:

I am advised:

Yes.

- i. If no to both, given that evidence, would you reassess your decision regarding Mr Bennett?

Answer:

I am advised:

Not applicable.

- ii. If yes, how was the Office of Local Government able to justify the decision?

Answer:

I am advised:

Enquiries established that Council had incorrectly recorded BCM as the applicant in the subject development. This was corrected when the matter was brought to Council’s attention. Based on the available information, the OLG determined that Mr Bennett does not fall within the definition of a ‘property developer’ for the purposes of section 53 of the *Electoral Funding Act 2018*.

- iii. How would a person who lodges a development application for a 103-lot subdivision be defined?

Answer:

See answer to 23(b)(ii).

24. Was Mr Matthew Bennett formally interviewed by the Office of Local Government regarding the investigation into whether Mr Bennett was a property developer?

Answer:

I am advised:

Under the powers of investigation set down under section 440 of the *Local Government Act 1993*, the OLG cannot compel a witness to be interviewed. However, the OLG initiated

preliminary enquiries which involved informal discussions with Mr Matthew Bennett and Ms Sarah McMahon (nee Richards).

25. Was Ms Sarah Richards formally interviewed by the Office of Local Government regarding the investigation into whether Mr Bennett was a property developer?

Answer:

I am advised:

See answer to (24).

26. Was anyone else formally interviewed by the Office of Local Government regarding the investigation into whether Mr Bennett was a property developer?

Answer:

I am advised:

No.

Councillor Conduct Accountability in NSW Local Government Consultation Paper

27. How many submissions were received in response to the Councillor Conduct Accountability in NSW Local Government consultation paper?

Answer:

I am advised:

A total of 48 formal submissions were received.

- (a) How was the opening of submissions advertised to ratepayers throughout the state?

Answer:

I am advised:

The consultation paper was published on the OLG's website, publicised on the NSW Government's "Have Your Say" webpage and in the media by way of a media release. A circular was also issued to councils to inform them of the release of the consultation paper and to invite them to make submissions. Following the December 2021 local government elections, councillors were informed of the misconduct review and the consultation paper at the "Hit the Ground Running" webinars conducted by the OLG and were encouraged to make submissions.

- (b) Do you believe councils and ratepayers were adequately aware that they could make submissions in response to the consultation paper?

Answer:

I am advised:

Yes.

Independent Commission Against Corruption findings

28. Recent findings from the Independent Commission Against Corruption report July 2022 regarding former NSW Liberal Minister John Sidoti made a number of findings regarding the integrity of decision making on council. The report found the model code of conduct 'contains limited specific guidance about local government lobbying practices'. Would you agree with that assessment?

Answer:

I am advised:

On two previous occasions the *Model Code of Conduct for Local Councils in NSW* has been reviewed and each time it was proposed to include provisions to better regulate lobbying. However, there was strong opposition from councils citing the potential impact on the ability of councillors to exercise their functions as elected representatives and the administrative burden on staff. For this reason, the proposed amendments did not progress.

As ICAC noted in its report of its investigation, Operation Witney, at the relevant time, the Model Code of Conduct contained provisions that placed a general obligation on council officials to act impartially, independently and with integrity in the public interest, together with provisions concerning the consideration and determination of development matters. These provisions have since been expanded to cover land use planning and regulatory decisions in general.

The Model Code of Conduct is currently under review and will be amended in response to ICAC's recommendations in Operation Witney to require council officials to comply with any policy adopted by the council in relation to the lobbying of councillors and proposed guidelines on the lobbying of councillors that are being developed and will be issued by the OLG under section 23A of the *Local Government Act 1993*.

29. Operation Dasha investigated inappropriate lobbying practices at the former Canterbury Council. As a result, in March 2021 the Independent Commission Against Corruption made several recommendations in terms of updating guidelines in s-23A of the Local Government Act. Did

the Office of Local Government ever commit to introducing those guidelines?

Answer:

I am advised:

Yes.

(a) Have those guidelines been introduced?

Answer:

I am advised:

Lobbying guidelines are being developed. The OLG has undertaken a first round of consultation with councils to seek their views on what should be included in the proposed guidelines and to identify existing best practice in the local government sector in managing corruption risks associated with the lobbying of councillors.

