

# **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

**Monday, 1 November 2021**

**Examination of proposed expenditure for the portfolio area**

## **LOCAL GOVERNMENT**

**UNCORRECTED**

**The Committee met at 14:00**

### **MEMBERS**

Ms Cate Faehrmann (Chair)

Ms Abigail Boyd

The Hon. Mark Buttigieg

The Hon. Scott Farlow

The Hon. Rose Jackson

Mr David Shoebridge

### **PRESENT VIA VIDEOCONFERENCE**

The Hon. Catherine Cusack

Mr Justin Field

The Hon. Shayne Mallard

The Hon. Mark Pearson (Deputy Chair)

### **PRESENT**

**The Hon. Shelley Hancock**, *Minister for Local Government*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**



**The CHAIR:** Welcome to the public hearing for the inquiry into budget estimates 2021-22. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginal people present. I welcome Minister Shelley Hancock and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Local Government. Before we commence, I would like to make some brief comments about the procedures for today's hearing. Today's proceedings are being broadcast live from the Parliament's website and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. With reference to the audibility of the hearing today, we have witnesses in person and via videoconference. I ask Committee members to clearly identify who questions are directed to. I ask everyone appearing remotely to please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing.

**KIERSTEN FISHBURN**, Secretary, Department of Planning, Industry and Environment, on former affirmation  
**SHARON MOLLOY**, Executive Director, Biodiversity and Conservation, Department of Planning, Industry and Environment, on former affirmation

**JAMES HEBRON**, Deputy Secretary, Legal Services, Department of Planning, Industry and Environment, before the Committee via videoconference, affirmed and examined

**MICHELLE FLETCHER**, Director, Marine, Coastal, Estuaries and Flood, Department of Planning, Industry and Environment, before the Committee via teleconference, affirmed and examined

**The CHAIR:** Today's hearing will be conducted from 2.00 p.m. until 5.15 p.m. with the Minister and departmental witnesses, with questions from Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end for Government questions. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will now go to questions from the Opposition.

**The Hon. MARK BUTTIGIEG:** Thank you, Chair. Welcome, Minister and public servants. Thank you for coming.

**Mrs SHELLEY HANCOCK:** Thank you, Mr Buttigieg. Nice to see you again.

**The Hon. MARK BUTTIGIEG:** You too. I just want to kick off with the wash-up from the Doueihi fiasco. You do accept now, Minister, that it is a matter of public record that Mr Doueihi was found by the NSW Civil and Administrative Tribunal [NCAT] to have breached the electoral law by failing to properly declare conflicts of interest relating to his role as a Strathfield councillor and his interest in several development companies?

**Mrs SHELLEY HANCOCK:** Yes, that is the public record. Of course.

**The Hon. MARK BUTTIGIEG:** Okay. In respect of this whole saga, I want to go over the time line because I think it is important. The initial complaint regarding Mr Doueihi was provided to your department on 12 December 2018. The instrument authorising the investigation was made some seven months later, on 25 July 2019, and then a prosecution was finally commenced on 16 November 2020, almost two years after the initial complaint. Finally in June 2021, about 2½ years after the initial complaint, Councillor Doueihi—still serving on Strathfield Council, I might add, as mayor—is found guilty by NCAT. Do you think there is a problem here, Minister, in that the investigation into this fellow was not even initiated for seven months after the initial complaint was raised, and then there was a failure to prosecute the matter for almost two years after the first allegation was raised back in December 2018?

**Mrs SHELLEY HANCOCK:** Yes. Mr Buttigieg, you have raised this issue with me before at the last session in March this year. I am not going to talk about the specifics of this case because this case is awaiting an outcome from NCAT. It would not be appropriate for me to comment. But I will say, in general terms, I have expressed before my dissatisfaction with the time that some of these cases are taking to investigate. Having said that, some of them are extremely complex. Some of these investigation procedures take some time. The fact is that the investigation is now complete, there is a guilty finding and NCAT will hand down its determination on the result of that. But in general terms I have expressed the view here before, and in many other venues publicly, that I think these investigations take too long, but they are complex. Ms Fishburn might like to also comment upon this case and others, but I am not going to comment on this particular NCAT investigation. It is not appropriate for me to do that. Ms Fishburn, do you want to add to that?

**Ms FISHBURN:** Yes. Thank you very much, Minister. I would agree that the timeliness of investigations is an area where we need to put some focus. As the Minister has detailed, investigations are complicated. There are numbers of actions that need to be taken in terms of procedural fairness. I expect anyone would appreciate that if an allegation has been made against a councillor, they should have the right to defend themselves. Having said that, I do believe that there is an opportunity for improvement in this area. I have requested a review of the Office of Local Government [OLG] department to make sure that we are properly resourced to undertake investigations. The Minister has also announced a review into the Model Code of Conduct, which I hope will provide some guidance to us in ways that we can make this process more transparent and more efficient.

**The Hon. MARK BUTTIGIEG:** I appreciate the answer. I appreciate that due process is very important and councillors, like anyone in society, have a right to procedural fairness. But you have got to question when it gets to the point where the utility of conducting that investigation—if the person is found to have subsequently breached, as was the case here—gets defeated by time. Is it then a chronic problem, is it not? I put it to you that,

again, the public were not availed for a period of some two years of the mayor's financial interests; therefore, in essence, the ongoing potential for the conflict of interests are able to be realised through the passage of time because of the delay of the investigation. During all of the time up to September 2021—last month, almost, or two months ago now—he remains in a position of public trust where he is still able to influence decisions that could benefit him. This is preposterous, is it not? It is one thing to say we need more resources and that you agree it is—but this is chronic now, is it not?

**Mrs SHELLEY HANCOCK:** Again, I am really not going to comment on this specific case—I have indicated that to you before—because NCAT is about to announce the penalty. The time taken, in general terms, for this case and others—I have already expressed my concern about that to Ms Fishburn and others. I have also announced a review of the code of conduct itself to strengthen some of those procedures so that councillors are very clear about their responsibilities for disclosure.

**The Hon. MARK BUTTIGIEG:** Can I ask you, Minister: Is Mr Doueihi still a member of the Liberal Party?

**Mrs SHELLEY HANCOCK:** I would not have any idea. I think I told you this last time: I have never met Mr Doueihi. I do not know him. I have never met him. I do not know anything about him except what I am aware of publicly. I do not know whether he is a member of the party. I do not look up the membership party lists.

**The Hon. SCOTT FARLOW:** Nor would you be able to.

**Mrs SHELLEY HANCOCK:** Nor would I be able to.

**The Hon. MARK BUTTIGIEG:** Minister, we are all political people and we all come here from various political parties. The idea that these sorts of things are not socialised somewhat beggars belief.

**Mrs SHELLEY HANCOCK:** You are focusing on Mr Doueihi because he is a member of the Liberal Party.

**The Hon. MARK BUTTIGIEG:** Anyway, look, let us move on.

**Mrs SHELLEY HANCOCK:** Yes, let us do that.

**The Hon. MARK BUTTIGIEG:** Are you aware that one of the companies in which Mr Doueihi failed to disclose he had an interest in was one Layley Roser Pty Ltd, a director of which is Mr Robert Gregory. A company associated with that director and its company's address, Melco Property Pty Ltd, has been actively seeking options to purchase land in and around Elliott Street in Belfield, which is within the Strathfield Council area. This is all while Mr Doueihi has participated in and overseen the highly confidential council processes. That land, in fact, has been identified as part of a council housing investigation area for higher density. Though, that information does not appear to be in any public documents.

We have got a situation here where a company Mr Doueihi is associated with neglected to declare the conflict, which was subsequently found to be the case by NCAT, and he is participating in planning decisions, potentially leading to an up-zoning in areas that would benefit those purchasers. This is the point. The investigation drags on for 2½ years—

**The Hon. SCOTT FARLOW:** Is there a point? Is there a question?

**The Hon. MARK BUTTIGIEG:** I am asking a question. Can you see the issue here, Minister, where a 2½ year saga, which still is not resolved, allows a mayor to continue sitting on council and being associated with a company that is buying up options in the area?

**Mrs SHELLEY HANCOCK:** I am not aware of the allegations that you are suggesting to me today. I am really not aware of them, Mr Buttigieg. I have said to you before that this is now a matter for NCAT. NCAT has found him guilty of misconduct and are considering their punishment. That is all I can say. I do not know why you are obsessed with this council.

**The Hon. MARK BUTTIGIEG:** I am not obsessed at all.

**Mrs SHELLEY HANCOCK:** Because he is a member of the Liberal Party.

**The Hon. MARK BUTTIGIEG:** What I am obsessed with is public probity. The voting public have a right—in fact, they deserve their elected representatives to be above reproach. You are the Minister responsible for local government and you are telling me, "We are looking into resources and we are going to change the Model Code of Conduct." Meanwhile, these conflicts are manifest because of delays in investigation. And I am obsessed with this?

**Mrs SHELLEY HANCOCK:** I know you are. I do not undertake investigations, nor do I become involved in investigations. I think that would be highly inappropriate for me to be involved—

**The Hon. MARK BUTTIGIEG:** I am not suggesting you personally investigate. Presumably, you have some responsibility as a Minister of the Crown.

**Mrs SHELLEY HANCOCK:** That is why, as a Minister of the Crown, I have asked for a different approach to be taken to investigations with OLG, so that they can be expedited and so that there is a sense of fairness not just for those who have made allegations but for those who perhaps are the recipients of the mistreatment in council.

**The Hon. MARK BUTTIGIEG:** Would it interest you if—

**Mrs SHELLEY HANCOCK:** I have not finished my answer. That is the extent, in my role as Minister for Local Government, as I see it. If there is a change in policy direction that is needed, I ask for that to be undertaken. I cannot dictate that.

**The Hon. MARK BUTTIGIEG:** Let us explore policy and legislation a bit further down the track. I want to ask you, if I were to table a document which verifies that these options were being bought, would that interest you at all?

**Mrs SHELLEY HANCOCK:** Sorry, can you repeat the question, please?

**The Hon. MARK BUTTIGIEG:** If I were to table a document for the benefit of the Committee that demonstrates the purchase of these options in that area in Belfield in the Strathfield local government area [LGA] by this associated company, would that interest you as the Minister for Local Government, or should I just not bother?

**Mrs SHELLEY HANCOCK:** I just said it is not my role to undertake investigations. If you—

**The Hon. MARK BUTTIGIEG:** Do you want me to table the document or not? Are you interested or not?

**Mrs SHELLEY HANCOCK:** If you referred or tabled a document of that nature, as I do and have done for the last two years, I would be referring those matters to the Office of Local Government. That is what I would do.

