



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2020-2021
Answers to questions taken on notice on 11 March 2021

Portfolio Committee No. 7 – Planning and Environment

LOCAL GOVERNMENT

Hearing: Wednesday 11 March 2021

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Question from MARK BUTTIGIEG, page 2 of the transcript

The Hon. MARK BUTTIGIEG: So you are unable to tell us when it was first raised, but I understand that it was sometime late in 2018. Will you tell us when the investigation by OLG into Councillor Doueihi was first authorised? I think some of those matters are a matter of public record, given what has been published on the parliamentary website and written in various newspaper articles.

Mr HURST: I do not think I actually have the material on that investigation with me for the reason that the matter is before the courts at the moment, so I did not come prepared to provide details of the investigative process. But as I say, the details are in the departmental report that is before the tribunal at this stage.

The Hon. MARK BUTTIGIEG: But Mr Hurst, you authorised the investigation and you cannot tell me when the investigation was even authorised.

Mr HURST: I can endeavour to find that information and get back to you later today.

Answer

An answer was provided to the committee by the Deputy Secretary, Local Government, Planning and Policy on 11 March 2021. The answer is provided on page 25 of the transcript.

Question from MARK BUTTIGIEG, page 5 of the transcript

The Hon. MARK BUTTIGIEG: Mr Hurst, you are the Deputy Secretary of the Department of Local Government, and you cannot tell me whether or not a significant investigation of major public interest was headed up by a certain person. I am putting to you that it was Ms Noble, and you are not prepared to tell me or tell the Committee.

Mr HURST: I am not sure, Mr Buttigieg, why it is relevant who the investigator was—

The Hon. MARK BUTTIGIEG: It is relevant because I am asking the question, which I have a right to do, and the public has a right to know. So I am asking you the question directly: Yes or no?

Mr HURST: I will endeavour to get back to you later today on that question.

The Hon. MARK BUTTIGIEG: If you could also endeavour to get back to me on where Ms Noble is now working.

Answer

DPIE has no information on where Ms Noble is working now.

Question from DAVID SHOEBRIDGE, page 10 of the transcript

Mr DAVID SHOEBRIDGE: Sorry, I am not asking you about your communications with ICAC. There may well be good public policy if not legal reasons not to engage in that discussion here, but I am going to ask you again: Have you, in your capacity as a public servant in the Office of Local Government, received any notification about ICAC referrals from the council or from any source other than ICAC regarding councillors Hindi and Badalati?

Mr HURST: I understand that the council had written to us about ICAC's correspondence to them that there is an investigation underway by ICAC, but that material is in the public realm, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Will you provide that correspondence to the Committee please?

Mr HURST: I will endeavour to get that for you later today

Answer

Council wrote to OLG on 19 March 2019 and advised OLG that Council had referred a matter relating to complaints about Clrs Hindi and Badalati to the ICAC. This letter is considered confidential as it was received as part of OLG's investigative process and it is excluded information under the *Government Information (Public Access) Act 2009*.

Question from DAVID SHOEBRIDGE, page 11 of the transcript

Mr DAVID SHOEBRIDGE: Sorry, Mr Hurst, are you saying the only notification you have got about an apparent systemic failure to require developers to pay millions of dollars of public levies is through media reports? You have not had any formal communication from council or any other communication, just through media? Is that what you are telling us, Mr Hurst?

Mr HURST: Not that I am aware of. Mr Shoebridge, I am aware of it through media reports. It is possible that there has been notifications to the office. I would not necessarily know of all of the correspondence we receive.

Mr DAVID SHOEBRIDGE: Alright. Would you make some investigations and perhaps provide us with any information that you have or any details you have about referrals to the office?

Mr HURST: I will endeavour to get back to you later today.

Answer

A search of OLG records cannot find any correspondence on this issue.

Question from MARK BUTTIGIEG, page 15 of the transcript

The Hon. MARK BUTTIGIEG: Mr Hurst, does the Act preclude you from briefing the Minister on the progress of the investigation?

Mr HURST: The Act provides that the investigative powers rest with the departmental chief executive.

The Hon. MARK BUTTIGIEG: No, that is not what I asked. I did not ask about investigative powers. I asked whether or not the Act precludes you from briefing the Minister on the progress of the investigation?

Mr HURST: I am not an expert on the Act. I think I would have to take that question on notice.

The Hon. MARK BUTTIGIEG: If you are not, who is? You are the Deputy Secretary of the OLG. Minister, are you across this Act?

Mr HURST: I can confirm that the powers rest with me. The Act does not contemplate any role for the Minister in individual misconduct or pecuniary interest matters. Whether there is a positive exclusion of the provision of information to the Minister about those matters, as I said, I will need to take that on notice.

Answer

An answer was provided to the committee by the Deputy Secretary, Local Government, Planning and Policy on 11 March 2021. The answer is provided on page 52 of the transcript.

Question from JOHN GRAHAM, page 16 of the transcript

The Hon. MARK BUTTIGIEG: You might recall, coming out of last year's estimates, we tabled a document where Councillor Doueihi declared in his return that he was not a property developer. That was tabled. It is a public document. You did not do any follow-up to crosscheck as to whether or not the veracity of that submission stood up, and you have done nothing subsequently, as is your obligation and indeed your power, to refer it to the Electoral Commission or the NSW Police?

Mr HURST: I can confirm that following that previous budget estimate session, OLG received correspondence alleging that the councillor had breached the Oaths Act in his electoral declaration. That information had not been provided to OLG previously. It related to the allegations made here at the budget estimates session that he was a property developer and had failed to declare that in his electoral material as required. This is a matter for the Electoral Commission. So on 23 September 2020 OLG referred the allegation to the Electoral Commission for its consideration and necessary action. The complainant was advised of this referral on the same day.

The Hon. JOHN GRAHAM: Have you had any further advice since that referral?

Mr HURST: I do not have that information with me.

The Hon. JOHN GRAHAM: Could you take that on notice?

Mr HURST: Yes, I am happy to take that on notice. I should say, just additionally, the complainant was also advised that any concerned person could raise their concern with the Electoral Commission or with the police force.

Answer

OLG has not received correspondence from the NSW Electoral Commission in relation to OLG's referral.

Question from JOHN GRAHAM, page 19 of the transcript

Mr HURST: I understand that we do have regular discussions with the Information Commissioner about the guidance that has been provided to councils and what we can do to promulgate that and assist councils to comply with their obligations under the GIPA Act as well as under the Model Code of Conduct. But nevertheless this specific question about the allegations that councils are not complying with their requirements is a matter for the Information Commissioner.

The Hon. JOHN GRAHAM: How many complaints have you had in the last two financial years?

Mr HURST: I would have to take that on notice.

The Hon. JOHN GRAHAM: Yes, if you could take that on notice, that would be helpful.

Answer

Four complaints; three referred to the Information Commissioner and one resolved when the relevant council uploaded returns on its website.

Question from DAVID SHOEBRIDGE, page 24 of the transcript

Mr DAVID SHOEBRIDGE: Are you subject to the department-wide efficiency dividend, and in which

case, what is it?

Mr HURST: There is a department-wide efficiency dividend. I could not tell you how that would

devolve down to the former Office of Local Government.