The OLG has also sought the views of councils on whether the *Lobbying of Government Officials Act 2011* should apply to local government. The feedback received from this first round of consultation is being used to develop draft guidelines, which will be issued for further consultation with councils and other stakeholders.

i. If not, why not?

Answer:

I am advised:

See answer to (29)(a).

30. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: ‘The nature and frequency of meetings between councillors and interested parties, including the need to ensure transparency around these interactions’. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

(a) If so, when?

Answer:

I am advised:

The proposed guidelines are under development and will be completed by 30 June 2023.

- (b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

31. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: ‘How and where to report concerns about lobbying practices’. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

- (a) If so, when?

Answer:

I am advised:

The proposed guidelines will be completed by 30 June 2023.

- (b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

32. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: ‘The receipt of submissions outside formal processes, including the transmission of material to specific councillors in a way that excludes other councillors and staff’. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

(a) If so, when?

Answer:

I am advised:

The proposed guidelines will be completed by 30 June 2023.

(b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

33. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: 'Councillors' attendance at staff meetings with parties interested in an outcome'. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

(a) If so, when?

Answer:

I am advised:

The proposed guidelines will be completed by 30 June 2023.

(b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

34. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: ‘Councillor representations to staff arising from lobbying interactions’. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

(a) If so, when?

Answer:

I am advised:

The proposed guidelines will be completed by 30 June 2023.

(b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

35. The Independent Commission Against Corruption report into Mr Sidoti recommended updating the guidelines in s-23A of the Local Government Act further to include advice about: ‘The lobbying of councillors by interested parties with whom they have a pre-existing relationship’. Will the guidelines be updated to include this advice?

Answer:

I am advised:

Yes.

(a) If so, when?

Answer:

I am advised:

The proposed guidelines will be completed by 30 June 2023.

- (b) Will the local government sector be consulted about the wording of this particular point?

Answer:

I am advised:

Yes. The OLG will issue a consultation draft of the proposed guidelines and invite comment from councils and others.

36. Recommendation 11 of the Independent Commission Against Corruption report into Mr Sidoti states “the CCBC (City of Canada Bay Council) adopts a policy regulating interactions between councillors and staff. The policy should cover councillor representations to staff arising from lobbying activities and the attendance of councillors at proponent meetings with staff.’ Is this something the NSW Government would consider developing as a state-wide policy?

- (a) If so, when?
(b) If not, why not?

Answer:

I am advised:

The OLG has previously issued a Model Councillor and Staff Interaction Policy for adoption by councils. The OLG will review the policy in light of ICAC’s recommendations arising from recent investigations.

37. Recommendation 12 of the Independent Commission Against Corruption report into Mr Sidoti states “The CCBC continues to provide conflict of interest training to councillors, at least on a biennial basis. The training should cover situations where councillors are lobbied by those with whom they have a relationship or association and the circumstances where this would give rise to a conflict of interest’. Would you consider biennial training sufficient or would you rather it occurs annually?

Answer:

I am advised:

Under the *Local Government (General) Regulation 2021*, councils are already required to deliver training to councillors within 6 months of their election to equip them with the skills, knowledge and capabilities to undertake their roles effectively and appropriately and ongoing professional development over the balance of the term to maintain and build on the training they received in the first six months.

- (a) Is this training that should be mandated and overseen by the Office of Local Government, rather than individual councils?

Answer:

I am advised:

Councillor training is already mandated. For the first time following the recent local government elections, new and returning councillors have been required to undertake induction or refresher training within 6 months of their election to ensure they are equipped with the knowledge and capabilities to undertake their roles effectively and appropriately. Councillors are also required to undertake ongoing professional development over the balance of the term to refresh and maintain that knowledge.

The OLG issued comprehensive Guidelines on the content of that training. Among other things, councillors are required to undertake training on their ethical and conduct obligations. Councils are required to report in their annual reports the names of the mayor and councillors who completed induction, refresher and, in the case of mayor, supplementary training during the year. The OLG will be monitoring council annual reports to ensure compliance with the legislative requirement.

To assist councils to deliver induction training and to supplement it, the OLG delivered 12 “Hit the Ground Running” webinars in the first quarter of this year covering a range of topics. This included training on councillors’ ethical and behavioural obligations.

38. Recommendation 13 of the Independent Commission Against Corruption report into Mr Sidoti states ‘The department amends the model code of conduct to generally prohibit councillors’ involvement in matters where they have a pecuniary or significant non-pecuniary 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.’ Is this something you will add to the revised model code of conduct once it is complete?