**Mr DAVID SHOEBRIDGE:** Table it.

**The Hon. MARK BUTTIGIEG:** I will table that document. I want to move on to Mr Doueih's contributions to the New South Wales Liberal Party. We became aware of that during that 2½ years. It gave us plenty of time to look into things. Noting your comments at the last estimates that Mr Doueih "is probably a property developer", have any steps been taken to refer this apparent breach of the electoral funding law for investigation?

**Mrs SHELLEY HANCOCK:** Not to my knowledge. I do not know.

**The Hon. MARK BUTTIGIEG:** Why, Minister?

**Mrs SHELLEY HANCOCK:** I do not know. I am just telling you I do not know.

**The Hon. MARK BUTTIGIEG:** You have got a member of your own party, a mayor sitting on council—

**Mrs SHELLEY HANCOCK:** Ms Fishburn will try to answer that.

**The Hon. MARK BUTTIGIEG:** —who has contributed to the Liberal Party—

**The Hon. SCOTT FARLOW:** The Minister is referring the question to Ms Fishburn. Let her answer.

**Ms FISHBURN:** On 3 August, I can confirm that following the previous budget estimates session, OLG received correspondence alleging Mr Doueih had breached the Oaths Act in his electoral declaration. That information had not been formally provided to OLG before. This is a matter, of course, for the Electoral Commission, not for the Minister nor for the Office of Local Government. On 23 September 2020, OLG appropriately referred this allegation to the NSW Electoral Commission for its consideration and any necessary action.

**The Hon. MARK BUTTIGIEG:** Minister, can I ask you in respect of these allegations that I have tabled here today regarding the options, you have a situation of a very high-profile case here—a mayor sitting on council who is found to be conflicted materially. He incorrectly filled out the declaration. There were no

conversations about the fact that there was still behaviour going on down there which would have—I would have thought the magnifying glass would have been on this council and this fellow after everything that happened. What I am asking you, Minister, is did you have any conversations about this or any briefings pertaining to the matter whatsoever?

**Mrs SHELLEY HANCOCK:** Again, we went through this last time.

**The Hon. MARK BUTTIGIEG:** No. I am bringing up a new situation now.

**Mrs SHELLEY HANCOCK:** No. It is pertaining to the same matters, the same individual and the same principle, I suppose.

**The Hon. MARK BUTTIGIEG:** But I did not raise the options last time. I am specifically referring now to—

**Mrs SHELLEY HANCOCK:** I am talking about principles, when I become involved and if I become involved. It is not my role to become involved in an investigation until the investigation is concluded and the Office of Local Government informs me about the conclusion.

**The Hon. SCOTT FARLOW:** Appropriate.

**The Hon. MARK BUTTIGIEG:** Minister, with all due respect, I am not referring to the investigation in respect of the incorrect completion of the declaration. I am now asking you directly—

**Mrs SHELLEY HANCOCK:** The principle is the same, Mr Buttigieg.

**The Hon. MARK BUTTIGIEG:** Minister, it is a very direct question. Do you have any knowledge whatsoever of the options that I referred to on Strathfield Council?

**Mrs SHELLEY HANCOCK:** I have answered you. No, I do not.

**The Hon. MARK BUTTIGIEG:** Can I ask you what you think the average person in the Strathfield LGA—or New South Wales generally, for that matter—would think about this, looking at it and thinking, "What is going on here? We have foxes in charge of the henhouse." You have a fellow who is clearly conflicted and they do not even know that he has still got the capacity to potentially buy up options through a related company that he did not declare. Does that tell you that there is a fundamental flaw in the whole legislative infrastructure here, Minister? It is pretty clear, isn't it?

**Mrs SHELLEY HANCOCK:** As I said to you before, I have had concerns about the length of time taken for some of these investigations. I have asked for the Office of Local Government to strengthen their investigations team to make sure this does not occur. I can imagine that members of the public in Strathfield might be concerned about some of these issues, but I cannot really mind read as to what their concerns are one month out from the election.

**The Hon. MARK BUTTIGIEG:** I put it to you that if a property owner in Strathfield who has been duped, perhaps, into selling their property at market or below odds and subsequently became aware that someone else had knowledge of a potential up-zoning and stood to profit hundreds of thousands or perhaps millions of dollars, that they would be pretty upset, wouldn't they?

**Mrs SHELLEY HANCOCK:** I cannot speculate as to how people would react. You are just hypothesising. It is a hypothetical question. I cannot answer that question. I do not know.

**The Hon. MARK BUTTIGIEG:** With all due respect, Minister, that is obfuscation. Surely you have a view about that as the Minister for Local Government.

**Mrs SHELLEY HANCOCK:** No, you are asking me to answer a hypothetical question. I am not going to do that.

**The Hon. MARK BUTTIGIEG:** I put to you the situation that is going on down there and you are just saying it is hypothetical.

**Mrs SHELLEY HANCOCK:** I have answered the question.

**The Hon. MARK BUTTIGIEG:** It is not hypothetical. It has happened.

**Mrs SHELLEY HANCOCK:** You just said, "If Mr X did Y and was duped by Mr Z, then how would people feel?" That is hypothetical. When you use the word "if", it tends to be hypothetical. I am not going to answer a hypothetical question, Mr Buttigieg. You absolutely took up half an hour of the last estimates session with Mr Doueih. I do not know why you are obsessed with him.



**The Hon. MARK BUTTIGIEG:** I can assure you, Minister, the fact that you are upset is not going to distract me from the task at hand.

**Mrs SHELLEY HANCOCK:** I am not upset. You seem to be upset.

**The Hon. MARK BUTTIGIEG:** Back in February 2020 the shadow Minister for Local Government, Greg Warren, introduced a bill to ban property developers and real estate agents from becoming local councillors. Do you recall that?

**Mrs SHELLEY HANCOCK:** Yes, I do.

**The Hon. MARK BUTTIGIEG:** Your position at the time was that you would not support the bill.

**Mrs SHELLEY HANCOCK:** Correct. It was the Government's position not to support the bill.

**The Hon. MARK BUTTIGIEG:** Then, back in estimates this year in March 2021, my colleague Mr Shoebridge asked you a question:

Well, Minister, one of the most obvious ways of removing conflicts of interest and providing community support for the local government sector would be to pass laws to remove conflicts of interest, would it not? To actually use the Local Government Act to remove conflicts of interests for councillors would be a good starting point, would it not?

Your response was:

Well, that is your view. It is not, at this stage, my view. I think in terms of, as you are saying, removing conflicts of interest—I do not quite know what you mean by that. Do you mean removing the ability of property developers to run for council or real estate agents to run for council? Is that what you are endeavouring to say or ask me?

Mr Shoebridge goes on to say, "Yes, that is exactly what I am asking," and you said words to the effect—I can quote the full passage—you did not support it at the time. Is that still your position, Minister?

**Mrs SHELLEY HANCOCK:** It is still the Government's position, but I have indicated to Mr Shoebridge that following these local government elections it is something that I will be attending to, referring to the Joint Standing Committee on Electoral Matters, and I will be doing that in the new year, following these elections. It was not appropriate to take action before the current local government elections, but it would be a matter for Cabinet, for the Government, to decide in which case. That is a matter for the next year, for new year.

**The Hon. MARK BUTTIGIEG:** But given what we have seen in the Doueihi fiasco and the fundamental flaws—in fact, I would describe it as a total vacating of the legislative space that has allowed this to happen—you do not think there was some urgency about this, like we are going to send it off to a review committee and then wait until the elections happen and then meanwhile we can get a whole lot of things happening again, repeating what happened down there in Strathfield potentially?

**Mrs SHELLEY HANCOCK:** Yes, I understand what you are saying, I honestly do understand what you are saying, but we are going to be deferring discussion on this matter until the new year. This is, after all, one councillor out of 1,300—I think 1,300, something like that—

**Ms FISHBURN:** Approximately.

**Mrs SHELLEY HANCOCK:** —in New South Wales. We do not have this level of misconduct perhaps occurring with other councillors; mostly, the majority are doing the right thing, and—

**The Hon. MARK BUTTIGIEG:** I put it to—

**The Hon. SCOTT FARLOW:** Let her finish.

**Mrs SHELLEY HANCOCK:** —making sure their disclosures are pertinent and appropriate. So I think you are just homing in on one individual and blaming the system for his behaviour.

**The Hon. MARK BUTTIGIEG:** I put it to you, Minister—

**The Hon. SCOTT FARLOW:** Let her finish.

**Mrs SHELLEY HANCOCK:** It does not matter what system occurs, you are still going to get misbehaviour and people not—

**The Hon. MARK BUTTIGIEG:** Minister, is it your position—

**Mrs SHELLEY HANCOCK:** Do you want to continue to interrupt?

**The Hon. MARK BUTTIGIEG:** But you are putting arguments to me now—

**Mrs SHELLEY HANCOCK:** No, I am not. I am just answering your question.

**The Hon. MARK BUTTIGIEG:** I want to ask you another question. Is it your position then that, because the case of Mr Doueih was identified and it is a single case, this same structural flaw which allowed this could not happen elsewhere? Is that your evidence?

**Mrs SHELLEY HANCOCK:** No, I am not saying that. I am not saying that at all.

**The Hon. MARK BUTTIGIEG:** Does that not then suggest that if there is a structural flaw in the legislative framework it needs to be fixed?

**Mrs SHELLEY HANCOCK:** I am saying that we will be attending to that in the new year.

**The Hon. MARK BUTTIGIEG:** Can I ask you, Minister, you will probably recall that in June this year you introduced a bill into the Legislative Council, into our House, which amended the electoral legislation laws.

**Mrs SHELLEY HANCOCK:** Yes.

**The Hon. MARK BUTTIGIEG:** And by virtue of the Local Government (Elections) Amendment Bill.

**Mrs SHELLEY HANCOCK:** Yes.

**The Hon. MARK BUTTIGIEG:** And that it was deemed urgent at the time, and one of the main items coming out of that amendment was to amend the Act so that political parties could fill out declarations on behalf of their candidates. Do you remember that?

**Mrs SHELLEY HANCOCK:** No. Sorry, can you repeat it? I was just distracted then. Somebody is not on mute.

**The Hon. MARK BUTTIGIEG:** That is okay. There was the Electoral Legislation Amendment (Local Government) Bill 2021, which was declared urgent by your Government on 10 June 2021. One of the things it did was to amend the Electoral Funding Act 2018 to enable a party agent of a registered party to elect to be the person responsible for disclosing certain political donations and electoral expenditure relating to local government. Do you recall that?

