



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 3

BUDGET ESTIMATES 2008-2009

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 3

Local Government

Tuesday 14 October 2008

Answers to be lodged by: Friday 7 November 2008

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Questions relating to the portfolio of Local Government

14 OCTOBER 2008, 9.15 am – 11.45 am

Questions from Mr Ajaka

Burwood Council

1. Minister were you aware that the former Burwood Council, especially the former Labor Mayor, John Faker, have been subject to considerable media concerning their property activities?
2. What inquiries have you made or has your Department made into the former Burwood Council and into John Faker?
3. Has your Department received any complaints about Burwood Council? If so, will you table them?
4. What correspondence have you or predecessor received from your Department in relation to Burwood council? Will you table them?
5. Were you aware that John Faker had to absent himself from 17 planning decisions at Burwood Council because of conflict of interest?
6. Does this ring any warning bells?
7. Were you aware that the former Minister for Planning, Frank Sartor, in July this year asked for an independent panel to assess all major planning decisions in Burwood?
8. What action are you taking about it?
9. Are you aware of Members of Parliament through their families having a major interest in property development in the Burwood Council area?
10. What action will you take to ensure that these Members of Parliament do not seek to improperly influence Burwood Council?

Wollongong City Council

11. Minister, in all history of Local Government in this state, Wollongong City Council, a Labor Council, stands out as one of the most disgraceful episodes as revealed in the ICAC report and the list of recommended prosecutions.
 - a. What complaints did your Department receive prior to the ICAC inquiry?
 - b. Will you table them?
 - c. What correspondence did you or your predecessor receive from your Department in relation to Wollongong City Council? Will you table them?
 - d. What investigations did your Department make before the ICAC inquiry? If none, why not? Will you table them
 - e. How could the whole Wollongong saga have escaped the attention of your Department?
 - f. Did your Department refer it to ICAC?

- g. Will you table a list of Councils and Councillors that your Department has referred to ICAC since 2007?
- h. In relation to the Labor councillors against whom charges have been recommended by ICAC, have there been previous complaints about them to your Department?
- i. What does your Department know about them?
- j. Are there any actions your Department is taking to prevent another Wollongong Council happening in NSW? If so, what? If not, why not?
- k. What part did your Department play in the ICAC investigations?

The Minister's predecessor – Paul Lynch

- 12. How much was the total expenditure on the Ministers office from April 2007 to the date Paul Lynch was replaced by you?
- 13. How much did Paul Lynch expend on the Departmental credit card from April 2007 until you replaced him?
- 14. How many staff did Paul Lynch have in his Ministerial office?
- 15. What was the wage bill?
- 16. What was the entertainment bill?
- 17. What was the travel bill?

Budget Papers – 16.3 – Agency Result Indicators

- 18. In the Budget Papers it is indicated that you foresee 2 or more councils being investigated in 2008-09 for 'alleged council conduct seriously impacting on the community'.
 - a. Which Councils are these?
- 19. How much money has been set aside for inquiries into NSW Councils?
- 20. How many councils have been investigated by your Department over the past 12 months?
 - a. At what cost?
 - b. Has your Department received complaints about the actions of
 - a. Burwood Council ? If so, how many?
 - b. Canada Bay Council? If so, how many?
 - c. Strathfield Council? If so, how many?
 - d. Fairfield Council? If so, how many?
- 21. Minister given your Department has an allowance to investigate councils for, '*alleged council conduct seriously impacting on the community*' and '*maladministration or corruption*', why is it that you and your Department continually decline to investigate allegations of council misconduct and defer allegations to the accuser to present to the ICAC?
- 22. Why does your Department have an allowance to investigate council maladministration?
- 23. Minister is it at your direction or is it Departmental policy to defer any allegations of maladministration of NSW Councils to the ICAC?

24. Minister, what is the Departments definition of 'maladministration' as opposed to 'corruption' when related to councils?
25. Minister, how does your Department differentiate between allegations of maladministration as opposed to corruption or are all allegations treated the same?
26. Minister, when the ICAC investigates a council and does not find true any allegations of corruption, does that constitute no finding of maladministration? If not, why not?
27. If the ICAC does not find true any allegations of corruption, why does your Department fail to investigate those councils for maladministration?
28. How many councils has your Department investigated after an ICAC inquiry? If none, why none?
29. How many councils has your Department referred to the ICAC? If none, why none?
30. What procedure is followed by your Department when allegations of corruption are made which concern a Council?

Canada Bay Council

31. It was announced by your predecessor that the Department of Local Government was going to conduct a Promoting Better Practice review of Canada Bay City Council in 2008, including a review of matters relating to the planning processes of Council. Has this occurred? If yes, what was the result of that review? If not, why not and when?
32. Should councils sell public land to developers without public tender? If councils sell public land below market value to developers is it fair and accountable? Should councils hold closed meetings to discuss land sales to developers?
33. Given accusations have been made about Canada Bay Council about heritage land being sold to developers and the involvement of one particular developer named Antoine Bechara and the now public corrupt relationships between some Labor councillors and developers at other councils, will you investigate the allegations made against Canada Bay Council as recommended by the Heritage Office and asked for by many local residents? If not, why not?
34. Has Canada Bay Council complied with the Department of Local Government's request that all NSW councils obtain an assessment of the fair value of all operational land in their possession by 30 June 2008? If not, why not? If yes, will you table their submission?