- (a) If yes, is that a guarantee?

Answer:

I am advised:

The *Model Code of Conduct for Local Councils in NSW* will be amended to expand the scope of the application of the pecuniary interest provisions beyond council and committee meetings to include all situations in which councillors exercise their official functions. The non-pecuniary

conflict of interest provisions of the Model Code of Conduct already apply to all situations in which councillors exercise their official functions.

- i. How would 'significant' be defined?

Answer:

I am advised:

The *Model Code of Conduct for Local Councils in NSW* already clearly defines what constitutes a significant non-pecuniary conflict of interest.

- ii. Would there be an appeals process for councillors should they be excluded from being involved when they believe they should not have?

Answer:

I am advised:

The onus rests with councillors to identify whether they have a conflict of interest in a matter for the purposes of the council's code of conduct and to take steps to manage it appropriately in accordance with the requirements of the council's code of conduct.

Failure to do so appropriately may result in disciplinary action.

- iii. Would there be an appeals process for members of the public should there be concerns regarding a councillors involvement?

Answer:

I am advised:

Any member of the public who believes that a councillor has failed to disclose and appropriately manage a conflict of interest may report it to the general manager of the council or to the OLG. A failure to disclose and appropriately manage conflicts of interest in accordance with the requirements of the council's code of conduct may result in disciplinary action.

- (b) If no, why not?

Answer:

I am advised:

See answer to (38)(a)(iii).

39. Recommendation 14 of the Independent Commission Against Corruption report into Mr Sidoti states ‘The department amends the model code to include provisions about the appropriate role of council workshops. In particular it should be made clear that workshops cannot be used to transact council business.’ Will this be included in the updated model code?

Answer:

I am advised:

The *Model Code of Conduct for Local Councils in NSW* will be amended to make it clear that workshops must not be used to transact business and that councillors and others must disclose and appropriately manage conflicts of interest they may have in matters discussed at workshops. Consideration will also be given to the need for corresponding amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to promote the appropriate use of workshops and to increase public visibility of the matters discussed at them. There are existing provisions in the Model Meeting Code governing appropriate practice at pre-meeting councillor briefings.

Rural Fire Service Assets

40. In a recent letter to Greg Warren MP, Berrigan Shire Mayor Matthew Hannan expressed his concerns with a recent letter from the chief executive officer providing an ultimatum regarding a qualified audit opinion and limiting access to loans and grants funding should they not comply with the directive that councils should be responsible, in terms of accounting and auditing purposes, for Rural Fire Service assets and equipment. Do you believe this is fair?

Answer:

I am advised:

The Local Government Code of Accounting Practice and Financial Reporting (Code) developed by the OLG provides the framework for councils to prepare their annual financial statements. Financial reporting is undertaken in accordance with the relevant legislation and the Australian Accounting Standards (AAS). Under the Code and the AAS, local councils are required to determine what assets they control and, if councils determine they control them, account for any material assets in their annual financial statements.

Included in the annual financial statements is a signed Statement by Councillors and Management confirming that, to the best of their knowledge and belief, the statements present fairly the operating result and financial position of the council for the period. This Statement is signed (in accordance with a resolution of Council) jointly by the councils’ Mayor, a second councillor, the General Manager and the Responsible Accounting Officer.

41. The City of Canada Bay was another council opposed to councils being responsible, in terms of accounting and auditing purposes, for Rural Fire Service assets and equipment. The council wrote in a letter to Greg Warren MP that it resolved to “call on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control and the property of the RFS”. Have the NSW Government done this yet?

Answer:

I am advised:

The NSW Government’s position is that, for the purposes of compliance with the Australian Accounting Standards, RFS firefighting equipment is under the financial control of councils and not the RFS or the State Government. The Auditor General has verified the Government’s view in her Report on Local Government 2021 tabled in Parliament in June 2022.

42. The Auditor General said, ‘the state is of the view that rural firefighting equipment that has been vested to councils under section 119(2) of the Rural Fires Act 1997 is not controlled by the state’ and ‘on the balance it would appear the councils control the rural firefighting equipment’. How can the equipment be vested to councils if they have no control when it comes to disposal or purchasing power?

- (a) Have you had discussions with the Minister for Emergency Services regarding this decision?