**Mrs SHELLEY HANCOCK:** No, I do not recall that.

**The Hon. MARK BUTTIGIEG:** Minister, that is very surprising because—

**Mrs SHELLEY HANCOCK:** Mr Harwin introduced that bill, not me. That is why I cannot recall it.

**The Hon. MARK BUTTIGIEG:** So as the Minister for Local Government you did not—

**Mrs SHELLEY HANCOCK:** You said I introduced a bill, Mr Buttigieg. I said I could not recall it because, in fact, I did not introduce it.

**The Hon. MARK BUTTIGIEG:** Do you recall the bill?

**The CHAIR:** Order! Your time has expired, Mr Buttigieg. We just lost Mr Hebron. Is Mr Hebron still with us?

**Mrs SHELLEY HANCOCK:** Ms Fletcher was there a minute ago.

**The CHAIR:** That is fine. We will now proceed to questions from the crossbench, starting with Mr David Shoebridge.

**Mr DAVID SHOEBRIDGE:** Thank you for coming this afternoon, Minister.

**Mrs SHELLEY HANCOCK:** A pleasure.

**Mr DAVID SHOEBRIDGE:** And, Ms Fishburn, it is lovely to see you again.

**Ms FISHBURN:** Thank you.

**Mr DAVID SHOEBRIDGE:** Can I start with you perhaps, Ms Fishburn? You were basically the head of the Office of Local Government [OLG]. You are now the overall secretary for the department. Who is currently running OLG?

**Ms FISHBURN:** As of today, when I commenced as secretary, Mr Brett Whitworth is now the Group Deputy Secretary of Planning, Delivery and Local Government.

**Mr DAVID SHOEBRIDGE:** And does Mr Whitworth therefore have effectively responsibility for what is still called the Office of Local Government?

**Ms FISHBURN:** That is correct, yes.

**Mr DAVID SHOEBRIDGE:** Is there still an entity within the department called the Office of Local Government?

**Ms FISHBURN:** The department is a cluster that is made up of multiple agencies. The Office of Local Government has its own identity: it has a group dep. secretary, as many other areas do; it has an executive director who is essentially responsible for the day-to-day running of the office.

**Mr DAVID SHOEBRIDGE:** So is it still called the Office of Local Government?

**Ms FISHBURN:** It is called the Office of Local Government, yes.

**Mr DAVID SHOEBRIDGE:** And is it a separate agency?

**Ms FISHBURN:** No, it is not a separate agency. It is one of the many parts of a cluster.

**Mr DAVID SHOEBRIDGE:** And I assume, therefore, it is subject to your direction, if you choose to exercise it.

**Ms FISHBURN:** That is correct, yes.

**Mr DAVID SHOEBRIDGE:** Has Mr Whitworth come from within the Office of Local Government?

**Ms FISHBURN:** No. Mr Whitworth came from another area in the Department of Planning, Industry and Environment [DPIE].

**Mr DAVID SHOEBRIDGE:** Where has he come from?

**Ms FISHBURN:** From the planning area.

**Mr DAVID SHOEBRIDGE:** We are only a matter of weeks out from what might be a very difficult local government election.

**Ms FISHBURN:** There is never an easy local government election, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** I accept that, having engaged in a couple myself. But this could have all manner of additional complexities—with COVID, it is very delayed. Do you think that there are the resources and capacity inside the Office of Local Government to make that as smooth as possible, knowing we have had this senior membership change?

**Ms FISHBURN:** Yes. I do feel pretty confident about that. Obviously, as the secretary who previously had responsibility for that area, I am going to keep my eye on it coming into that election. I have been really impressed by the way the Office of Local Government have managed the complexities of COVID and building up to the 4 December election and I am feeling pretty confident that their work and the great work of the Electoral Commission will see the election carried off successfully.

**Mr DAVID SHOEBRIDGE:** I assume that if Mr Whitworth has started today the decision to put him in that position was made at least some time ago.

**Ms FISHBURN:** That is correct, yes.

**Mr DAVID SHOEBRIDGE:** Minister, to you, do you not think it would have been worthwhile to proactively advise the Committee that there was a new head of the Office of Local Government so as they could be here for budget estimates? You must have known yourself for a significant amount of time that Mr Whitworth would have the job and be starting today.

**Mrs SHELLEY HANCOCK:** I am not sure. Ms Fishburn, what is your answer to that? Perhaps an oversight—not intentional.

**Ms FISHBURN:** The timing of this has been somewhat complicated by Mr Betts' departure, as you can probably imagine. Mr Whitworth is watching and observing. I would think it would be a little unfair on his very first day to put him in the witness chair, but he is obviously watching, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** We had the secretary of the Department of Communities and Justice [DCJ] come and attend budget estimates days before she even started.

**The Hon. ROSE JACKSON:** Similar to you, Ms Fishburn—planning not to speak.

**Ms FISHBURN:** You have got me twice, so enjoy.

**Mr DAVID SHOEBRIDGE:** Can I just suggest, going forward, Minister, being more proactive and transparent in this regard with the Committee would be helpful. If you have knowledge about senior leadership

changes in the lead-up to an estimates hearing just being proactive and communicating with the secretariat would be of assistance.

**Mrs SHELLEY HANCOCK:** Sure. I do not think there was any intention, Mr Shoebridge, not to be transparent, quite frankly. As I said, it could have been an oversight.

**Mr DAVID SHOEBRIDGE:** I have not led this with conspiracy.

**Mrs SHELLEY HANCOCK:** We will endeavour in the future to make sure that does not happen.

**Ms FISHBURN:** It was an oversight on my behalf, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** I have not led this questioning with conspiracy. I know sometimes these things just slip between the cracks, but I think it would clearly have been preferential to have had Mr Whitworth here, with your capable assistance, Ms Fishburn. That would have been a useful outcome.

**Ms FISHBURN:** Thank you.

**Mr DAVID SHOEBRIDGE:** Minister, have you consulted with councils about your Government's proposed changes to infrastructure contributions?

**Mrs SHELLEY HANCOCK:** This is a matter obviously for Minister Stokes. I believe he has undertaken consultation because I continue to receive correspondence about that and then I refer those letters and pieces of correspondence back to him. This is a matter for him.

**Mr DAVID SHOEBRIDGE:** It would be fair to say that that correspondence has a fairly consistent theme?

**Mrs SHELLEY HANCOCK:** Yes, probably the same wording in many of the letters.

**The Hon. SCOTT FARLOW:** Maybe a form letter.

**Mrs SHELLEY HANCOCK:** I think so.

**Mr DAVID SHOEBRIDGE:** And it is along the lines of, "Kill the bill, do not do this, it is going to cripple our finances", is it not? That is pretty much the communication from every council.

**Mrs SHELLEY HANCOCK:** That is pretty much the standard of the form letter, yes.

**Mr DAVID SHOEBRIDGE:** As the Minister responsible for local government, having heard that consistently from council after council after council—

**Mrs SHELLEY HANCOCK:** Not that many councils.

**Mr DAVID SHOEBRIDGE:** Before the end of the day I will give you a list of those who have communicated with my office. And maybe I will do a shout out to councillors who are listening who have made representations to you, and we can find out how many have.

**Mrs SHELLEY HANCOCK:** Sure.

**Mr DAVID SHOEBRIDGE:** Do you not think that you should be representing the interests of local government and at least bringing together the various mayors, and finding out what their concerns are?

**Mrs SHELLEY HANCOCK:** At the moment it is getting to the stage where I am not going to be bringing together mayors. There is a time when I am not going to be communicating with mayors, in the lead-up so close to an election.

**The Hon. SCOTT FARLOW:** That is appropriate.

**Mr DAVID SHOEBRIDGE:** General managers?

**Mrs SHELLEY HANCOCK:** Normally I would talk to mayors, and have been doing so all through COVID from my home office on a number of matters—mainly to do with COVID. On this matter that would be something that I would normally contemplate as well, except it is not my legislation. However, I can certainly raise their concerns on behalf of those councils with the relevant Minister.

**Mr DAVID SHOEBRIDGE:** A good summary of it from a local government perspective is that the bill is a stinker and they do not want it. Do you agree?

**Mrs SHELLEY HANCOCK:** That is the substance of the form letters that I am receiving, yes.

**Mr DAVID SHOEBRIDGE:** And if you speak to the sector, if you speak to local government across the State, it is not just the substance of the former letters; it is the mood on councils, is it not? They do not want this bill.

**Mrs SHELLEY HANCOCK:** That seems to be the mood, yes.

**Mr DAVID SHOEBRIDGE:** Why is it still on the table? Why is there not this respect for local government and why has it not been withdrawn by your government?

**Mrs SHELLEY HANCOCK:** From my perspective I certainly respect local government and I think you know that. This is a bill introduced by the Minister for Planning and it is up to him, I suppose, to answer those questions. I refer you to him, if he has been before this Committee before. Has he?

**Ms FISHBURN:** Yes, Thursday.

**The Hon. SCOTT FARLOW:** Last week.

**Mrs SHELLEY HANCOCK:** On Thursday you will be able to talk to him about that.

**Ms FISHBURN:** He has already been.

**Mrs SHELLEY HANCOCK:** Last Thursday?

**Ms FISHBURN:** Last Thursday.

**Mrs SHELLEY HANCOCK:** I am sure you directed those questions to him on behalf of councils.

**Mr DAVID SHOEBRIDGE:** I did.

**Mrs SHELLEY HANCOCK:** And I am sure he gave you an explanation that was credible.

**Mr DAVID SHOEBRIDGE:** He told me that he was proceeding with the bill, and there would be a further consultation process.

**Mrs SHELLEY HANCOCK:** Well, there will be a further consultation process. That is always a good thing, is it not, Mr Shoebridge?

**Mr DAVID SHOEBRIDGE:** If the product is essentially flawed—I am trying to think of a polite term for a turd sandwich. If you have an inherently flawed product, consultation is not going to make it any better is it?

**Mrs SHELLEY HANCOCK:** Consultation always is important with the local government sector. I am sure that Minister Stokes understands that.

**Mr DAVID SHOEBRIDGE:** Yes. Minister, one small technical but what might end up becoming an important issue. After the 4 December elections there are provisions that popularly elected mayors will retain their position even if they have not been re-elected, until the declaration of the polls and the appointment, if you like, through the process of a new mayor.

**Mrs SHELLEY HANCOCK:** Yes.

**Mr DAVID SHOEBRIDGE:** But in those councils where there are not popularly elected mayors there will be a gap in the absence of a mayor, until a mayor is elected by the first council meeting.

**Mrs SHELLEY HANCOCK:** The responsibilities will be for the general manager.

**Mr DAVID SHOEBRIDGE:** Yes, that is the situation. Have you considered putting in place a regulation that will continue the mayor, so that there is an elected representative having the position of mayor and will continue with that position until the first council meeting?