Mr DAVID SHOEBRIDGE: What is the department-wide efficiency dividend, Mr Hurst?

Mr HURST: I will endeavour to get back to you with that number later today.

Answer

An answer was provided to the committee by the Deputy Secretary, Local Government, Planning and Policy on 11 March 2021. The answer is provided on page 66 of the transcript.

Question from JOHN GRAHAM, page 29 of the transcript

The Hon. JOHN GRAHAM: I understand. Minister, I might ask you to take on notice for the grant programs you administer who is the final decision-maker for each of those grants programs, if you could take that on notice.

Mrs SHELLEY HANCOCK: I have answered that.

The Hon. JOHN GRAHAM: Not for each grant.

Mrs SHELLEY HANCOCK: Ms Molloy, would you like to answer that clearly again?

The Hon. JOHN GRAHAM: Minister, you may not have heard. Ms Molloy has just taken us through that.

Ms MOLLOY: I can only speak for the coast and estuary grants.

The Hon. JOHN GRAHAM: Yes. I am asking about the other grants.

Mr DAVID SHOEBRIDGE: We heard you, Ms Molloy. You were very clear.

Ms MOLLOY: It is the agency, the coordinator-general, that approves the grants and looks at the assessment and checks to see—

The Hon. JOHN GRAHAM: I take it that you are repeating this for the Minister. You have already told us this, Ms Molloy.

Mrs SHELLEY HANCOCK: I am sorry, I was discussing with Mr Hurst.

Ms MOLLOY: We offer the Minister the opportunity to announce those grants and sign a letter out to the grants. But the agency does all the assessment and makes the recommendations.

Mrs SHELLEY HANCOCK: I may have misled you, Mr Graham. I do not approve the grants. I announce the grants. That is the major role and part I play in this. I do not approve grants. They have already been approved and decided upon. I announce the grants.

The Hon. JOHN GRAHAM: This is a very important distinction. It has been the subject of confusion in other grants processes.

Mrs SHELLEY HANCOCK: Yes. It needed to be clarified.

The Hon. JOHN GRAHAM: I appreciate the clarification. Could you take on notice for the other grant programs you administer, you are involved in as Minister, who is the final decision-maker, if you could do that for the other programs.

Mrs SHELLEY HANCOCK: Certainly. Mr Hurst, would you like to comment on any of these grants that you administer?

Mr HURST: I think this question of approval—particularly expenditure approval—has come up in other forums.

The Hon. MARK BUTTIGIEG: I am not asking about expenditure approval.

Mr HURST: That is what "approval" means. "Approval" is a term defined in the legislation.

Mr DAVID SHOEBRIDGE: In what legislation? In what legislation is it defined?

The Hon. MARK PEARSON: My question is: Is an expenditure approval a grant approval?

Mr HURST: The expenditure approval is the process of, under the Government Sector Finance Act, authorising the expenditure or the payment to the person who gets it.

The Hon. MARK PEARSON: So that is "yes", is it?

The Hon. JOHN GRAHAM: Mr Hurst, you know that is not the case, that there is a distinction between the expenditure approval and the approval of the grants themselves. I assure you we will be returning to that, if that is your view, in the agency session. Minister, I am simply asking: Will you take on notice who the final decision-maker is for each of your grant funds?

Mrs SHELLEY HANCOCK: Take on notice in terms of providing more information to you?

The Hon. JOHN GRAHAM: Yes, for each of the funds you—

Mrs SHELLEY HANCOCK: Certainly

Answer

Grant/Fund	Responsible Minister	Delegation of Minister's appropriation
Job Retention Allowance (JRA)	The Hon. Shelley Hancock MP, Minister for Local Government	Deputy Secretary, Local Government, Planning and Policy – Dept of Planning, Industry and Environment
Local Infrastructure Renewal Scheme (LIRS)	The Hon. Shelley Hancock MP, Minister for Local Government	Deputy Secretary, Local Government, Planning and Policy – Dept of Planning, Industry and Environment
Low Cost Loans Initiative (LCLI)	The Hon. Rob Stokes MP, Minister for Planning and Public Spaces	Deputy Secretary, Local Government, Planning and Policy – Dept of Planning, Industry and Environment
Companion Animals Fund (includes payments to RSPCA)	The Hon. Shelley Hancock MP, Minister for Local Government	Deputy Secretary, Local Government, Planning and Policy – Dept of Planning, Industry and Environment
Commonwealth Financial Assistance Grants	The Hon. Shelley Hancock MP, Minister for Local Government is responsible for the NSW allocations	Deputy Secretary, Local Government, Planning and Policy – Dept of Planning, Industry and Environment
Coastal and Estuary Grants Management Program – Planning Stream	The Hon. Shelley Hancock MP, Minister for Local Government	Director Grants, Environment, Energy and Science Group, Department of Planning, Industry and Environment

Coastal and Estuary Grants Management Program – Implementation Stream	The Hon. Shelley Hancock MP, Minister for Local Government	Coordinator-General, Environment, Energy and Science Group, Department of Planning, Industry and Environment
Bushfire Impacted Coastal Waterway Grants	The Hon. Shelley Hancock MP, Minister for Local Government	Coordinator-General, Environment, Energy and Science Group, Department of Planning, Industry and Environment

Question from MARK PEARSON, page 32 of the transcript

The Hon. MARK PEARSON: Minister, I will put the question to you in a different way. It has come to the attention of The Greens and us that there are some councils that do shoot animals—cats and dogs—because they do not have a veterinarian to give the green dream or injection. If you could take on notice if there are any councils that are still doing that and which ones they are.

Mrs SHELLEY HANCOCK: Certainly, yes. I would be concerned about that.

Answer

The Government’s focus is on reducing euthanasia rates by working with councils and animal welfare agencies to promote responsible pet ownership that in turn reduces the burden on pounds and shelters by ensuring fewer animals are lost or abandoned or are required to be seized after an incident.

All pounds and shelters operating in NSW must comply with the *Prevention of Cruelty to Animals Act 1979*, which sets out requirements for the care and protection of animals, and the *Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments*, which establishes standards for housing, bedding, temperature, space, health, diet, exercise and veterinary care, amongst other things.

Councils are required to report to the Office of Local Government (OLG) on certain activities associated with animal pounds and shelters they operate. The collection of this data does not include the method by which companion animals are euthanised.

Question from ABIGAIL BOYD, page 32 of the transcript

Ms ABIGAIL BOYD: You may need to take this on notice, I completely understand. Can you tell us how many complaints have been received direct to your office, to the New South Wales OLG, to the NSW Department of Primary Industries, the State Ombudsman or via RSPCA or Animal Welfare League NSW regarding the noncompliance of council pounds or the treatment of impounded animals in the last three years?

Mrs SHELLEY HANCOCK: I would have to take that on notice, as you would appreciate, Ms Boyd.

Ms ABIGAIL BOYD: Yes, understood.

Answer

The number of animal welfare complaints involving council pounds between 1 July 2017 and 23 March 2021 were:

- Department of Primary Industries - 2 (one of which was also referred to RSPCA NSW and the other to AWL NSW)
- RSPCA NSW – 19
- Animal Welfare League NSW - 16
- Office of Local Government – 3.