Answer:

Yes.

- i. If so, what is the Minister’s position?

Answer:

I am advised:

This question should be directed to the Minister for Emergency Services.

- ii. Will the NSW Government back down from this position?

Answer:

I am advised:

The NSW Government’s position is that, for the purposes of compliance with the Australian Accounting Standards, RFS firefighting equipment is under the financial control of councils and not the RFS or the State Government. Under the Code and the Australian Accounting Standards, local councils are required to determine what assets they control (including RFS assets) and, if councils determine they control them,

account for any material assets in their annual financial statements.

Cost shifting

43. Councils across the state of NSW are struggling with the burden of cost shifting, can you advise us as to what the government is doing to alleviate the burden of cost shifting onto local Councils?

Answer:

I am advised:

The NSW Government has provided more than \$11 billion to councils since 2011 to deliver and improve local infrastructure, services and facilities for their communities.

Funding has been provided by the Government to support councils through COVID-19, flood response and recovery, bushfire recovery, drought as well as the services and infrastructure that helps communities grow and thrive.

Councils have also been given full coverage for their Emergency Services Levy increases in 2022-23, totalling relief of \$43 million. This means the State Government has now provided over \$93 million in support to local councils to meet Emergency Services Levy contributions in the last few years and council contributions in the last few years have been flat.

The Government is committed to ongoing investment in the local government sector, as demonstrated by the significant allocation of funding in the 2022-23 NSW Budget, including:

- \$78.5 million (a total of \$314 million over four years) for pensioner council rate concessions;
- \$6 million per year (a total of \$23 million over four years) from the Companion Animals Fund for councils to manage pet cats and dogs, including pounds/shelters, ranger services, dog exercise areas, and education and awareness programs; and,
- \$3 million (a total of \$5 million expenses over four years) for the Local Infrastructure Renewal Scheme.

Veterans on Council

44. When was the Local Government Rank to Grade Guide developed?

Answer:

I am advised:

The Local Government Rank to Grade Guide was developed in 2019.

- (a) Have you had any feedback regarding the effectiveness of that guide from the local government sector?

Answer:

I am advised:

The OLG received positive feedback on the Rank to Grade Guide following its release in 2019. The Guide continues to receive positive feedback when promoted to veterans in discussion and councils report that it is a useful adjunct to their employment activities.

- (b) Is there any room for improvement in the guide?

Answer:

I am advised:

The Rank to Grade Guide has been in use for 3 years and the information remains current.

45. Is there any assistance or programs linking the loved ones of veterans with employment opportunities in the local government sector?

Answer:

I am advised:

No.

46. How many councillors are veterans?

Answer:

I am advised:

The OLG does not hold this information.

Time series data

47. Who at the Office of Local Government is responsible for compiling time series data?

Answer:

I am advised:

The Sector Performance and Intervention team.

- (a) How long does it take them to compile the data?

Answer:

I am advised:

The process is reliant on timely financial data returns from councils. The Financial Data Returns (FDR's) are due to be lodged with the OLG by 31 October each year, unless an extension has been given. Once a significant majority of councils have reported, the OLG can compile and publish the data. The compilation process will generally take up to four weeks and, at times, longer depending on work priorities at the time.

Councils

48. How much did the Castlereagh-Macquarie's County Council spend on governance and administration in 20/21?

Answer:

I am advised:

Per 20/21 Financial Statement:	Governance Expense	\$51,000
	Administration Expense	\$221,000

- (a) 21/22?

Answer:

I am advised:

This data will not be available until the 21/22 Financial Data Returns are lodged with the OLG.

49. What was the Upper Hunter County Council's Operational Performance Ratio in 20/21 and 21/22?

Answer:

I am advised:

20/21 – The Operational Performance Ratio was 14.5 per cent.

21/22 – This data will not be available until the 21/22 Financial Data Returns are lodged with the OLG.

- (a) Did this raise any red flags in the Office of Local Government?
- i. If so, explain.
 - ii. If not, does it now?

Answer:

I am advised:

No concerns have been raised for the 20/21 financial year. The 21/22 data is not yet available.

50. Central Tablelands County infrastructure backlog ratio in 18/19 and 19/20 was 30.4% and 31.2%, respectively. What has the Office of Local Government done to work with Central Tablelands County to reduce that infrastructure backlog since then?