**Mrs SHELLEY HANCOCK:** I have considered, I suppose, the anomaly in the position of mayor. I have discussed this with a number of mayors in recent times, and I certainly understand where they are coming from. I have spoken to my staff about this, I have spoken to Ms Fishburn about this and it is certainly not something that on the surface appears in any way fair. We will certainly be considering a regulation of the kind that you are suggesting.

**Mr DAVID SHOEBRIDGE:** This is where I wanted to get: You are currently minded to make a regulation?

**Mrs SHELLEY HANCOCK:** I am minded to take some kind of relevant action, whether it is my action or the action of another Minister. Then I will be working together with perhaps Minister Harwin to ensure that can take place smoothly and we do not have a repetition of that, because I agree with you: it does not seem on the surface to be appropriate.

**Mr DAVID SHOEBRIDGE:** The end result being that those 91 councils where there are council elected mayors will also have a mayor for the duration?

**Mrs SHELLEY HANCOCK:** Yes.

**Mr DAVID SHOEBRIDGE:** That is your end policy intent, to have that outcome?

**Mrs SHELLEY HANCOCK:** No, I am not going to say what my end policy outcome would be. I think we have to go through a process of consultation with the councils who have been affected and have written to me and others.

**Mr DAVID SHOEBRIDGE:** And to me.

**Mrs SHELLEY HANCOCK:** Of course, we would go through the process of asking the councils who have not commented to me. I am not going to pre-empt any decision I might make at this stage on any change.

**Mr DAVID SHOEBRIDGE:** It just had better be quick.

**The CHAIR:** Order.

**Mr DAVID SHOEBRIDGE:** Because we have an election coming on 4 December. It will be completed well before then?

**Mrs SHELLEY HANCOCK:** I cannot see it happening before 4 December. Did you call me to order then?

**The Hon. SCOTT FARLOW:** I think Mr Shoebridge, actually.

**The CHAIR:** Mr Shoebridge's time has expired.

**Mrs SHELLEY HANCOCK:** Sorry, I thought I was rambling on.

**Mr DAVID SHOEBRIDGE:** Can I just finish that one question?

**The CHAIR:** Yes, you have one more question.

**Mr DAVID SHOEBRIDGE:** This is going to become an issue on and from 4 December. You are saying that it is not going to be fixed before the council elections?

**Mrs SHELLEY HANCOCK:** I cannot see it. Ms Fishburn might like to comment.

**Ms FISHBURN:** It is not achievable to undertake the consultation and the legislative change prior to 4 December. I can confirm that the Office of Local Government has provided formal advice back to councils who have requested it. This is not new.

**Mr DAVID SHOEBRIDGE:** Correct.

**Ms FISHBURN:** This has been the situation since the commencement of local government elections. The challenge and why this has arisen particularly, is that over the Christmas period mayors tend to undertake a lot of civic duties. There is nothing to prevent council delegating to the mayor to undertake civic duties such as turning the lights on. It is up to each council to decide to do that. What they cannot do is the business of council, because they may not even be a councillor anymore. Each council needs to manage out that way. There are multiple delegations that you can make to general managers, as you would be aware. If they wish their outgoing mayor to still be there dressed as Santa, ringing the bell and turning the lights on, there is nothing that will prevent them from doing that. We have given that advice. We all understand the complexity of it. I have sympathy for councils who are trying to manage that. We will continue to provide them with guidance.

**Mr DAVID SHOEBRIDGE:** It is not really about Santa.

**The CHAIR:** Order.

**Mr JUSTIN FIELD:** Minister, are you aware of any formal complaints to the Office of Local Government about the behaviour of Shoalhaven City Council when it has come to the management of the Tomerong Quarry?

**Mrs SHELLEY HANCOCK:** No, I am not aware of any complaints going to the Office of Local Government. I am aware of some of the historic issues at Tomerong Quarry. I have been in a number of public meetings, but I am not aware of complaints to the Office of Local Government. I would not be; I do not get involved in investigations if there are investigations ongoing or if there are not. I do not know, Mr Field.

**Mr JUSTIN FIELD:** I ask the secretariat to provide a document to you, Ms Fishburn.



**Mrs SHELLEY HANCOCK:** It is hard to hear.

**Mr JUSTIN FIELD:** Ms Fishburn—

**The Hon. SCOTT FARLOW:** It is, is it not.

**Mrs SHELLEY HANCOCK:** I must say I am not hard of hearing, but I am finding it a little hard to hear you. If you could get closer to the microphone, Mr Field. Now we cannot hear you at all.

**Mr JUSTIN FIELD:** [Inaudible], I hope.

**The CHAIR:** That is fine, keep going Mr Field.

**Mr JUSTIN FIELD:** I will turn my video off and see if that makes an improvement.

**Mrs SHELLEY HANCOCK:** Not really.

**The CHAIR:** It is more your microphone, it is not the connection.

**Mr JUSTIN FIELD:** Okay.

**The CHAIR:** I can hear him.

**The Hon. SCOTT FARLOW:** It is not great.

**Mrs SHELLEY HANCOCK:** It is not great.

**The CHAIR:** If you can make the sound better, that is great. We can hear you if we all stop talking and listen intently.

**Mrs SHELLEY HANCOCK:** Good advice, Madam Chair.

**Mr JUSTIN FIELD:** Hopefully that is better.

**The Hon. SCOTT FARLOW:** That is better.

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

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

**Mr JUSTIN FIELD:** I did receive a response back a month later saying that it had been referred to the investigations team. On 1 October I sought an update from Chris Allen, who had sent me the original letter. I have had no response to this date. What would be the normal process for keeping complainants up-to-date on the status of investigations?

**Ms FISHBURN:** Mr Field, I am quite glad you raised that because this is one area where I think we can do better. It is a complicated process of trying to make sure that we afford procedural fairness and natural justice to anyone who is the subject of a complaint, be that a councillor or perhaps a general manager or indeed a council, balanced out with the need to make sure that those who have made the complaint can have some confidence that things are occurring. I absolutely agree with you; we need to find a way to be more transparent about that. At this point in time, the process generally is that a complaint goes through and it is under investigation, but there is not too much communication. I have asked the office to look at how we can balance out procedural fairness with a level of transparency to put a bit more certainty back into the system of investigation.

**Mr JUSTIN FIELD:** At what point do complaints or their findings go to the Minister for attention or awareness?

**Ms FISHBURN:** The Minister does not deal with complaints against individual councillors. They are entirely under my delegation. The secretary or my delegate makes the decision, and we then advise the Minister on the decision that has been made.

**Mr JUSTIN FIELD:** That is what I meant. Is it the point of a decision having been taken and then the Minister will be advised about that?

**Ms FISHBURN:** Yes. I can assure you on the record that I do not discuss the decisions I make with the Minister. That would not be appropriate. She is advised once the decisions have been made.

**Mr JUSTIN FIELD:** Understood. That is great. I would appreciate an update on that, if you can. Minister, I would like to draw your attention to some media comments that you made in August about the behaviour in Shoalhaven City Council. You described the council and the councillors as remarkably good. It came off the back of multiple claims in the media of misogynistic behaviour in the Chamber and smear campaigns. There were pretty horrendous flyers circulated between councillors about other councillors. I am wondering why you chose to make those comments about Shoalhaven City Council.

**Mrs SHELLEY HANCOCK:** I can clearly remember why I made those comments. It was not in the context of any behaviour that I had or had not witnessed in Shoalhaven City Council. It was in the context of making comparisons with other councils whose behaviour was less than remarkable at the time, one of which is now the subject of administration. In any of the council meetings that I had witnessed with Shoalhaven City Council, I had not seen any evidence of misogynistic behaviour or—I do not know what else. What did you refer to?

**Mr JUSTIN FIELD:** There were quite a lot of media reports before that about misogynistic behaviour and smear campaigns being run between councillors. It was quite a public discussion. In the lead-up to a local government election, I am wondering why you chose to point at Shoalhaven City Council and effectively the current councillors—

**Mrs SHELLEY HANCOCK:** I think I have said before that I certainly have recourse to look at the performance of a lot of councils, their financial challenges and behavioural challenges. When I compare some of those councils with Shoalhaven City Council, I am very proud of that council. I am very proud of Shoalhaven City Council. I think it has overcome some unbelievable challenges over the past two years in particular, with regard to bushfires, floods and COVID. It does not seem to matter what the challenges are for Shoalhaven City Council; it has embraced them extremely well. I am talking about the entire council—the staff and everybody involved. They have been a really responsible council.

The other allegations to which you were referring, I have not seen any of that behaviour because I do not watch every council meeting. I am certainly aware of some of the allegations made. If they have been the subject of a code of conduct complaint, they will be handled by the Office of Local Government. I know that I made those comments in regard to Shoalhaven council in the context of other councils and other councillors who I had seen and witnessed behaving poorly. I have not witnessed councillors behaving poorly in Shoalhaven City Council—not as poorly as many other councils.

**Mr JUSTIN FIELD:** I am glad you mentioned that comparison because just in October—only a couple of months later—Shoalhaven City Council is listed in the top 10 councils for code of conduct complaints. Clearly, it is pretty fractious internally. We have code of conduct complaints being brought against numerous councillors, to the point that they are in the top 10. I am just wondering if you think that reflects on them as being remarkably good in their behaviour?

**Mrs SHELLEY HANCOCK:** As I say, if there are code of conduct complaints that have been directed to the Office of Local Government, I am not aware of them. I was certainly surprised that Shoalhaven City Council found itself in the top 10 or top worst. That is a matter for the councillors who have made the complaints and it is a matter for the Office of Local Government. I cannot comment on any of those things. In regard to its overall performance as a council, it is a very responsible council.

**Mr JUSTIN FIELD:** Before you make a comment like that, and I appreciate you are the local member as well—I am certainly not casting aspersions on the performance of the council and all those other measures. But I am wondering what evidence you might have sought to confirm the position or if there were any concerns being raised about the council with your department before you made those comments.

**Mrs SHELLEY HANCOCK:** One of the pieces of evidence, I suppose, or lack of evidence—and that is relevant for me to say that, and I will explain why—is that from time to time, fairly frequently, the Office of Local Government provides me with information about the financial performance of councils throughout the State, whether they are concerns about long-term financial viability or challenges that councils are facing. In all of those cases, Shoalhaven City Council has never been listed as a council of concern. It is important that I, as the Minister, and the Office of Local Government work with councils to make sure that they face the challenges of their financial capability. I can easily make those comments, Mr Field, about the performance of that council, as I just said to you, through two years of serious crises. The worst bushfires in the State occurred on the South Coast last year.

**Mr JUSTIN FIELD:** I appreciate that, Minister. I understand.



**Mrs SHELLEY HANCOCK:** You asked me how I could make those comments. That is how I am making those comments—in the context of the performance of that particular council which worked closely with the community. Please do not try to denigrate the council to me.