Question from ABIGAIL BOYD, page 33 of the transcript

Ms ABIGAIL BOYD: Thank you. When that money was handed to the RSPCA for those shelters, is there an expectation that the animal welfare and rehoming outcomes will be reported back within a certain time to see that that money was well spent?

Mrs SHELLEY HANCOCK: The funding was not necessarily delivered on the basis of rehoming. I am suggesting that is what these shelters are doing very well. The funding was often delivered for a different purpose, as I said before. It could have been for a veterinary facility, the upgrading of a veterinary facility. One of the shelters, I think, was delivered funding for the growing of appropriate trees for koalas—so growing trees, cultivating trees and the like. Others are for other matters such as fencing. There is a real multiplicity of reasons why this funding was there. I can give you all of that information. It is quite interesting.

The Hon. TREVOR KHAN: Steve Coleman would chat to you.

Mrs SHELLEY HANCOCK: It is not delivered necessarily for shelters, okay?

Ms ABIGAIL BOYD: Understood.

Mrs SHELLEY HANCOCK: Very often it is for veterinary facilities, which are quite expensive.

Ms ABIGAIL BOYD: Are you able to give information on notice as to how that funding was spent? That would be very useful.

Mrs SHELLEY HANCOCK: Yes. It has only just been delivered and announced a couple of weeks ago, but if you want to have a look at where that funding should be targeted, then I can give you that as well.

Answer

The NSW Government has provided RSPCA with \$22.5million.

Recently the Minister announced \$10.5 million for RSPCA shelters at Yagoona and throughout regional NSW for capital works. A breakdown of the facilities and works that received funding through this latest round is provided below.

PROJECT MANGEMENT AND COORDINATION
Project coordination and management/engineering and consulting \$470,000
State-wide travel and motor vehicles \$165,000
IT project support \$50,000
Subtotal \$685,000
SYDNEY
Demolition of old kennels \$170,000
Construction of new slab and shed for RSPCA Emergency Response Assets \$300,000
Construction of new wash bay \$40,000

Dog exercise yards \$120,000
Renovation of old Cattery (Building 4) 200 m2 \$300,000
Reinstatement of service road & existing car park \$150,000
Rooftop dog play area \$90,000
Dog walking/education track \$120,000
Covid-safe outdoor waiting area for public \$190,000
Resurfacing of pocket pets & memorial garden \$60,000
Facility Landscaping \$295,000
Covered Walkways between Buildings \$300,000
Airconditioning systems for animal holding rooms \$120,000
Storm water re-use & irrigation system \$80,000
Veterinary Equipment \$100,000
IT/Digital Systems for Education Centre \$150,000
Audio Visual fit out and equipment for Education Centre \$200,000
Animal feed room renovation and goods lift \$500,000
Resurface and replace fencing in dog exercise yards \$80,000
Kennel heating & cooling system \$80,000
Roller shutters for flight aviary & whelping kennels \$25,000
Industrial washing machine & dryers \$45,000
Decommissioning of old sewerage system \$80,000
Roofing of animal ambulance bays \$100,000
Outdoor animals sulphur bath area \$50,000
Replacement of dilapidated fencing \$60,000
Site wide PA system \$50,000
Subtotal \$3,855,000
HUNTER
Animal Shelter upgrade \$800,000
Service road & car park upgrade \$75,000
General landscaping \$125,000
Veterinary equipment \$150,000
Inspector rescue vehicle shed \$20,000
Subtotal \$1,170,000
CENTRAL COAST
Security & Lighting \$80,000
Perimeter fencing \$120,000
Puppy Taskforce building (DPI) \$150,000
Bushfire Protection \$150,000
Service road and carpark \$75,000
Upgrade of dog exercise yards and general landscaping \$90,000
144kVA Generator \$55,000
Subtotal \$720,000
BROKEN HILL
Construction upgrades of Broken Hill vet clinic to cater for local council and residents \$1,415,000

Veterinary Equipment \$180,000
Service road, covered animal ambulance bay and carpark \$120,000
Fencing, security and grounds work \$60,000
Subtotal \$1,775,000
ILLAWARRA
Refurbish reception and adoption rooms \$100,000
Access roads & erosion control \$260,000
Security \$60,000
Subtotal \$420,000
COFFS HARBOUR
Renovation of old cattery \$150,000
Hydraulic systems upgrade \$50,000
Subtotal \$200,000
ORANGE
Renovation of old cattery \$100,000
New dog exercise yards \$75,000
Animal isolation ward \$35,000
Subtotal \$210,000
TWEED HEADS
Compliance works \$20,000
Subtotal \$20,000
LITHGOW
Gum tree plantation for Kolas \$60,000
Water pipe to property \$45,000
Subtotal \$105,000
BLUE MOUNTAINS
Wildlife Facility Construction - Provisional Licence approved \$900,000
Bushfire protection systems \$220,000
600kVA generator \$120,000
Education centre IT and AV systems \$100,000
Subtotal \$1,340,000
Grand Total \$10,500,000

Question from MARK BUTTIGIEG, page 40 of the transcript

The Hon. MARK BUTTIGIEG: Do you think if I were a staff member at Newcastle City Council or a fellow councillor or a ratepayer looking at this behaviour and seeing that all that has happened is that the councillor has been censured, council then votes unanimously to send it back to OLG and nothing has happened— how do you think that sits with your constituency, the ratepayers New South Wales?

Mrs SHELLEY HANCOCK: I think constituency, or more specifically of that area, would be concerned if there had not been some action taken by the council and/or OLG to ensure that that kind

of behaviour was not repeated. That is all I can say to you at this stage because I cannot comment on the original investigation within the council and the subsequent motion nor the motion referring that to the Office of Local Government. And Mr Hurst, I think, is not even aware that it has been referred.

Mr HURST: I do not have any details on this. In the circumstances I do not know that there is any comment I can make about whether these are the facts of the matter or the referral. I am endeavouring to get that information now.

Answer

OLG has not received a referral of this matter from the Council.

Question from DAVID SHOEBRIDGE, page 42 of the transcript

Mr DAVID SHOEBRIDGE: Minister, that may well have been appropriate at a council level but I suppose the matter has been referred to the Office of Local Government. It has been sitting there for some time apparently. Has the Office of Local Government thought to obtain the assistance of the Anti-Discrimination Board, which has the skills and specialty for dealing with this kind of behaviour?

Mrs SHELLEY HANCOCK: I cannot see why they would not take into consideration the appropriate body to refer that to.

Mr DAVID SHOEBRIDGE: Well, have they, Mr Hurst?

Mr HURST: Just to clarify, I am trying to find out more information about this but at this stage I am not aware that the matter has been referred to OLG.

The Hon. MARK PEARSON: Sorry, Mr Hurst, could you just move your microphone closer?

Mr HURST: Just to clarify, I am not aware that it has been referred to the Office of Local Government or what action we may have taken if that was the case. I am endeavouring to get that information for the Committee.

Answer

OLG received a request to respond to a referral from a conduct reviewer to consider proposed recommendations relating to allegations concerning Clr Robinson's conduct, pursuant to cl.7.38 of the relevant Code.

Based on an assessment of the investigator's final investigation report, by letter dated 1 October 2020, OLG considered that the matter would not warrant further action by OLG under the misconduct provisions of the Act should Council determine to censure Clr Robinson and make its determination public.