Answer:

I am advised:

Central Tablelands Water County Council's 20/21 Annual Report identifies a major renewal program for water infrastructure assets in its capital works program to assist in reducing the infrastructure backlog ratio.

- (a) What was Central Tablelands County's infrastructure backlog in 20/21?

Answer:

I am advised:

In 20/21, the infrastructure backlog ratio was 34.6 per cent.

- i. 21/22?

Answer:

I am advised:

This data will not be available until the 21/22 Financial Data Returns are lodged with the OLG.

Demergers

51. A press release announced that the Cootamundra-Gundagai Regional Council will be demerged. Did the Minister consider allowing the council's ratepayers to have a referendum to ensure the majority ruled?

Answer:

I am advised:

The Local Government Act 1993 (the Act) sets out the process for consideration of proposals to demerge. The Local Government Boundaries Commission is required to consider the attitude of residents and ratepayers of the area concerned when considering a proposal under s 263(3)(d) of the Act. Section 265 of the Act provides that the Local Government Boundaries Commission may conduct an opinion poll or survey (in such matter as it considers appropriate) for the purposes of its considerations under s 263(3)(d).

52. What guarantees will the government make in terms of jobs for existing council employees during the demerger of Cootamundra-Gundagai Regional Council?

Answer:

I am advised:

The NSW Government is currently preparing a transition framework and plan for the demerger of Cootamundra-Gundagai Regional Council and further information will be made available in due course.

Murray River Council

53. The Office of Local Government advised Helen Dalton MP's office on 12 November 2020 that a preliminary enquiry would occur in relation to the activities with Murray River Council and Murray River Energy. On 16th April 2021 the Office of Local Government confirmed in writing that they would be undertaking a Section 430 investigation into the activities of Murray River Energy, Moama Ethanol Plant and Murray River Council and suggested it would take several months to complete. It has now been 16 months and no finalised report. When will the Section 430 investigation be completed?

Answer:

I am advised:

The investigation is still ongoing and, once finalised, a final report will be prepared.

- (a) Will the Minister add the dealings with Barham Abattoir to the investigation?

Answer:

I am advised:

The OLG is undertaking the investigation in accordance with the authorised Terms of Reference.

Balranald Council

54. Balranald Council is under administration and there are a number of concerns from community members. Balranald has three sporting grounds within the Balranald Shire that are categorised by the council as unusable. Has the Office of Local Government provided any assistance to get these sporting grounds to an acceptable condition?

Answer:

I am advised:

Lack of use and disrupted maintenance as a result of COVID-19 has impacted sports grounds in Balranald Shire. Currently all facilities are open and Council is working with various sporting associations to ensure that the facilities remain available for use.

Third-party contractors or consultancies

55. For every agency, department, or state-owned corporation within your portfolio, please provide the following:

(a) A list of all third-party contractor or consultancies engaged in communications services, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

Consultancy details are disclosed in the Department of Planning and Environment's Annual Report and Contract Award notices are available on the NSW eTendering site.

(b) A list of all third-party contractor or consultancies engaged in PR services, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

- (c) A list of all third-party contractor or consultancies engaged in marketing services, including:
- i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

- (d) A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

- (e) A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

(f) A list of all third-party contractor or consultancies engaged in policy or strategy development, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

(g) A list of all third-party contractor or consultancies engaged in project management, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

(h) A list of all third-party contractor or consultancies engaged in accounting and audit, including:

- i. Contractor name,
- ii. Contractor ABN,
- iii. Service provided,
- iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

- (i) A list of all third-party contractor or consultancies engaged in legal services, including:
- i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

- (j) A list of all third-party contractor or consultancies engaged in any other services, including:
- i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

Answer:

I am advised:

See answer to (55)(a).