**Mr JUSTIN FIELD:** I am not at all.

**The CHAIR:** Order! Sorry, Mr Field. You did not hear, but that was the bell for the end of your time. We will go to questions from the Opposition. We can come back to you if you need.

**The Hon. MARK BUTTIGIEG:** Minister, I just want to finish off that line that I was pursuing in the previous bracket. I want to take up one of your answers with respect to the emblematic case of Mr Doueihi where you said that it is only one case amongst—how many councillors was it?

**Mrs SHELLEY HANCOCK:** I think it is about 1,300.

**The Hon. MARK BUTTIGIEG:** Is it your position that because of the low obvious incidents, then there is no problem? That is a hypothetical assumption too, is it not? Assuming that because one councillor has been found to be chronically dishonest—in fact, corrupt—

**The Hon. SCOTT FARLOW:** Hang on a second. Mighty allegation.

**Mrs SHELLEY HANCOCK:** There is no finding of corruption, is there?

**The Hon. MARK BUTTIGIEG:** —the fact that you are now saying that because it is one in 1,100-odd, then there is no real problem. That was the implication of your answer, was it not?

**Mrs SHELLEY HANCOCK:** No, I do not think so. You might have misunderstood me.

**The Hon. MARK BUTTIGIEG:** What did you mean, Minister?

**Mrs SHELLEY HANCOCK:** What I meant was that this is an example that you are honing in on of one councillor out of 1,300 councillors, the majority of whom do the right thing. That does not necessarily therefore exhibit a problem with the legislation or the legislative framework itself. It exhibits a problem with a particular individual, perhaps. I will not comment further because it is a matter for NCAT.

**The Hon. MARK BUTTIGIEG:** Are you saying that because this example has been used and honed in on, it is inconceivable that this is not happening elsewhere?

**Mrs SHELLEY HANCOCK:** Not at all. It may well be happening elsewhere, but until I have findings from the Office of Local Government at the conclusion of its investigation into individuals, I do not know. It seems to be, even if it is more than one, a remarkably small percentage of the good councillors in this State, who work hard and are passionate about what they do every day.

**The Hon. MARK BUTTIGIEG:** Is it not possible that it is a function of the dilapidated legislative infrastructure that cannot deal with it, when we have got 2½-year long investigations not producing anything and allowing conflicts to—

**Mrs SHELLEY HANCOCK:** I am not sure that it is dilapidated legislation. I have already indicated to you that I am going to undertake a review. I have asked Ms Fishburn to attempt to expedite the investigation. That is the important thing, so victims and perpetrators—or alleged thereof—both get a result in the most timely manner. That has not been a result of Mr Doueihi's matter but a number of other matters that have taken up to two years similarly to conclude—for much less serious behaviour. Nevertheless, because of the complexity of investigations I found it very hard when I first became the Minister to think, "Why is this taking 12 months when this seems a fairly simple code of conduct breach?" But when it was explained to me in more detail, the investigations are complex. They have to investigate a number of individuals, then a number of further individuals until they get justice for whoever the person may be.

**The Hon. MARK BUTTIGIEG:** There are a lot of complex things in life, Minister, that we deal with in much less time. But I want to go back—

**The Hon. SCOTT FARLOW:** I do not know about that.

**Mrs SHELLEY HANCOCK:** I think the secretary has told you earlier that we have to have justice seen to be done and done—and fairness.

**The Hon. MARK BUTTIGIEG:** Absolutely. Minister, I want to move back to that bill, which you correctly pointed out your colleague Mr Harwin introduced in our House—

**The Hon. SCOTT FARLOW:** And you incorrectly stated was introduced by the Minister.

**The CHAIR:** Order!

**The Hon. MARK BUTTIGIEG:** —earlier this year. That bill was ostensibly to try to cater for the Doueihi misfilling of the form, basically by saying political parties could take responsibility for their candidates because some of them have not got a clue, was the implication. So that legislation that was introduced by Harwin was deemed to be urgent on 10 June 2021, and it also contained some provisions for the conducting of COVID-safe elections. Do you remember what happened up there? We ended up splitting the bill into two.

My colleague Mr Shoebridge moved some amendments to that bill that would have banned developers and the bill got split into two and the bit that contained the developer amendments ended up being mothballed in your House, still awaiting the second reading speech. The bit that contained your provisions for the party to fill out the forms on behalf of the candidates went through. So effectively what has happened here is that you seem to be trying to do something about filling out the form by deeming it urgent, yet the developer provisions were not deemed urgent because they were quarantined in the lower House and they are still sitting there now.

**The Hon. SCOTT FARLOW:** They were not part of the bill.

**The Hon. MARK BUTTIGIEG:** What is your view on that? What was the motivation behind mothballing that part of the bill in the lower House?

**Mrs SHELLEY HANCOCK:** I do not have a view on that at the moment. I have said to you that we are going to be referring that in the new year to the Joint Standing Committee on Electoral Matters for it to deal with. I think we have to consult on this. The Government's position at the moment is the Government's position.

**The Hon. MARK BUTTIGIEG:** The Government moves at lightning speed when it has to in emergency situations or situations that are deemed—

**Mrs SHELLEY HANCOCK:** And you think this is an emergency, Mr Buttigieg.

**The Hon. MARK BUTTIGIEG:** I think it is quite critical.

**Mrs SHELLEY HANCOCK:** Well then we differ on that.

**The Hon. MARK BUTTIGIEG:** Given what has happened to date and what we have seen can happen, I think the public would deem this to be quite serious and quite urgent and yet we are still dithering around with electoral review committees. Why not just ban developers on council? What is the issue, Minister? Do you have a fundamental philosophical opposition to it or do you support it in principle but you cannot bring your colleagues on board? I am just interested to know.

**Mrs SHELLEY HANCOCK:** The Government's position is at this stage that we will not progress with that bill in the lower House. My view is that I will deal with this in the new year. But we need to consult. We are not just going to move snap amendments in the upper House without consulting with the local government sector—that is the worst thing you could possibly do. If you really want to consult with 128 councils in New South Wales you ask them their views.

**The Hon. MARK BUTTIGIEG:** Minister can I ask you whether you have a policy position on this?

**The Hon. SCOTT FARLOW:** She just gave you one.

**The Hon. MARK BUTTIGIEG:** But I want to know as the responsible Minister what would be your advocacy.

**Mrs SHELLEY HANCOCK:** Mr Buttigieg, my policy positions are based on the welfare of the local government sector and the councils and the councillors and the staff throughout New South Wales. That is where my policy positions come from, not me.

**The Hon. MARK BUTTIGIEG:** What about voters who entrust their local councillors to do the right thing and not use information for their own benefit to the disbenefit of voting people?

**Mrs SHELLEY HANCOCK:** And that matter is going to be dealt with by NCAT and I am not going to comment any further on that however which way you want to ask me the question. I will answer you in general terms about property developers, I will answer you in general terms about code of conduct matters, but I will not answer you any more questions about Mr Doueihi because I do not know him and because NCAT is going to hand down a penalty—he has been found guilty. So, inappropriate.

**The Hon. MARK BUTTIGIEG:** But, Minister, with all due respect, I am now asking you—

**Mrs SHELLEY HANCOCK:** Do not say "with all due respect"; it is so condescending.

**The Hon. MARK BUTTIGIEG:** No, I am not.

**Mrs SHELLEY HANCOCK:** It is condescending.

**The Hon. MARK BUTTIGIEG:** I am asking you about a policy position now emanating from a debacle regarding a councillor. It is not specifically about Mr Doueih now; it is about what is the Government's position. This is what governments do, right? They respond with policy to anomalies in legislation that let these things happen. I am asking you a clear question: What is your policy position as the Minister for Local Government? You have got elections coming up; people want to know whether or not this thing can happen again.

**Mrs SHELLEY HANCOCK:** I have answered the question. I told you I will deal with that and I have told Mr Shoebriidge I will deal with it in the new year, after the elections.

**The Hon. MARK BUTTIGIEG:** And, Minister, what about real estate agents? We have discussed developers; what is your position on real estate agents sitting on council?

**Mrs SHELLEY HANCOCK:** The same answer: we will deal with it after consultation with the local government sector in the new year.

**Mrs SHELLEY HANCOCK:** Last time you indicated that you had sort of a nuanced view vis-a-vis developers.

**Mrs SHELLEY HANCOCK:** Well, I do with real estate agents.

**The Hon. MARK BUTTIGIEG:** Do you want to tease that out for us?

**Mrs SHELLEY HANCOCK:** No, not really. I think I answered this last time and I do not really want to go through it again.

**The Hon. SCOTT FARLOW:** This is like the best of last time's hearings.

**The Hon. MARK BUTTIGIEG:** To me, this looks like the Liberal Party running a protection racket for developers. That is what it looks like.

**Mrs SHELLEY HANCOCK:** Does it?

**The Hon. MARK BUTTIGIEG:** It is not that hard to fix this up and yet there is this stubborn refusal time after time to even go there, which is your call as a government—I get it. So we have this situation now where a bill was deemed urgent for COVID-safe provisions, along with the filling out of the form; we had an opportunity to do something about it when Greg Warren introduced a bill into the House; and we have a manifest conflict of interest now, not only revealed by NCAT but now manifest in reality with that conflict being realised because this person was allowed to keep sitting on council—

**The Hon. SCOTT FARLOW:** You assert.

**The Hon. MARK BUTTIGIEG:** —and we still do not have a policy response. Would that be a fair assessment?

**Mrs SHELLEY HANCOCK:** Mr Buttigieg, with all due respect, the bill that came to the lower House—

**The Hon. MARK BUTTIGIEG:** You can say that as much as you want, Minister. I do not get offended at all.

**Mrs SHELLEY HANCOCK:** I am sorry, but the bill that you are referring to, the Local Government (General Regulation) 2021, came as a direct response to the need for COVID-safe elections. The changes to pre-poll voting and the like, the changes to iVote—all of those things were in preparation for a COVID-safe election. That was the thrust of the bill. That is the main reason for that piece of legislation.

**The Hon. MARK BUTTIGIEG:** Sorry, Minister, just to clarify, the bit about head office, if you like, completing candidates' forms, that was not important then, that bit?

**Mrs SHELLEY HANCOCK:** I am sorry, that was the bill that went to the upper House by another Minister. I am talking about the bill to which you are referring and asking me about, are you not? Are you not asking me about my bill in the lower House?