However, this is a preliminary assessment and not binding. Council can still resolve to refer the matter to OLG for its formal consideration.

Any person can make a complaint to the Anti-Discrimination Board, including any person who may be aggrieved by comments made.

Question from MARK BUTTIGIEG, page 43 of the transcript

The Hon. MARK BUTTIGIEG: So we have a situation here where the United Services Union first raised this issue almost two years ago, council has been censured, it is back with the OLG and there is still no progress on the matter. Minister, do you think that is an acceptable outcome for your department?

Mrs SHELLEY HANCOCK: Just trying to listen to you carefully, I think there was a motion to refer it to the Office of Local Government. I am not sure that we have the information as to whether it was referred to the Office of Local Government at this stage. Mr Hurst is endeavouring to find that information for you.

The Hon. MARK BUTTIGIEG: Well, I think I said that it was carried unanimously, but make the inquiries.

Mrs SHELLEY HANCOCK: Well, it may well have been, but whether it has been referred at this stage on the basis of a unanimous motion or not on a unanimous motion, we are endeavouring to find that information out for you, Mr Buttigieg.

The Hon. MARK BUTTIGIEG: Sure. If you could take that on notice that would be great.

The Hon. MARK PEARSON: You can take that on notice to provide that information.

Answer

OLG has not received correspondence from Council about this matter.

Question from DAVID SHOEBRIDGE, page 44 of the transcript

Mr DAVID SHOEBRIDGE: That gives some certainty to the councils that have been asking about it. There have, however, been a significant number of concerns reported to me about some councils choosing to switch from in real life, even though they have returned to in-real-life meetings, back to online meetings because they have been anxious about—with the intent of limiting public engagement in the gallery. Have you had any concerns raised with you to that effect?

Mrs SHELLEY HANCOCK: No, I have not but I would be concerned about that. If you are trying to limit public engagement with a council, I do not think that is appropriate.

Mr DAVID SHOEBRIDGE: One of the most recent instances was at Wingecarribee council. Their meeting at the end of February was originally advertised as an in-real-life meeting, but then with very short notice it was converted to an online meeting. There was very short notice given of that. Have you been aware of that happening in other councils?

Mrs SHELLEY HANCOCK: Not in other councils. I was aware of that. Again, I think that decision—I do not know but I can imagine—would have been taken with respect to COVID regulations, social distancing, the inability to actually have everybody back in the chamber. Some council chambers are quite small, Mr Shoebridge, so they may not have thought that they could comply with COVID regulations..

Mr DAVID SHOEBRIDGE: There is no suggestion of that. I think it was a Wingecarribee council meeting on 23 February, where a number of members of the public attended the meeting consistent with the notice that had been given were turned away and were told that it was only a Zoom meeting. Mr Hurst, could I ask you to review the circumstances under which Wingecarribee converted an in-real-life meeting to a Zoom meeting around about 24 February?

Mrs SHELLEY HANCOCK: Yes, I will take that on notice to investigate that. Yes, sure.

Answer

Under the *Local Government Act 1993* and the *Model Code of Meeting Practice for Local Councils in NSW*, councils must give notice of the to the public of the time, date and place of each of its meetings. The Office of Local Government expects all councils to hold their meetings in accordance with the public notice provided with respect to their meetings.

Wingecarribee Shire Council was suspended on 12 March 2021, in part because of deficiencies in the way it conducted its meetings.

Question from DAVID SHOEBRIDGE, page 46 of the transcript

Mr DAVID SHOEBRIDGE: Minister, there was a decision in that case in the Land and Environment Court in *Armidale Regional Council v O'Connor* [2020] NSWLEC 77 in which the Chief Justice found that councillors were able to sit on the general manager's review committee and were not biased simply for the reason of having an opinion about the general manager's performance. What, if any, steps have been taken to advise all councillors of that conclusion and that policy setting having now come from the Chief Justice of the Land and Environment Court?

Mr HURST: I am not aware that we have provided specific guidance to council on that question but I will endeavour to get back to you later today on that.

Answer

The Office of Local Government has provided guidance to councillors on their obligations in exercising effective and appropriate oversight of their general manager's performance. Detailed guidance on this is provided in the Councillor Handbook. Specific guidance on performance reviews of general managers is also provided in OLG's Guidelines for the Appointment and Oversight of General Managers.

OLG periodically reviews and updates the guidance it provides to councils. An updated version of the Councillor Handbook will be issued before the September 2021 elections and this will address a range of issues that have arisen since the last edition of the Handbook was published in 2017.

Question from JOHN GRAHAM, page 49 of the transcript

The Hon. JOHN GRAHAM: Minister, I might ask about a couple of specific funds. These are funds for which you have, as you say, done the media. I just want to know who signed this off, who was the final decision-maker for these specific funds. On 2 December 2020 you, the Treasurer, and the Minister for Planning and Public Spaces announced the \$1.3 million Festival of Place Summer Fund program. Who was the final decision-maker for approval for that fund?

Mrs SHELLEY HANCOCK: I will take that on notice, if you do not mind, Mr Graham.

Answer

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

Question from JOHN GRAHAM, page 49 of the transcript

The Hon. JOHN GRAHAM: I am very comfortable with you doing that.

The Hon. CATHERINE CUSACK: Point or order: Can I ask a genuine question to assist? One of the things that is confusing me is the terms "approval" and "decision" are being used interchangeably.

The Hon. JOHN GRAHAM: We are definitely going to come back to that in the afternoon.

The Hon. CATHERINE CUSACK: It is not clear what you are asking when you use those terms interchangeably.

Mr DAVID SHOEBRIDGE: That is not the Government's best point.

Mrs SHELLEY HANCOCK: They are just confused, Ms Cusack. They are confusing themselves now.

The Hon. MARK PEARSON: There is the rub, Ms Cusack. Continue the questions, Mr Graham.

The Hon. JOHN GRAHAM: On 5 August 2020, you along with the Treasurer, announced \$250 million to go to councils to deliver new or improved public spaces. Who is the final decision-maker for that fund?

Mrs SHELLEY HANCOCK: Again, I will take that question on notice, if I can.

Answer

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

Question from JOHN GRAHAM, page 49 of the transcript

The Hon. JOHN GRAHAM: I am very happy for that. On 4 May 2020 you announced \$500,000 worth of grants for council-run pounds. Who was the final decision-maker for that?

Mrs SHELLEY HANCOCK: I will take that question on notice.

Answer

The Minister approved the establishment of the program on 9 May 2020 and the Deputy Secretary, Local Government, Planning and Policy approved the expenditure of the grants to councils under delegation.

Question from JOHN GRAHAM, page 49 of the transcript

The Hon. JOHN GRAHAM: A number of councils that did not receive funding—

Mrs SHELLEY HANCOCK: From which fund?

The Hon. JOHN GRAHAM: From the Stronger Communities grants fund, want the money that they think was taken from their communities. Two of those councils say they should have received \$45 million. They were merged councils that represent half a million residents. At least one of those says now it will not harmonise its rates until it gets the money back.

The Hon. MARK PEARSON: You need to get to the question.

The Hon. JOHN GRAHAM: They are asking for that rate harmonisation to be phased in over four years. That sounds reasonable, what is your view, Minister?