LOCAL GOVERNMENT

Questions from Ms Abigail Boyd MLC

Synthetic turfs Bayside Council

56. Given the lack of conformance with governance provisions within the Local Government Act, how does the Minister intend to address Lane Cove Council's failure to adequately undertake the environmental impact assessments required after significant damage was caused to mangroves in Blackmans Park following installation of a synthetic field?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

57. Can the Minister provide justification and reasoning, given the requirements specified within the Local Government Act regarding governance and planning approval, as to why Bayside Council failed to undertake a Review of Environmental Factors (REF) as required within the ISEPP planning pathway and Clause 228 of the EPA Act 1979, when undertaking works to install a synthetic turf field at Arncliffe Park?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

58. Is the Minister aware that Bayside Council spent over \$440,000 in legal costs and construction adjustments within the Gardiner Park synthetic turf field development, against the concerns of community groups, Friends of Gardiner Park and local residents?
- (a) Can the Minister provide reasoning for this amount, given that council received numerous letters, prior to and within the legal proceedings, indicating that legal action would cease if Council undertook a DA?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

59. How many total complaints and letters of concern were received by Bayside Council with regards to the proposed upgrade works to Gardiner Park, prior to, throughout construction and once installed?

Answer:

I am advised:

This question should be directed to the Minister for Planning and Homes.

(a) How were these complaints addressed by Bayside Council?

Answer:

I am advised:

See answer to (59).

(b) What actions did Bayside Council undertake to remedy these complaints and concerns? Given community concerns for the health, environmental and social impacts, what does the Minister intend to do to address this?

Answer:

I am advised:

This question should be directed to the Council.

Rehoming of Companion Animals in NSW Issues Paper

60. In May 2022, the Centre for International Economics (CIE) published its Rehoming of Companion Animals in NSW Issues Paper. What is the total cost of the Centre for International Economics review of Companion Animals in NSW Issues Paper and associated work?

Answer:

I am advised:

The total cost for the Rehoming Practices Review inclusive of all work being undertaken by the CIE is \$181,900.00 (ex GST).

61. What was the tender process followed by NSW OLG relating to CIE's contracted work?

Answer:

I am advised:

The Department of Planning and Environment's Procurement Procedures were followed.

62. Why hasn't this review been opened up to broad public consultation?

Answer:

I am advised:

See answer to (18)(b).

63. When will CIE's report be finalised and made publicly accessible?

Answer:

I am advised:

See answers to (18)(c) and (18)(d).

Euthanasia in pounds

64. Is the Minister and Office of Local Government confident that no council pounds or authorised officers are still shooting impounded animals?

Answer:

I am advised:

Under the *Companion Animals Act 1998*, there is a duty on councils to consider whether there is an alternative action to destroying an animal and, if practicable, to adopt an alternative.

Euthanasia by a single gunshot is a method allowable under the *Prevention of Cruelty to Animals Act 1979* as long as it is done in the correct manner. The NSW Department of Primary Industries (DPI), under the Minister for Agriculture, administers the *Prevention of Cruelty to Animals Act 1979* (POCTA Act) and is responsible for ensuring the policy and legislative frameworks in NSW supports good animal welfare outcomes.

(a) If yes, what actions have been taken by OLG to confirm this?

Answer:

I am advised:

See answer to (64).

(b) If euthanasia by shooting is still occurring, at which councils and/or pounds is it occurring?

Answer:

I am advised:

See answer to (64).

65. During previous Estimates hearings evidence has been given that data on method of euthanasia is not collected by the Office of Local Government. Has this since changed?

Answer:

I am advised:

The OLG is undertaking a review into Rehoming Practices across NSW and will consider the review's findings before making any changes to requirements of councils.

66. How many council pounds are disposing of animals who have either died or been euthanased while impounded, at their local council tips?

Answer:

I am advised:

This is a matter to be discussed with individual councils as they operate autonomously. The OLG does not collect this data.

(a) Which councils dispose of deceased animals in this way?

Answer:

I am advised:

See answer to (66).

67. The former Minister for Local Government committed to working with the former Minister for Agriculture to progress the outlawing of shooting of impounded animals. In light of Ministerial changes, has the Minister progressed these discussions?

Answer:

I am advised:

See answer to (64).

68. What qualifications are required to perform a euthanasia in a council pound?

Answer:

I am advised:

This question should be directed to the Minister for Agriculture.

- (a) Which council pounds do not exclusively utilise veterinarians to perform euthanasia?

Answer:

I am advised:

All animal pounds and shelters in NSW must comply with the provisions of the *Prevention of Cruelty to Animals Act 1979* (POCTA Act).

Death in pounds

69. For financial year 2020-2021:

- (a) How many animals were impounded?

Answer:

I am advised:

23,621 dogs and 21,063 cats. These numbers include incoming animals impounded in the financial year, and animals who were already impounded at 1 July 2020.