**The Hon. MARK BUTTIGIEG:** No, I am asking you about the bill—

**Mrs SHELLEY HANCOCK:** Somebody's else's bill.

**The Hon. MARK BUTTIGIEG:** —Harwin introduced.

**Mrs SHELLEY HANCOCK:** You would have to ask Mr Harwin about that.

**The Hon. MARK BUTTIGIEG:** So as the Minister for Local Government you have no knowledge or care about that bill.

**Mrs SHELLEY HANCOCK:** No, I am saying that if you have questions relating to that bill you should refer them to the appropriate Minister.

**The Hon. MARK BUTTIGIEG:** But you are here, Minister, you are here in front of the Committee. You are the Minister for Local Government.

**Mrs SHELLEY HANCOCK:** You should refer it to Mr Harwin, I am sorry, Mr Buttigieg.

**The Hon. MARK BUTTIGIEG:** Minister, the bill was called the Local Government Elections Bill 2021 and you are telling me that you do not want to answer questions about that because Minister Harwin—

**The Hon. SCOTT FARLOW:** It was not her bill.

**The Hon. MARK BUTTIGIEG:** —introduced it in our House. I know you do not sit in our House, so you could not have introduced it, but we kind of understand how this works, right? He represents you up there, he introduces the bill, and I am asking you a question about it.

**Mrs SHELLEY HANCOCK:** I think there are some grey areas between Minister Harwin's legislation and my legislation as well, something which perhaps we should really attend to in the new year. But this was a matter for Minister Harwin, not the Minister for Local Government, and that is why he introduced the bill—not on my behalf, on his behalf as the relevant Minister.

**The Hon. MARK BUTTIGIEG:** So the provisions that you outlined about the conducting of COVID-safe elections—

**Mrs SHELLEY HANCOCK:** Correct, in the lower House, yes.

**The Hon. MARK BUTTIGIEG:** What about the filling out of the form from head office? That was deemed urgent, but the amendments associated with banning developers were not deemed urgent. That is why they were squirreled.

**The Hon. SCOTT FARLOW:** They were not the Government's legislation.

**Mrs SHELLEY HANCOCK:** I am sorry. I brought legislation to the lower House in preparation for a COVID-safe election. That was the thrust and the content of that bill, which was so important that we did that.

**The Hon. MARK BUTTIGIEG:** Can you see how a person looking at this—

**Mrs SHELLEY HANCOCK:** Do you not think that was urgent?

**The Hon. MARK BUTTIGIEG:** I think it was very important and we supported it, but can you not see how a person looking at this would think, "God, they are moving heaven and earth to stop these development amendments going through, aren't they"? That is what the average person thinks, is it not? And why?

**Mrs SHELLEY HANCOCK:** To stop development? Sorry.

**The Hon. MARK BUTTIGIEG:** To stop the amendments to deal with developers sitting on council. It looks like the Government is moving heaven and earth.

**Mrs SHELLEY HANCOCK:** It may well appear that way. That is your perception.

**The Hon. MARK BUTTIGIEG:** I will finish off on this point—

**Mrs SHELLEY HANCOCK:** Ms Fishburn, do you have anything you want to add? You keep looking at me as if you might have something to add.

**Ms FISHBURN:** No, just to confirm for you, Minister, that the Electoral Act is under Minister Harwin.

**Mrs SHELLEY HANCOCK:** That is where there are often grey areas between the two Acts, the Local Government Act and the Electoral Act. I think we need to clarify that because it has obviously been confusing to you and others. We need to clarify that in the new year.

**The Hon. MARK BUTTIGIEG:** I am not sure how the Liberal Party works, Minister—

**Mrs SHELLEY HANCOCK:** I am not sure either, Mr Buttigieg.

**The Hon. SCOTT FARLOW:** She is the Minister for Local Government.

**The Hon. MARK BUTTIGIEG:** Clearly. In our show we discuss with each other what happens on those overlap areas. You would think the Minister for Local Government would have an interest in what is going

on in terms of local government matters—but maybe not. I will just finish off on this point. I understand that the Liberal Party is endorsing a whole number of candidates across the board. There are quite a few LGAs where Liberal Party members are running as independents. Is that related to any of these things that I have been raising over the last half an hour?

**Mrs SHELLEY HANCOCK:** How so? What do you mean?

**The Hon. MARK BUTTIGIEG:** Clearly if you are going to run independents on council who are Liberal Party members not under the Liberal banner, is that out of some sort of embarrassment given what we have exposed here with developers on council?

**Mrs SHELLEY HANCOCK:** I do not think so.

**The Hon. MARK BUTTIGIEG:** Thanks, Minister.

**The Hon. ROSE JACKSON:** I wanted to ask a few questions about women in local government, which I know is something that you have raised on multiple occasions. I think we can agree that it is an important priority. I wondered if you had any reflections on how that priority was being put into practice in terms of the upcoming local government elections and tickets that you are familiar with and are responsible for?

**Mrs SHELLEY HANCOCK:** The tickets that I am responsible for? I do not think that I am responsible for any tickets, really. Last year I took it on as a particular preference of mine. When I looked at the statistics for the number of women on local councils throughout New South Wales, I was shocked to find that it was 30 per cent or slightly more than 30 per cent. That is unacceptable. That is the worst result of any State in the country, so I was more than concerned about it. I then sought some funding to run some particular workshops right throughout regional New South Wales in particular. I did not run those workshops. We had Women for Election Australia and the Australian Local Government Women's Association running workshops to actually assess whether there were any problems, any challenges that women needed to overcome; what were the boundaries or challenges to stop them running; and, could we do anything as a government to try to encourage more women.

I think what has come out of that has been a remarkable success story. I have not looked at the current stats on the number of women. We probably will not see for a couple of days how many women in comparison to men, and then with the result of the elections hopefully we will get to something like 40 per cent. That is what I am hoping for. I have done what I can to encourage women to just play their part. Rather than holding a placard outside a council chamber or signing a petition, how about you sit around the decision-making table. I think Licia Heath and others have done a remarkable job in those workshops. I attended one in Goulburn, and just saw what kind of material was being presented to women: How to campaign; how to campaign with not much money; and, what are the kind of problems you might encounter as a woman on council.

It was a really good thing to see the number of women. In that room there were probably 20 women. I said: "How many of you are going to run?" They all put up their hands. As you can imagine, I was very happy about that. I hope they continued that after September this year, when I had to defer the elections again until December. I would not like to see a waning of that enthusiasm. I also want to encourage—and I have put statements out fairly recently—about diversity in local government as well, Aboriginal and Torres Strait Islander—I would like to see an increase in the number of councillors, multicultural communities and young councillors. In terms of saying any tickets that I have taken an interest in, I do not run tickets. I do not do that. Of course whether they are Liberal Party tickets or Independent tickets or whatever the tickets are, my role is to have a general view that we need more women.

**The Hon. ROSE JACKSON:** For example, the recent ousting of Michelle Byrne, the mayor of The Hills Shire Council, who was ousted by the Liberal Party State Executive as the mayoral candidate, that would have been very disappointing to you would it not, Minister, to see that?

**Mrs SHELLEY HANCOCK:** It is a matter for the Liberal Party. That is all I can say to you.

**The Hon. ROSE JACKSON:** Sure. After everything you have just said about how important it is to you as a leader, as a woman who is responsible for local government in New South Wales, that must have been very disappointing to see a woman Liberal leader of that council ousted?

**Mrs SHELLEY HANCOCK:** It is a matter for the Liberal Party. That is all I am going to say on that matter.

**The Hon. ROSE JACKSON:** Despite all of that, you will not actually—

**Mrs SHELLEY HANCOCK:** I would say, whether it is a Labor Party preselection or The Greens preselection, it is a matter for each individual party to elect their candidates—whether it is local, State or Federal governments. They are decisions that are made at local party level.



**The Hon. ROSE JACKSON:** Even though I am a State Labor member of Parliament I use that platform—

**The Hon. CATHERINE CUSACK:** Point of order.

**The CHAIR:** Ms Cusack, on a point of order.

**The Hon. CATHERINE CUSACK:** I do understand the member has spent hours and hours researching these incredible questions. But given the Minister has answered the same question three times now, can I say that I think she is badgering the Minister. I believe she should move on to the other excellent material she has obviously prepared for these estimates.

**The Hon. ROSE JACKSON:** To the point of order: Sarcasm is the lowest form of wit. I literally was five words into my next question.

**The CHAIR:** There is no point of order. Ms Jackson was getting to the question. I was waiting to see what the question was because she had not gotten to it.

**The Hon. ROSE JACKSON:** I was making the point that myself, as a Labor member of State Parliament, and other female members of the different parties, all take some responsibility as leaders to support women in our parties across different levels of government. We are not even the Minister for Local Government; you are. Here is a specific example of a woman in a senior leadership position of local government being ousted—

**The Hon. CATHERINE CUSACK:** Point of order. The honourable member is giving a speech, not asking a question. There is no indication at all that this is a question. I ask that she be brought back to estimates and to ask questions. It is not an opportunity for her to badger the Minister.

**The CHAIR:** Again, there is no point of order. Ms Jackson was getting to the question. I remind Ms Jackson to get to the point of the question.

**Mrs SHELLEY HANCOCK:** I will say for the fourth time, it is a matter for the party, Ms Jackson, not me.

**The Hon. ROSE JACKSON:** Did it concern you that there were media reports in relation to the ousting of Councillor Byrne as mayor and that the new Premier was involved in that? Does that show that he is not particularly supportive of women in local government, as you are?

**The Hon. SCOTT FARLOW:** Were you supportive of women when you rolled Jodi McKay?

**Mrs SHELLEY HANCOCK:** These are matters for the party.

**The CHAIR:** Order! The Minister will be allowed to answer the question in silence.

**Mrs SHELLEY HANCOCK:** These are matters for the party.

**The Hon. ROSE JACKSON:** Does that mean that the Liberal Party does have a problem with women in local government, if it is a matter for them?

**Mrs SHELLEY HANCOCK:** As local government Minister I do not become involved in Liberal Party tickets or Liberal party preselection for local government. My focus is on local government and encouraging more women to run—whether they are Liberal, Labor, The Greens or whatever. That is my role. I am not going to get involved in Liberal Party politics, Liberal Party decisions; they are matters for that particular party, as matters before the Labor Party are matters for them.

**The Hon. ROSE JACKSON:** I am prepared to take responsibility for what happens in the Labor Party—

**The Hon. SCOTT FARLOW:** When you rolled Jodi McKay.

**The Hon. ROSE JACKSON:** —but you are not prepared as a senior Liberal woman to take responsibility for what happens in the Liberal Party, when it comes to women in local government. You are not prepared to take any responsibility for that?