Mrs SHELLEY HANCOCK: I think it is fairly well known that there is an exposure draft bill on that very item, which is part of a Cabinet process but because it has been in the public arena, I can comment that that is exactly what we intend to do.

The Hon. JOHN GRAHAM: Will they get their money back, the \$45 million?

Mrs SHELLEY HANCOCK: That is your assertion that they should get any money back. They have made a claim that they should get money back. I am not sure they are entitled to that. But I can have a look at that and take it on notice.

Answer

The Stronger Communities Fund program has now concluded and all funding has been exhausted.

Question from DAVID SHOEBRIDGE, page 50 of the transcript

Mr DAVID SHOEBRIDGE: Minister, do you know how many councils in New South Wales are expecting to outsource their elections to private providers, if any?

Mrs SHELLEY HANCOCK: At the moment, two.

Mr DAVID SHOEBRIDGE: Which are they?

Mrs SHELLEY HANCOCK: Penrith and Fairfield.

Mr DAVID SHOEBRIDGE: Do you know which provider they are proposing to use?

Mrs SHELLEY HANCOCK: I do not know.

Mr HURST: I will have to come back to you with that information

Answer

Penrith and Fairfield City Councils have engaged the Australian Election Company to conduct their elections.

Question from JOHN GRAHAM, page 52 of the transcript

The Hon. JOHN GRAHAM: Thank you to the Deputy Chair, officials and Mr Hurst. Before my colleague asks some questions, I might start off by returning to the question about the list of grants programs that the Minister has funds appropriated for. The Minister did not have that information to hand and has taken it on notice, all of which is totally appropriate and we will receive that in due course. I was just going to ask you, Mr Hurst, now that we have slightly more time in this afternoon session: Is that something you have to hand and we can talk through this afternoon, or would you also need to take that on notice?

Mr HURST: I did come prepared with historical information on grants that have been paid in the past but not on the existing or future programs. I am sorry, I did not bring that material.

The Hon. TREVOR KHAN: He is anticipating a certain line of questioning.

The Hon. JOHN GRAHAM: I think it is reasonable to take that on notice if that is the situation you are in.

Answer

This answer has been provided above, please see page 6.

Question from MARK BUTTIGIEG, page 55 of the transcript

The Hon. MARK BUTTIGIEG: Mr Hurst, can I take you to another incident out of Broken Hill council to do with Councillor Tom Kennedy? Can you enlighten us on that?

Mr HURST: With a little time I could probably find some papers on it.

The Hon. MARK BUTTIGIEG: Chair, I am happy to revisit this in the next block, if you like, if it makes it neater.

The Hon. MARK PEARSON: Okay. So, are you taking that question on notice?

Mr HURST: Perhaps if I could come back to it?

The Hon. MARK PEARSON: Sure.

Answer

The most recent complaint received under the misconduct provisions of the Act relating to allegations about Councillor Kennedy at Broken Hill was received on 3 August 2020.

This was an alleged breach of the pecuniary interest provisions of the Model Code of Conduct.

This complaint was finalised on 20 October 2020.

The outcome was that the matter did not amount to a breach of the pecuniary interest provisions and did not warrant further action by OLG.

Question from DAVID SHOEBRIDGE, page 57 of the transcript

Mr DAVID SHOEBRIDGE: What is the average time for resolving a code of conduct complaint to the Office of Local Government?

Mr HURST: I do not have that detail, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: What is the median time for resolving a complaint by the Office of Local Government?

Mr HURST: I am sorry. I do not have a basis to answer that.

Mr DAVID SHOEBRIDGE: Can you provide them on notice?

Mr HURST: If the numbers are available, I will see if we can provide it, but I am not aware that we actually make the calculation of those numbers.

Mr DAVID SHOEBRIDGE: What is the longest outstanding code of conduct complaint sitting with your office unresolved?

Mr HURST: I would have to take that on notice as well.

Mr DAVID SHOEBRIDGE: Is it two years, three years, five years, eight years? What is the longest?

The Hon. CATHERINE CUSACK: It has been taken on notice.

Answer

Year	Number of matters finalised by OLG	Timeframe to complete – median	Timeframe to complete – average
2017/18	53	100 days/14 weeks	107 days/15 weeks
2018/19	75	102 days/14 weeks	136 days/19 weeks
2019/20	96	92 days/13 weeks	129 days/18 weeks

Question from DAVID SHOEBRIDGE, page 58 of the transcript

Mr DAVID SHOEBRIDGE: Mr Hurst, in no way would I contradict your statements about Ms Brady being inspirational, but she deserved your office responding to her complaint in a timely fashion, and you have not done it, Mr Hurst. It is still not resolved, and Mayor Brady has now died. That is the truth of the matter, is it not? She died waiting for you to get her code of conduct complaint resolved.

Mr HURST: The facts are that the complaints take the time that is necessary to deliver a robust outcome, affording procedural fairness to the people involved.

Mr DAVID SHOEBRIDGE: When was Mayor Brady's complaint lodged with your office?

Mr HURST: I do not have that detail to hand.

Mr DAVID SHOEBRIDGE: What year?

Mr HURST: I am sorry, I do not know.

Mr DAVID SHOEBRIDGE: You cannot find out?

Mr HURST: I could find out. Would you like me to find out—

Mr DAVID SHOEBRIDGE: I would.

Mr HURST: —and get back to you?

Mr DAVID SHOEBRIDGE: Yes, please.

Mr HURST: Happy to do so.

Answer

Council resolved to refer a conduct matter to the Office of Local Government which attached a conduct reviewer's report. This was received on 4 July 2019.

Question from DAVID SHOEBRIDGE, page 59 of the transcript

Mr DAVID SHOEBRIDGE: It is good to be clear on this. If you can, today, Mr Hurst—the date. You may have it there?

Mr HURST: I might have it here. I am just looking. These are finalised matters. I cannot immediately find it in the material. As I said, I will endeavour to get back to you.

The Hon. MARK PEARSON: That is fine, Mr Hurst. If you can get the information to us today, that would be great; otherwise, on notice.

Mr DAVID SHOEBRIDGE: Yes. So will you endeavour to get it to us today, Mr Hurst?

Mr HURST: I will try to do so, yes.

Answer

Please refer to the answer provided above.

Question from DAVID SHOEBRIDGE, page 60 of the transcript

Mr DAVID SHOEBRIDGE: Do you have a handle on how many each investigator is dealing with? Do you have an understanding of the scope of the task in front of them?

Mr HURST: Broadly speaking, from the updates that I get from the team, yes.

Mr DAVID SHOEBRIDGE: What is it?

Mr HURST: Each investigator might be, depending on the complexity of the matter, running with perhaps half a dozen matters at a time.

Mr DAVID SHOEBRIDGE: So there are about 36 outstanding complaints. Is that right?

Mr HURST: Mr Shoebridge, my evidence is that I will come back to you on notice with the number of complaints that are outstanding.

Mr DAVID SHOEBRIDGE: Is there a sort of ballpark figure—less than 50?

Mr HURST: I will have to get you the correct numbers. You are asking me to guess.

Mr DAVID SHOEBRIDGE: Do think you could get that this afternoon?