- (b) How many animals died of any cause while in the care of a council pound?

Answer:

I am advised:

2,113 dogs and 6,713 cats were euthanised in the financial year.

- (c) How many animals died as a result of an illness or injury?

Answer:

I am advised:

259 dogs and 943 cats were euthanised as a result of illness, injury or disease.

- (d) How many animals who died as a result of an illness or injury were attended to by a vet before their death?

Answer:

I am advised:

This is a matter to be discussed with individual councils as they operate autonomously. The OLG does not collect this data.

70. For financial year 2021-2022:

(a) How many animals were impounded?

Answer:

I am advised:

Councils are currently providing this information to the OLG. It will then be collated and published in December 2022.

(b) How many animals died of any cause while in the care of a council pound?

Answer:

I am advised:

See answer to (70)(a).

(c) How many animals died as a result of an illness or injury?

Answer:

I am advised:

See answer to (70)(a).

(d) How many animals who died as a result of an illness or injury were attended to by a vet before their death?

Answer:

I am advised:

See answer to (70)(a).

71. How many dogs have died in NSW council pounds from outbreaks of parvovirus in the 2020-2021 and 2021-2022 financial years?

Answer:

I am advised:

The OLG does not hold this information.

Exercise yards

72. At the time of the public exposure about the shooting of dogs and puppies at the Bourke Council, it was understood that, in total breach of the relevant Code of Practice, the Bourke pound had no exercise yard for dogs. Has this been rectified and does the Bourke council pound now have an exercise yard?

Answer:

I am advised:

This question should be directed to the Minister for Agriculture.

73. How many other NSW council pounds are without exercise yards?

Answer:

I am advised:

See answer to (72).

Rehoming requirements

74. Following the passing of the Companion Animals Amendment (Rehoming Animals) Act 2022, the NSW OLG issued via Circular 2022/A811129 advice to NSW councils about the changes.

- (a) Has NSW OLG or the Minister's office been contacted by councils or constituents with concerns about the circular content and/or council confusion about the new requirements?

Answer:

I am advised:

The OLG was contacted by councils regarding the implementation of the *Companion Animals Amendment (Rehoming Animals) Act 2022*. As a result, OLG issued a comprehensive [factsheet](#).

- (b) How confident are you that NSW councils are adhering to the new requirements?

Answer:

I am advised:

The new requirements have generated a high level of interest from councils wanting to understand their responsibilities. Consultation between the OLG and councils so far, including at various council forums, such as the NSW Ranger Institute Annual Conference 2022 and a Councils United for Pets forum, indicates a strong commitment to comply.

75. Do all NSW council pounds allow public access to their facilities to promote adoption?

Answer:

I am advised:

There are minimum requirements councils must undertake when attempting to rehome companion animals in their care. Other than meeting those minimum requirements management of the pound facilities, including public access, is a matter for the individual council.

76. Greyhound Racing NSW offers its participants a number of financial rebates to prevent the killing of otherwise healthy and rehomeable greyhounds. Do you support this program? Do you have any plans to establish similar rebates for the general public?

Answer:

I am advised:

The NSW Government's focus is on the promotion of responsible pet ownership. The Government has made lifetime registration free for companion animals adopted from pounds and rehoming organisations.

Oversight of council pounds

77. Evidence was provided during the hearing that pound management is undertaken by the Department of Primary Industries and the Minister for Agriculture is the responsible Minister.

- (a) On which date did this change occur?

Answer:

I am advised:

The Minister for Agriculture and I continue to share joint responsibility for the *Prevention of Cruelty to Animals Act 1979* (POCTA Act). Councils continue to be responsible for the management of pounds they operate and ensuring these pounds comply with the POCTA Act.

The NSW Department of Primary Industries (DPI), under the Minister for Agriculture, administers the POCTA Act and is responsible for ensuring the policy and legislative frameworks in NSW support good animal welfare outcomes.

- (b) Through what mechanism was responsibility for pound management transferred to the Minister for Agriculture?

Answer:

I am advised:

See answer to (77)(a).

- (c) What publicly available notification was made of this change to machinery of government?

Answer:

I am advised:

See answer to (77)(a).