**Mrs SHELLEY HANCOCK:** I have answered the question.

**The Hon. ROSE JACKSON:** There are a number of councils in which there are no sitting female councillors. For example, Blayney Shire Council and Wingecarribee I understand—

**Mrs SHELLEY HANCOCK:** Wingecarribee? It is under administration. If you could update your information.

**The Hon. ROSE JACKSON:** The former Wingecarribee Shire Council, before you sacked them. And a number of others in which there are no, or very few, female representatives. Have you ever raised any of that with the local representatives for those areas and asked them to identify and encourage women to run for local government in those areas?

**Mrs SHELLEY HANCOCK:** Ms Jackson, I just indicated to you that the various workshops for which the Government sought funding, or agreed to fund, was precisely for that reason: to encourage women to run generally across the board. We had members from several parties in all of those workshops. I was not concerned about which party they belonged to, I was concerned that we increase the number of women.

**The Hon. ROSE JACKSON:** It is true that Labor does all the heavy lifting for women in local government.

**The CHAIR:** Order! Your time has expired, Ms Jackson.

**Mrs SHELLEY HANCOCK:** I have not finished my answer yet.

**The CHAIR:** If you want to finish your answer, Minister, and then we will go to the crossbench.

**Mrs SHELLEY HANCOCK:** You referred to Wingecarribee incorrectly. They are under administration. Yes, there were nine male members of that council. I would hope that with workshops in the general vicinity of Wingecarribee Shire Council—I know this to be a fact anyway—that there will be a number of women running for Wingecarribee Shire Council next year.

**The Hon. ROSE JACKSON:** Isn't it pleasing that Labor's ticket is being topped by a woman. I am not sure if—

**The CHAIR:** Order! The Hon. Rose Jackson will come to order.

**The Hon. SCOTT FARLOW:** My wife was on Wingecarribee council. There was a female mayor.

**The CHAIR:** Order!

**Mrs SHELLEY HANCOCK:** Are we having this as a game between Liberal and Labor politics. This is just so inappropriate.

**The CHAIR:** Yes, that is what it is looking like. We will now go to questions from the crossbench.

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

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

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

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

**Mrs SHELLEY HANCOCK:** We want to do this as a really strong exercise in making sure the pounds are fit for purpose. This is going to take us some time to get it right—to come up with a framework that is appropriate for the housing of animals. It is all part of the rehoming exercise as well and also to drive down euthanasia rates, which we also are endeavouring to do something about. We have been very successful over the last three or four years in reducing euthanasia rates. I think it is 46 per cent in dogs and 26 per cent in cats—something of that order between 2016-17 and 2019-20. The euthanasia rates are coming down. We are addressing these issues from a number of perspectives.

**Ms ABIGAIL BOYD:** Also, the last time we spoke—this would have been February or March this year, at estimates.

**Mrs SHELLEY HANCOCK:** March. It was estimates, yes.

**Ms ABIGAIL BOYD:** Thank you. I told you that my office had been contacted by people saying there was shooting of companion animals in council pounds. You said:

If it was a practice, I would be concerned about it—if it was a cat or a dog.

You have no doubt now heard about the 15 dogs that were killed at Bourke council pound, including 10 puppies that were only a day old. I understand that the Office of Local Government is investigating the incident. Has that investigation been completed?

**Mrs SHELLEY HANCOCK:** I will ask Ms Fishburn to comment on the status of the investigation. Suffice it to say that was of course very concerning not only to me but for a number of members within the community of Bourke and the wider community as well. I received a number of pretty concerning emails and texts around that. Of course it was concerning, but I think the circumstances for Bourke shire were also concerning. I think they were concerned about any transportation in and out of that area might be a problem for vulnerable Aboriginal communities. It is not a defence of the actions, but I can kind of understand why the action was taken, perhaps inappropriately, to say the least. We have been working with them.

**Ms FISHBURN:** Like you, Minister, this is obviously an area that I understand has had significant community upset and concern. I want to clarify the two pieces of legislation, if that is okay with you, Minister, that accord to ensuring good welfare of animals.

**Mrs SHELLEY HANCOCK:** Yes.

**Ms FISHBURN:** The first is the Prevention of Cruelty to Animals Act 1979. I am going to refer to that, if you do not mind, Ms Boyd, from now on as the POCTA Act, to save us all time. That is actually held under the responsibility of the NSW Department of Primary Industries [DPI].

**Ms ABIGAIL BOYD:** Because my time is limited, I did discuss this with Minister Marshall already, so I do understand.

**Ms FISHBURN:** Fine. I will take you to the actions of Office of Local Government then. Obviously, having discussed that with Minister Marshall, you will be aware that the RSPCA is one of the bodies investigating and found no breach of the POCTA Act. They were undertaking that investigation. The Office of Local Government was in contact with Bourke Shire Council, waiting for the outcome of that investigation because the POCTA Act was a higher order Act. When that came in with no breach found, we then initiated our responsibilities under the Companion Animals Act for investigation. I wrote to the general manager of Bourke Shire Council, saying, "You need to answer to these particular actions and demonstrate that you did not breach the Companion Animals Act." I also personally phoned the general manager to advise I was undertaking that action. Under the legislation, they have two weeks to reply. They replied back to us. We have reviewed and there has been no material breach of the Companion Animals Act.

**Ms ABIGAIL BOYD:** Have you done a broader audit to check that they are in compliance with the rest of the code of practice and with the relevant laws, or offered them any support to help them get to that?

**Ms FISHBURN:** In relation to Bourke Shire Council, yes. We have been in constant communication with them in relation to support that they might need. We have also provided formal advice throughout the sector about pound management during COVID. I refer back to the Minister saying this is a fairly exceptional set of circumstances. Bourke, in fact, has had very low euthanasia rates for a long period of time. They put significant effort into their management. But we will continue to work with them to provide them with any support they might require.

**Ms ABIGAIL BOYD:** Looking at the actual form of euthanasia—again, last time we spoke, Minister, you said:

... even if a council does not have a vet on site—some of them do not have a full-time vet—surely they can contract in a vet to undertake appropriate euthanasia practices if and when required.

Instead of shooting them. I understand that shooting these puppies was in accordance with POCTA, which is most disturbing. Do you think POCTA needs to be updated so that this does not happen again?

**Mrs SHELLEY HANCOCK:** Again, it is a question for Minister Marshall as to whether he needs to update the Act. I just reiterate that it is very concerning that animals are shot—puppies are shot.

**Ms ABIGAIL BOYD:** Has the Office of Local Government or yourself made any kind of submissions or recommendations to Minister Marshall in relation to this issue?

**Mrs SHELLEY HANCOCK:** Not at this stage.

**Ms FISHBURN:** We have not made any formal submissions through the Office of Local Government, but this is a matter that we will discuss at our responsible pet ownership group, where we have representatives from DPI. That will be the formal mechanism to being that conversation.



**Mrs SHELLEY HANCOCK:** That is in November.

**Ms FISHBURN:** November. Thank you, Minister.

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

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

**Ms ABIGAIL BOYD:** That would be very useful. When I spoke with Minister Marshall this morning, he was of the view that he would only consider updating the Act to prevent something like this happening again if there was significant concern from the community. There is significant concern from the community, isn't there, Minister?

**Mrs SHELLEY HANCOCK:** I would agree with that.

**Ms ABIGAIL BOYD:** Would you commit to forwarding on some of these complaints to the Minister so he can see the extent of the problem?

**Mrs SHELLEY HANCOCK:** Certainly, yes—including the death threat I received as well.

**Ms ABIGAIL BOYD:** Goodness me. I am very sorry to hear that. You also said last time that you do not collect data on the euthanasia methods being employed by the council pounds. Has that now changed? Has there been any data collected?

**Mrs SHELLEY HANCOCK:** No, we don't, do we?

**Ms FISHBURN:** We collect data on euthanasia rates, but not the specific method.

**Mrs SHELLEY HANCOCK:** Rates but not methods. We have obviously been collecting the data on euthanasia rates because we have been looking at those coming down. In terms of the methods, no. I guess we make presumptions about euthanasia methods, and we have made some mistakes here. I have always presumed that dogs would not be euthanised by shooting. Again, I am wrong. Bourke shire was a specific set of circumstances. We need to be perhaps talking to councils about how they euthanise their animals as well as their euthanasia rates. I think that would be very worthwhile.

**Ms ABIGAIL BOYD:** I agree. We have tried to do some of that ourselves, but it is very difficult to get a handle on.

**Mrs SHELLEY HANCOCK:** Because they are reluctant to give you the information, I presume. Are they?

**Ms ABIGAIL BOYD:** Yes, they are. It seems to be quite opaque. Is that something that your office will look into?

**Mrs SHELLEY HANCOCK:** We have got a pet reference group on 21 November. I think we could have some discussions about that. They provide advice to me about matters such as this, and we can refer matters to them.

**Ms FISHBURN:** Again, it is determined through the POCTA Act. But we can certainly refer that up to the group. I would think, Minister, that is the appropriate mechanism.

**Mrs SHELLEY HANCOCK:** Yes.

**Ms ABIGAIL BOYD:** Thank you. Are you aware that there are New South Wales council pounds that are not advertising impounded homeless animals or making reasonable efforts to promote adoption and, even outside of lockdowns, are not allowing public access to their facilities?

**Mrs SHELLEY HANCOCK:** No, I am not aware that councils would not be advertising. Surely that is what they do. They try to rehome as much as possible. Clearly, if animals are rehomed, that is a reduction in the costs to them. I would be quite incredulous that they would not be trying to rehome their animals.

**Ms ABIGAIL BOYD:** And it would be against their obligations as well, would it not?

**Mrs SHELLEY HANCOCK:** Yes. Their obligations are as far as possible to re-educate and rehome as many animals as possible to avoid euthanasia.

**Ms ABIGAIL BOYD:** Do you believe that there is sufficient resourcing for councils for these pounds?

**Mrs SHELLEY HANCOCK:** Again, we are directing increased funding—I have—to councils, but I think you could probably never say that they have enough. We would always like to direct more money to all of

the councils—I would every day—for anything, everything, because there are always challenges that they face on a daily basis and worse in the past two years. So I would have to say that some councils are challenged. In some cases they do not necessarily take it on as a priority in comparison to others. Sutherland shire in particular has—I think we spoke about this last time—a no euthanasia policy and it prides itself on that. Other councils want to upgrade their facilities because some of the facilities are really not fit for purpose. So it is a matter of councils making their own decisions about what their priorities are and I cannot dictate to them what their priorities should be except give them some clear guidance about what we expect as a government regarding the companion animals legislation, their rehoming rates, their euthanasia rates and the standard of their facilities.