Mr HURST: I said I would try to get back to you this afternoon with those figures. I am trying to be helpful, Mr Shoebridge, but it is difficult when I do not know the exact numbers.

Answer

As of 24 March 2021 there are 23 active misconduct matters with the Investigations Team.

Question from JOHN GRAHAM, page 62 of the transcript

The Hon. JOHN GRAHAM: Having given the answers you have, I might move to this point: Can you confirm the view I put this morning that \$136 million in that tied grant round was disbursed for 83 projects within 72 hours of them being identified?

Mr HURST: There is actually more to this document, which answers the question of the amounts but not the time frame. Would you like me to hand that up as well?

The Hon. JOHN GRAHAM: I do not think you need to do that and I am happy for you to take this question on notice, which I strongly suggest you do.

Mr HURST: Yes, taken on notice.

Answer

This information has been provided to the Public Accountability Committee as part of the inquiry into the *Integrity, efficacy and value for money of NSW Government grant programs*.

Question from JOHN GRAHAM, page 62 of the transcript

The Hon. JOHN GRAHAM: Yes, you are right. It confirms that fact. Could you tell us though—and I encourage you to take this on notice—how many projects that means that identification occurred before you received the final approval of the guidelines?

Mr HURST: I am not sure where you get the question about the final approval of the guidelines. Guidelines were in place from before the program.

The Hon. JOHN GRAHAM: The approval of the round three guidelines.

Mr HURST: The tied grants round guidelines were in place and then updated.

The Hon. JOHN GRAHAM: So it is the updated guidelines, the final update that occurred—

Mr HURST: I do not believe that any of these were identified before guidelines were in place.

The Hon. JOHN GRAHAM: So you do not believe you identified—

Mr HURST: I did not identify.

The Hon. JOHN GRAHAM: You do not believe you received an identification, for example, for projects that the Premier had approved—except put that word aside—on 25 June, but then the guidelines on 27 June 2018.

Mr HURST: The project identification date is listed on the schedule. Guidelines were in place during the period of the program.

The Hon. JOHN GRAHAM: But you are referring to two separate sets of guidelines here, Mr Hurst.

Mr HURST: There were always guidelines in place.

The Hon. JOHN GRAHAM: Yes, but the guidelines that were in place when you received the identification would not have allowed those projects to proceed. That is why am asking how many projects were identified to you before they could have been paid out under those guidelines.

Mr HURST: I do not believe that to be the case. I am happy to take that on notice.

Answer

This information has been provided to the Public Accountability Committee as part of the inquiry into the *Integrity, efficacy and value for money of NSW Government grant programs*

Question from DAVID SHOEBRIDGE, page 66 of the transcript

Mr HURST: Yes, I think that is an accurate summary. You asked us some questions about efficiency dividends applied. The advice that I have—and this is across the whole of the Department of Planning, Industry and Environment—is that additional savings measures were announced by the Government as part of the 2020-21 budget. These were to help mitigate the impact of the COVID-19 pandemic and the 2019-20 summer bushfires. The total amounts of those in the 2020-21 budget were \$36.2 million in 2020-21, and they rise to \$40.4 million in 2023-24, providing a four-year total of \$173.5 million. I have some components. There were amounts about wages determination, procurement savings and digital stimulus fund contributions.

Mr DAVID SHOEBRIDGE: I am assuming that that is not all from the Office of Local Government budget, or the Office of Local Government would cease to exist.

Mr HURST: I just clarified at the start that these were the amounts across the whole Department of Planning, Industry and Environment.

Mr DAVID SHOEBRIDGE: All of DPI. And what will that mean if it is applied pro rata to the budget for the Office of Local Government?

Mr HURST: It is not being applied pro rata across the department. There are savings in terms of procurement savings in contingent labour, travel, facilities and fleet management, information and communications technology [ICT] and telecommunications, and events and training. It also takes into account that there was a reduced public sector wages increase for the 2020-21 financial year.

Mr DAVID SHOEBRIDGE: If you can on notice provide what that will mean financially in terms of reductions for the Office of Local Government, I would appreciate it.

Mr HURST: The Office of Local Government is no longer a separate entity and it does not have a separate budget.

Mr DAVID SHOEBRIDGE: For the functions associated with the Office of Local Government.

Mr HURST: I do not know that we would be able to do it in that way because it does not have a separate budget any more, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: So how can we have visibility on the financial allocation that is going to the Office of Local Government? It is just not visible.

Mr HURST: There are different paths in different divisions of the department now that work together, as I mentioned, to provide a service to the local government sector, badged as the Office of Local Government, but there is no single budget any more.

Mr DAVID SHOEBRIDGE: I am going to ask you to take it on notice to the extent you can, and if the answer is simply a more detailed answer about why you cannot provide the details on notice I will review that.

Mr HURST: I am happy to do so.

Answer

An answer was provided to the committee by the Deputy Secretary, Local Government, Planning and Policy on 11 March 2021. The answer is provided on page 66 of the transcript.

Question from DAVID SHOEBRIDGE, page 67 of the transcript

Mr DAVID SHOEBRIDGE: On 24 May 2019 the Office of Local Government received an email from the manager of the then Georges River Council which referenced the conduct of two councillors, Councillor Badalati and Councillor Hindi. It attached links to a series of articles, one of which is the article I have given you dated 2 April 2019, Mr Hurst. So that is the starting point. Mr Hurst, did you review this correspondence from Chris Allen, Director of Sector Performance and Intervention, before it was sent in response to that complaint of 24 May?

Mr HURST: I do not immediately know the answer to that question.

Mr DAVID SHOEBRIDGE: You would have actually been briefed about the complaints, given the nature of the complaints. It would have been part of those regular reviews you talked about, would it not?

Mr HURST: Once again you have asked me a specific question about whether I was briefed. I do not have an answer to that.

Mr DAVID SHOEBRIDGE: Could you provide an answer on notice?

Mr HURST: Yes, I could provide an answer on notice.

Mr DAVID SHOEBRIDGE: Can you provide on notice whether or not you actually reviewed this correspondence before it went out?

Mr HURST: Yes, I am happy to take that question on notice.

Answer

No.

Question from DAVID SHOEBRIDGE, page 69 of the transcript

The Hon. MARK PEARSON: I will uphold that point of order, Mr Shoebridge, because we have had this issue before at the last hearing in relation to a council which then instructed Mr Hurst to not answer the question if he did not think he could but to go and seek legal advice. You might both need to do that now, but if the legal advice is that you can answer the question, then having taken it on notice you then will.

Mr DAVID SHOEBRIDGE: Mr Hurst, I have asked before, what is the threshold for the Office of Local Government to undertake an investigation? If you are given credible evidence that a councillor went on a paid overseas trip by a developer and then within a week of returning from that trip voted on that developer's development application to upsize the development, contrary to the council's planning staff advice, how could that not trigger an investigation by the Office of Local Government, putting to one side whether it is these councillors or any other councillor? How could those circumstances not trigger an investigation from the Office of Local Government?

Mr HURST: I will take that question on notice, Mr Shoebridge

Answer

Decisions about whether to take further action on complaints lodged with OLG are guided by our Managing Complaints about Local Councils Policy and Procedures and the Framework for Managing Councillor Misconduct Allegations. Both documents are available on OLG's website.