Fiscal Star Report

35. What criteria does the Department of Local Government use to assess the financial sustainability of NSW Councils?
 - a. What is the difference in criteria used to assess a councils financial sustainability by the Fiscal Star and the Department of Local Government?
 - b. What Councils have been identified as being financially unsatisfactory by the Department of Local Government?
 - c. What is being done to assist those Councils by the Department of Local Government?

Allan Report

36. What do you intend to do to prevent the impact of cost shifting by your Government on NSW Councils?
37. What financial assistance will you offer to Councils not coping with cost shifting?
38. Exactly what has the Department of Local Government done in response to the Allan Report?
39. Has the Department started preparing a response for the Allan Report? If so when did they start preparing that? Will you table their work so far?
40. What representations have you made to Premiers Department and the Attorney Generals Department in relation to the Allan Report and their preparations for the whole of Government response? If so, when were those representations made? Will you table them?
41. Did your predecessor, Paul Lynch, make representations to Premiers Department and the Attorney Generals Department in relation to the Allan Report and their preparations for the whole of Government response? If so, when were those representations made? Will you table them?
42. What representations has your Department made to Premiers Department and the Attorney Generals Department in relation to the Allan Report and their preparations for the whole of Government response? If so, when were those representations made? Will you table them?
43. What representations has the Department made to you about the Allan Report and the Departments advised position for you? Will you table that correspondence?

Local Government Planning

44. Minister, you are aware of the concerns of councils and the local government association about the denial of community rights brought about by part 3A of the Environmental Planning and Assessment Act?
45. What action have you taken to restore to communities their rights to have a say in development in their areas?
46. Have you or your predecessor made a submission to the planning minister? If not, why not? If so, will you table that correspondence?

Appointment of Dick Perssons

47. Is Mr Dick Perssons employed by or under contract to the Department of Local Government, the Ministers office or the Premiers Department? If so, which?
48. What is his title?
49. What are the terms of his employment?
50. How much is he paid? Is it pro rata per Council?

51. What is his background?
52. Who is responsible for choosing Mr Perssons?
53. Were applications for his position advertised? If not, why not?
54. How many others were considered for his position?
55. Does Mr Perssons employment/contract fall under the Code of Conduct and Ethics for Public Sector Executives?
56. If so, sections 10.1 and 10.2 preclude the use of public office or involvement in the political process, yet Mr Perssons published a column in the Manly Daily called 'Warringah Update' in July and on Council's website on 12 July 2008 attempting to influence voters about which councillors they should vote for or return to Warringah Council. Will you investigate Mr Persson's actions?
57. Is it correct that the Director General of the Department of Local Government, Mr Greg Payne, advised the Manly Daily that Mr Persson's actions were permissible?
58. Is it correct that Mr Persson is a friend of Mr Gary Payne and that both have had lunch at Parliament House and other places?
 - a. If so, do Mr Payne's involvement in this matter constitute a conflict of interest?
59. Is it correct that your predecessor advised the Manly Daily in response to a complaint from Mrs S Colvin that Mr Persson is "not a public servant" and therefore able to make the comments he did?
60. In view of the above, and Mr Persson writing to complainants that all complaints should be referred to the Minister for Local Government, what will you do to address Mr Persson's continued misconduct?
61. Given Mr Persson's conduct, do you think it suitable that he now investigate Gosford Council, the third Council now assigned to him?

Staffing Levels – Minister and Department

62. How many employees does the Department of Local Government have?
 - a. How many staff at Dept of Local Government are on SES level?
 - b. Please list the number and the levels.
 - c. How many staff are supplied by Dept of Local Government to the Minister's office?
 - d. What is their grading?
 - e. Are staff supplied by Dept of Local Government to any other Minister's office?
 - f. If so, what is their grading?

63. What was the total 2007/08 catering bill for Dept of Local Government?
64. How many corporate credit cards are in your department?
 - a. Is that more or less from last year?
 - b. What was the total bill for those cards in 2007 and so far this year in 2008?
65. How many Ministerial staff do you have?
 - a. Is that more or less than the previous Minister?

Indigenous Staff

66. How many indigenous staff are employed by your Department?
67. What percentage does this represent of your overall departmental staffing?
68. Have you met your benchmarks for the employment of Indigenous staff levels for your Department?

People with Disabilities

69. How many people with disabilities does your Department employ?
70. What percentage does this represent of your overall departmental staffing?
71. Have you met your benchmarks for the employment of people with disabilities for your Department?

Rod Oxley

72. Minister do you have a copy of Rod Oxley's letter of resignation from Wollongong City Council; under S12 Local Government Act? And if yes, please provide a copy to this committee.
73. If in a separate document, I request a copy of Oxley's "deal" or "agreement" that if he left before the end of his Contract he would not be prosecuted by ICAC; under S12 Local Government Act; and whether that included full payout of his golden handshake?