78. How many NSW council pounds has the Minister for Local Government personally visited and inspected? Which councils?

Answer:

The NSW Government takes animal welfare seriously, which is why in the 2022-23 NSW Budget we announced \$2.5 million to RSPCA NSW and \$500,000 to the Sydney Dogs and Cats Home. As the Minister for Local Government, I have visited facilities and met with various animal welfare and rehoming organisations across NSW and intend to continue visiting as many organisations and facilities as possible.

79. Under the NSW council's Calendar of Compliance and Reporting Requirements, NSW councils are required to submit to NSW OLG their financial year annual pound data at the end of each financial year. When will the FY 2021-2022 pound data be made public?

Answer:

I am advised:

The data will be released in December 2022.

80. When will a review, including public consultation, occur into the 1996 NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments?

Answer:

I am advised:

This question should be directed to the Minister for Agriculture.

Funding allocation

81. Previous responses provided in Budget Estimates confirmed an amount of \$900,000 was allocated by NSW OLG to RSPCA NSW for the purposes of the proposed Blue Mountains wildlife facility. Given RSPCA NSW will not be going ahead with this facility, what has happened to these funds?

Answer:

I am advised:

RSPCA has not advised the OLG of the Blue Mountains wildlife facility project being abandoned. The OLG will contact the Chief Executive Officer to follow up on the matter in accordance with their responsibilities under their signed funding agreement.

82. Through various grant opportunities NSW OLG makes available public money to NSW councils to improve welfare outcomes in their pounds.

(a) What is the total funding allocation to council pounds under these grants for:

i. FY 2020-2021?

Answer:

I am advised:

\$512,000 was allocated for distribution across councils.

ii. FY 2021-2022?

Answer:

I am advised:

\$3 million was allocated for distribution to 8 highly flood-impacted councils.

83. What evidence of direct welfare outcome improvements is required of councils which receive funding through these grants?

Answer:

I am advised:

The grant funding provided in 2022 was as a result of the February 2022 flood event and is aimed at supporting those communities that were highly impacted by the floods across NSW. To view the Guidelines for full details of requirements for councils, click [here](#).

Greyhounds in council pounds

84. Is the Minister a member of and/or has the Minister ever participated in the NSW Parliamentary Friends of Greyhound Racing?

Answer:

Yes.

85. During the month of August 2022 my office was made aware of at least six greyhounds who ended up in NSW council pounds and not all were microchipped or desexed as required under GRNSW rules and regulations. Is the Minister and the Office of Local Government confident that all pounds and shelters are using the GWIC Retirement Notification form, which requires evidence of both microchipping and desexing?

Answer:

I am advised:

Not all greyhounds are ex-racing greyhounds. As with all pet dogs, it is the owner's responsibility to have a pet greyhound microchipped and incentives are in place to encourage desexing. If a racing

industry participant wishes to retire a greyhound as a pet to themselves or an organisation or person not registered with the Greyhound Welfare and Integrity Commission (GWIC), a retirement notification must be submitted to GWIC within 14 days from the date of retirement. It is not the responsibility of pounds/shelters to do this.

86. How many greyhounds have been impounded as seized or surrendered in financial years:

(a) 2018-19?

Answer:

I am advised:

78.

(b) 2019-20?

Answer:

I am advised:

54.

(c) 2020-21?

Answer:

I am advised:

62.

(d) 2021-22?

Answer:

I am advised:

64.

Development applications relating to animal facilities

87. There is an increasing level of broad community frustration about Central Coast Council's lack of oversight and management of a current DA involving an intensive commercial dog breeding facility, against which over 1,000 public objections have been lodged and numerous breaches of the consent conditions have been documented. What actions will the Minister and OLG take to ensure that Central Coast Council audits and monitors the welfare of the dogs and puppies and undertakes clear compliance responsibilities regarding the numerous breaches with the Applicant's consent conditions?

Answer:

I am advised:

It is the responsibility of enforcement agencies under the *Prevention of Cruelty to Animals Act 1979* to carry out inspections of breeding establishments and to investigate allegations of animal cruelty.

88. Was there a data breach in relation to personal details contained in a petition and/or a DA objection that was submitted to Muswellbrook Council in relation to the proposed Martindale Greyhounds as Pets facility?

Answer:

I am advised:

The OLG is not aware of a data breach.

(a) What action did your office take in relation to this breach?

Answer:

I am advised:

See answer to (88).

(b) Have measures now been put in place to ensure this does not happen again?

Answer:

I am advised:

See answer to (88).