Question from MARK PEARSON, page 69 of the transcript

The Hon. MARK PEARSON: Mr Hurst, further to that question, is a decision made not to act and investigate such a matter and if a decision is made not to, are the reasons recorded anywhere?

Mr HURST: Generally the reasons will be provided in the letter back to the complainant if the office does not proceed with a complaint.

The Hon. MARK PEARSON: Will you provide a copy of any correspondence or other recording as to what is the reason why a decision was made not to proceed with the investigation?

Mr HURST: I am happy to take that on notice, Mr Chair.

Answer

Reasons for not pursuing a complaint are varied but are guided by our Managing Complaints about Local Councils Policy and Procedures and the Framework for Managing Councillor Misconduct Allegations. Both documents are available on OLG's website.

For example, with misconduct matters, relevant factors to be considered to determine whether to take further action are provided at Part 8.1 of the Framework.

Question from JOHN GRAHAM, page 70 of the transcript

The Hon. JOHN GRAHAM: Mr Hurst, given the significant issues we have discussed about a range of things that have not necessarily been dealt with very harshly—they are some of the questions that have been put to you—part of the context for me is the very significant powers that you have in your role heading OLG. One of those powers is section 435 of the Local Government Act 1993. It really quite remarkably allows you to disallow an expenditure and potentially to surcharge, as it is described, an amount of expenditure onto a councillor, a general manager or a member of staff of the council. You can also do that in relation to any deficiency or loss incurred by the council as a consequence of negligence or misconduct by the councillor, the general manager or the member of staff. When is the last time that latter provision has actually been used, those significant powers under section 435 (2) (a) of the Local Government Act?

Mr HURST: It is my understanding that the surcharging powers have never been used since they were inserted into the Act.

The Hon. JOHN GRAHAM: When were they inserted?

Mr HURST: I am not sure of that but when I have asked that question of the team, my understanding is that they have never been used.

The Hon. JOHN GRAHAM: Have you ever been tempted?

The Hon. TREVOR KHAN: Haven't we all?

The Hon. JOHN GRAHAM: That was not directed to you, Mr Khan.

Mr HURST: I do not know that "tempted" is the right word. It is certainly a measure that is available in the Act. It has been considered from time to time but never applied.

The Hon. JOHN GRAHAM: Would you mind taking on notice—it would just be helpful if you could clarify when that did come into the Act.

Mr HURST: Yes, I am happy to take that on notice

Answer

The current Local Government Act commenced in 1993.

Question from MARK BUTTIGIEG, page 70 of the transcript

The Hon. MARK BUTTIGIEG: Could we loop back to the Broken Hill code of conduct matter? I think I left off at the end of the last set on whether or not you could give us an update on what the situation is there and where we are at.

Mr HURST: I am sorry, Mr Buttigieg, but I do not have the Broken Hill information yet.

The Hon. MARK BUTTIGIEG: Apparently sources within Broken Hill City Council have raised issues with Councillor Tom Kennedy, who has been the subject of many code of conduct complaints. A code of conduct issue was directly reported to the OLG in relation to a DA that came up last year for an Aldi supermarket. You are not aware of any of this?

Mr HURST: I am not personally aware. I did have a look through the folder of current matters and I could not immediately find anything. I have undertaken to get back to you today if I can with material about that. I know that a team in Nowra are monitoring the session and attempting to provide that information for me.

The Hon. TREVOR KHAN: But if you cannot get it, you will provide an answer on notice.

Mr HURST: I will provide an answer on notice if I cannot. I am attempting to get the information, Mr Buttigieg, to answer your questions.

Answer

Please refer to answer provided on page 15.

Question from JOHN GRAHAM, page 74 of the transcript

The Hon. JOHN GRAHAM: Was this Waverley grant approved under the amended guidelines?

Mr HURST: I will have to take that on notice. I do not have that material here.

The Hon. JOHN GRAHAM: Do you agree though that it would not have been eligible under the guidelines that applied before the amended guidelines? Do you agree with that?

Mr HURST: I think there are a number of questions here about the timing that I cannot answer on the basis of the material that I have before me. That is why I have agreed to take it on notice and I will come back to you on that question.

The Hon. JOHN GRAHAM: Yes, but you agree that the date that is identified, the project identification date, is two days before the guidelines?

Mr HURST: I agree with the dates and the schedule but there are other questions here about what guidelines were in force at what time. That is why I am not prepared to give you an answer on oath today based solely on this information. I will come back to you. I understand the nature of your question: Which guidelines was it made under? I think it will need me to go back and have a look at the primary records to provide you with my advice on that question.

The Hon. JOHN GRAHAM: Right. So you have identified one of my questions, which is: Which guidelines was it approved under? I am also asking in addition, in relation to this Waverley project, would it have been eligible under the former guidelines? I do not believe it would have been but I am asking your view.

Mr HURST: I am happy to get back to you on notice on that question as well.

The Hon. MARK PEARSON: You will be taking that particular question on notice, along with the other?

Mr HURST: Yes.

Answer

The grant payment was approved by the delegated officer under the *Government Sector Finance Act 2018*.

Question from JOHN GRAHAM, page 76 of the transcript

The Hon. JOHN GRAHAM: In relation to the City of Ryde grant—and this is a grant of \$2.35 million—

The Hon. SHAYNE MALLARD: Another Labor council.

The Hon. JOHN GRAHAM: —the guidelines that are identified are 27 June 2018, but, again, your project identification date indicates that it was identified two days earlier on 25 June. Similarly, could you take on notice which guidelines it was approved under? Again, I do not believe this would have been eligible under the former guidelines, only the amended guidelines, but if you could clarify that?

Mr HURST: I am happy to take both of those questions on notice.

The Hon. JOHN GRAHAM: Finally, in relation to Burwood, the facts are slightly different here.

This is a \$2.6 million grant. The guidelines that are identified are the amended guidelines on 27 June 2018. The project is identified just a single day earlier, that is on 26 June 2018. Again, if you could take those two questions on notice?

Mr HURST: Yes, I agree to take those on notice.

Answer

Each grant payment was approved by the delegated officer under the *Government Sector Finance Act 2018*.

Question from JOHN GRAHAM, page 78 of the transcript

The Hon. JOHN GRAHAM: Sure.

Mr HURST: How do they deal with these councils with large area, very low populations, often a high proportion of Indigenous people who are not well engaged in the traditional model of local government and how they can have a better say in the way that their community operates—the council or whatever that body might be. So, yes, I am going to suggest that there could be potential application to other councils, but we have not completed the work.

The Hon. JOHN GRAHAM: Yes, but you have not prejudged that. When would the current administration period for Balranald be likely to conclude? What is your best expectation?

Mr HURST: It is in my papers. I can rifle through it and find out or I can come back to you on notice of the question.

Answer

Balranald administration is due to finish at the local government elections in September 2024.

Question from MARK BUTTIGIEG, page 81 of the transcript

The Hon. MARK BUTTIGIEG: The COVID stimulus proportion, was that fully subscribed? Another way to ask the question might be how much of the COVID subscription was subscribed?

Mr WALTON: I am sorry, even though I have got the page I cannot answer that question. The facility was expanded to \$1.35 billion. I do not have the number in front of me in terms of the amount of uptake of that extra stimulus amount.

The Hon. MARK BUTTIGIEG: That presupposes that it must originally have been \$1.1 billion and was expanded to \$1.35 billion, but we do not know how much of the extra was—

Mr WALTON: Correct.

The Hon. MARK BUTTIGIEG: Can you take that on notice for me?

Mr WALTON: Yes.

The Hon. MARK BUTTIGIEG: Do we know how many councils borrowed from the extra \$250 million pool?

Mr HURST: I think that was the question that Mr Walton agreed to take on notice.

The Hon. MARK BUTTIGIEG: No, I asked what proportion of the \$250 million. This is now asking how many councils. We do not have that either?

Mr WALTON: No, but I can say that 10 councils that had previously not borrowed from the scheme borrowed under the new arrangements. But I can come back to you with the details—

Answer

Five councils applied for TCorp funding under the COVID Stimulus package with a total of \$25.5 million approved to councils that could not previously access TCorp. Three new councils were approved:

- **\$10 million to Broken Hill which has been funded at a rate of 1.32% for 10 years**
- **\$2 million to Wentworth Council**
- **\$13.5 million to Rouse County Council.**

Question from MARK BUTTIGIEG, page 81 of the transcript

The Hon. MARK BUTTIGIEG: Let me rephrase that: on the speed with which the money was injected into these councils, I guess is the way to phrase it.

Mr HURST: I do not think we have that information, but TCorp would.

The Hon. MARK BUTTIGIEG: Are you able to get it for us?

Mr HURST: I am happy to endeavour to get some information about the time frames for turning around—.

Answer

The turnaround time for an application is 2 to 6 weeks.

Question from MARK BUTTIGIEG, page 82 of the transcript

The Hon. MARK BUTTIGIEG: In terms of interest rates, are you able to inform us what they were for those funds? Do we know what interest rates they were accessed at from TCorp?

Mr HURST: My understanding is that there was a small margin applied on the State's borrowing rate, but I do not know the exact figures.

The Hon. MARK BUTTIGIEG: So a margin on top of what the Government would normally have access to.

Mr HURST: Yes, to cover TCorp's administration of the scheme.

The Hon. MARK BUTTIGIEG: Will you take that on notice for me?

Mr HURST: I will try and obtain that information, yes

Answer

Broken Hill has drawn down at a rate of 1.32%. Both Rouse and Wentworth have not yet drawn down.

Question from MARK BUTTIGIEG, page 82 of the transcript

The Hon. MARK BUTTIGIEG: Do we know how many councils applied for loans but were rejected?

Mr HURST: No, we do not know that.

The Hon. MARK BUTTIGIEG: Again—

The Hon. MARK PEARSON: Can you take it on notice, again?

Mr HURST: I will try to get that information from TCorp.

Answer

TCorp have advised that two were unsuccessful.

Question from MARK BUTTIGIEG, page 82 of the transcript

Mr HURST: I am aware that the Minister put out a media release. I think there may have been an OLG circular that also issued with further details to councils about each component of the stimulus package and how to access it. And obviously we also have a role in engaging with councils, if they phoned us or

through our Council Engagement team, to ensure that councils were aware of the different elements of the funding package that were available.

The Hon. MARK BUTTIGIEG: So there was a media release from the Minister and you think there might have been an OLG circular?

The Hon. TREVOR KHAN: He could take it on notice and if there was an OLG circular he might even be able to provide it.

Mr HURST: I am happy to take that on notice and if there is a circular I will provide a copy.

Answer

The Minister for Local Government, the Hon Shelley Hancock MP, issued a media release about the \$395 million COVID-19 Local Government Economic Stimulus Package on 26 April 2020. The media release is available on the Office of Local Government website.

A Ministerial message was issued to councils, mayors and general managers on 26 April 2020 and is also available on the Office of Local Government website.

Detailed information about the stimulus package was published on the Office of Local Government COVID-19 webpages including comprehensive FAQs.

Details of the stimulus package were outlined in an e-newsletter to councils on 28 April 2020. The e-newsletter is available on the Office of Local Government website.

A webinar was held on 1 May 2020 by Minister Hancock with councils to outline the stimulus package and answer questions. A recording of the webinar is available on the Office of Local Government website.

Circulars were issued to councils on 13 May 2020 and 5 August 2020. The circulars are available on the Office of Local Government website.

Council Engagement Managers also liaised with councils about the stimulus package.

This information is available on the OLG website - www.olg.nsw.gov.au

Question from MARK BUTTIGIEG, page 83 of the transcript

The Hon. MARK BUTTIGIEG: I do. Do we know how much of the money was loaned out that went to councils located in areas and electorates held by New South Wales Liberal and Nationals MPs?

Mr HURST: No, we do not have information on any of the loans that TCorp provided, apart from the figures at the top level.

The Hon. MARK BUTTIGIEG: Those figures would be available on request?

Mr HURST: What I endeavour to report back on notice is a list of loans by local government area. I suspect that TCorp will similarly not hold information about electorates. It is not an administrative boundary that they would use, I am quite certain.

Answer

See answer provided above.

Question from MARK BUTTIGIEG, page 84 of the transcript

The Hon. MARK BUTTIGIEG: Just that business about the \$112.5 million.

The Hon. MARK PEARSON: Yes.

The Hon. MARK BUTTIGIEG: How much of it was handed out? Can you tell us that?

Mr HURST: I would have to take that on notice. The amounts are still being drawn down by councils for qualifying employees.

The Hon. MARK BUTTIGIEG: So we do not have any idea of the proportion whatsoever?

The Hon. TREVOR KHAN: No, he has taken it on notice.

The Hon. MARK BUTTIGIEG: Alright, I just find it a little bit strange, that is all. But I appreciate that you are going to come back to us with that. Could you also presumably on notice provide a breakdown of what councils received funds from the \$112.5 million funding pool and how much they individually received? In other words, the constituent councils and how much they drew down?

Answer

The Job Retention Allowance is an active funding scheme. The amounts are still being drawn down by councils for qualifying employees. As at 18 December 2020, a total of \$479,552.73 has been paid to councils, as outlined in the following table.

Albury	\$8,177.19
Canterbury-Bankstown	\$47,456.00
Cumberland	\$65,391.45
Lismore	\$23,979.50
Mosman	\$33,000.00
North Sydney	\$75,596.15
Waverley	\$225,952.44
Total	\$479,552.73

Question from MARK BUTTIGIEG, page 84 of the transcript

Mr HURST: I would be happy to provide the in globo figures. It is just that different councils did take a different approach to this. I do not think it is right or wrong that some of them accessed the Job Retention Allowance and the Splinter Award and others did not. They redeployed staff. It is up to each council to manage their workforce and what is important is that we did not see large numbers of people, thousands of people, being sacked from the local government workforce during the COVID pandemic.

The Hon. MARK BUTTIGIEG: Sure. I appreciate that, but, surely, if you put that caveat on it that it was incumbent on the councillors to make the applications based on their individual workforce circumstances, people would understand. I do not see what the problem is. But if your answer is that you are refusing to give us that, that is fine. We will use other means.

Mr HURST: I agree to take that on notice.

Answer

Answer provided above.