**The CHAIR:** Thank you. We will move to questions, I believe, from Mr Mark Pearson.

**The Hon. MARK PEARSON:** Thank you very much, Chair. Good afternoon, Minister. I can just see you in the far distance.

**Mrs SHELLEY HANCOCK:** I can see you. Hello, Mr Pearson, how are you?

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

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

**The Hon. MARK PEARSON:** Minister Anderson—sorry, go on.

**Mrs SHELLEY HANCOCK:** Mr Anderson, what did he say?

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

**Mrs SHELLEY HANCOCK:** Yes I will. We will take that on notice. I think if Mr Anderson said that that is what we would do, that is what we will do, and we will do that with my support as a ministerial colleague.

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

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

**The Hon. MARK PEARSON:** Great. Excellent.

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

**The Hon. MARK PEARSON:** Okay, I would be very grateful for that, thank you. Just moving on to dog breeding facilities or what we call in my corner of the world "puppy factories", I am well aware that this issue does cut across two portfolios—that is, the Prevention of Cruelty to Animals Act and the Companion Animals Act. Is there any plan by you, Minister, to seriously consider the banning of large-scale dog breeding facilities in New South Wales following along with Victoria? You might be aware that there is a bill that is coming before the House that my colleague has carriage of which is going to be asking for this.

**Mrs SHELLEY HANCOCK:** Since it has been referred to a committee of the upper House, I guess I will reserve my comments until we see the outcome of those committee deliberations, Mr Pearson.

**The Hon. MARK PEARSON:** I have great news for you, Minister. The committee, which is our committee, has sent that request back saying we really cannot—correct me if I am wrong, Ms Faehrmann—we do not have time to have a look at this, particularly considering that there was a major select committee that

inquired into puppy farms just after I was elected. So it is going to come back to the House to proceed—no inquiry. Just for your information.

**Mrs SHELLEY HANCOCK:** I am sorry, I was not aware of that, Mr Pearson, at all. That would be a matter then for the Government to respond to.

**The Hon. MARK PEARSON:** Are you aware that a number of New South Wales councils have been inundated with development applications for puppy factories, and this is following directly on from the Victorian laws basically forcing them out of Victoria if they want to continue to have these practices? Are you aware that there are quite a few applications to New South Wales councils for these facilities to be built? I suppose it is important to be aware of this because if this bill does go through they will not be able to. Are you aware, have your councils—

**Mrs SHELLEY HANCOCK:** I am not aware at all of multiple DAs for puppy farms or puppy factories to which you refer, because I do not track and follow DAs to that extent. But Ms Fishburn might have some more information on that. The Murray River we are certainly aware of.

**Ms FISHBURN:** Thank you, Minister, I can answer that as secretary of the whole of the cluster, not just of the Office of Local Government. It is certainly a matter that has been brought to the attention of the Minister for Planning and the department. As you identified, it is one of those challenging areas that falls between Minister Marshall, Minister Hancock and, to an extent, Minister Stokes in terms of planning. It is not an easy solution there. We certainly have been made aware, particularly as you identified, with the changes to the Victorian legislation, that that has increased interest in New South Wales in this space and it is something that the planning area of DPIE is conscious of and looking at what mechanisms could be brought into play.

**The Hon. MARK PEARSON:** Minister, do you think the Government will support the bill to ban puppy factories or at least without any amendments to overly change it so it does not have the power—

**Mrs SHELLEY HANCOCK:** Mr Pearson, I cannot speak for the Government at this stage or Government members. This has not been a decision that has even gone to Cabinet, so there have not been those discussions yet. So I really cannot speculate and I apologise, I cannot.

**The Hon. MARK PEARSON:** What is your view as Minister of that particular portfolio and maybe your personal view as well about such legislation?

**Mrs SHELLEY HANCOCK:** I think I will await the outcome of the matters that come to Cabinet and, I guess, make my decision at that time. At this time I do not really have a view. I would rather listen to whatever is raised in your bill—and I have not seen your bill—and I will listen to the views of the Minister and the Ministers and the Government and the members and, of course, the community at large. That is all I can say. I cannot speculate at this stage.

**The Hon. MARK PEARSON:** Fair enough. I understand that. Thank you very much, Chair, I have finished, and thank you, Minister.

**Mrs SHELLEY HANCOCK:** Thank you, Mr Pearson.

**The CHAIR:** We have two minutes left if you want, Mr Shoebridge, and then we will break for afternoon tea for 15 minutes. Do you want to take Mr Buttigieg's remaining two minutes?

**Mr DAVID SHOEBRIDGE:** I will do one short thing with you, Minister. It is nice to see you again. Minister, you have had a chance to ban property developers. As I think Mr Buttigieg explored with you, that bill is just lying languid downstairs and the Government is refusing to move on it. Do you accept that is a missed opportunity to get property developers off council?

**Mrs SHELLEY HANCOCK:** I am not sure that it is a missed opportunity. It is a matter of the Government's priorities regarding legislation in the lower House and there are a number of competing priorities at the moment.

**Mr DAVID SHOEBRIDGE:** How many property developers has the Liberal Party now preselected to run for the council elections? Is it because there was that internal division inside the party?

**The Hon. SCOTT FARLOW:** She is not the Liberal Party State director.

**The CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** Is it because there was that internal division and there were a bunch of property developers saying "I want another go." Is that why it is not progressing downstairs, Minister?

**Mrs SHELLEY HANCOCK:** What an extraordinary question, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** What an extraordinary situation.

**Mrs SHELLEY HANCOCK:** You are just speculating. I do not have an explanation, but that certainly would not be my understanding at all. I think you accept that is just extraordinary.

**Mr DAVID SHOEBRIDGE:** How many property developers is too many for councils? How many property developers is it: Is 20 property developers from the Liberal Party too many? Is 10? What is the number?

**Mrs SHELLEY HANCOCK:** That is another extraordinary question, because at the moment we do not have a ban on property developers. I am not going to speculate on how many is too many when, in fact, at the moment it is quite legal for them to run.

**Mr DAVID SHOEBRIDGE:** Of course, parties can make rules about this themselves.

**Mrs SHELLEY HANCOCK:** Yes, they can.

**Mr DAVID SHOEBRIDGE:** I know that my party has said no property developers. I know the Opposition has said no property developers. Yet the Liberal Party welcomes them one and all.

**The Hon. ROSE JACKSON:** We take responsibility.

**Mr DAVID SHOEBRIDGE:** They are actually going to devote party resources to getting property developers put on council. Do you not think that the Liberal Party—

**Mrs SHELLEY HANCOCK:** I do not think any party is devoting resources to get property developers on council. That is a long way—

**Mr DAVID SHOEBRIDGE:** I have seen the banners.

**Mrs SHELLEY HANCOCK:** —from the truth.

**Mr DAVID SHOEBRIDGE:** There will be a whole lot of Liberal Party corflutes up between now and 4 December with pictures of property developers attached to the Liberal Party corflutes saying "Elect me to council".

**The Hon. SCOTT FARLOW:** I wonder how many there are.

**Mr DAVID SHOEBRIDGE:** Do you not think we should fix that, even if only for the good of your own party, so you do not get caught in another set of scandals?

**Mrs SHELLEY HANCOCK:** Again you are speculating about how many property developers will run for council. I am sure with the new disclosure regime that was introduced, it will make it very difficult for councillors not to disclose their profession. I do not think there will be too many running, quite frankly.

**Mr DAVID SHOEBRIDGE:** I will finish on this. You know as well as I—

**Mrs SHELLEY HANCOCK:** If you have examples.

**The CHAIR:** Once he starts.

**The Hon. SCOTT FARLOW:** You should not have encouraged him, he was going to break.

**Mr DAVID SHOEBRIDGE:** —that it would actually have protected your party to not have another four years of property developers. That actually would have been in the long-term interests of your own party, you know that, do you not, Minister?

**Mrs SHELLEY HANCOCK:** It is up to the voters, Mr Shoebridge, as to whether when they see there is a property developer running for council, whether they vote for them or not. It is up to the voters, I guess. I am sure that they will use their discretion when voting at local government elections.

**(Short adjournment)**

**The CHAIR:** Welcome back. We will commence with questions from the Opposition.

**The Hon. ROSE JACKSON:** I wanted to quickly finish off the issue that we were discussing before. As I mentioned, for example, Blayney Shire has no women on its council. It is located within the electorate of Deputy Premier Toole. Dubbo also is a council which has very few women on it. It is represented by Mr Saunders. I wondered, even though you are not responsible specifically for who runs for those councils, have you made any effort to reach out to those local community leaders, the State representatives, and talk to them about what they might do to encourage more women to run for those councils, which have had historically very few or no women on them?

**Mrs SHELLEY HANCOCK:** No, I have not. As I indicated to you and described to you previously, I saw my role as trying, via the workshops, via the Australian Local Government Women's Association and via Women for Election Australia, to actually run the workshops and encourage women to run in that way, by that method. I did not reach out to the State members, no.

**The Hon. ROSE JACKSON:** Surely you can understand that it is one thing for a woman to attend a workshop like that and want to put a hand up, which is great. But actually, as you would know and I would know, the process of going through an election and actually getting elected can be pretty fraught. And one thing that can really help is the support of local representatives like local State members of Parliament and local political leaders to actually make that connection between "I think I want to do this" and "I am actually going to get elected to council". Did you seek at all to encourage these people to mentor or support women?

**Mrs SHELLEY HANCOCK:** No, I did not.

**The Hon. ROSE JACKSON:** Minister, there is a bit of a gap, is there not, between saying good things and actually doing something about them?

**Mrs SHELLEY HANCOCK:** You think there is a gap between me saying something and doing something?

**The Hon. ROSE JACKSON:** Yes. I think there is a gap between you—

**Mrs SHELLEY HANCOCK:** Oh, really? Did you attend any of the workshops which were arranged through the Office of Local Government throughout the State over the last 12 months, and see the kind of actions that I was encouraging and funding through the Government? It was certainly a lot more than talking. It was about practical action and making sure that women understood the challenges of running and also how to run and what to do.

**The Hon. ROSE JACKSON:** I did not attend any of those workshops, but then again I am not the Minister for Local Government. If I were—

**Mrs SHELLEY HANCOCK:** But you are a female member of Parliament, surely you could have become involved?

**The Hon. ROSE JACKSON:** And that is why I do take a responsibility to actively ensure that women are on Labor Party tickets and are properly supported to get elected to council. And it does not seem like you have done any of that.

**The Hon. CATHERINE CUSACK:** Point of order: This is an opportunity for the member to ask the Minister questions in her capacity as the Minister for Local Government. Whether she is interfering in a political party's nominations of candidates is not covered by the scope of the Local Government office, which she holds. Can I ask that the member confine her questions to the Minister in relation to the portfolio responsibilities. I believe she has already given very excellent answers in relation to her role as the Minister and the member has strayed into other areas.

**The Hon. MARK BUTTIGIEG:** To the point of order: The Minister directly asked the member had she attended any of the forums. She answered it. I do not understand the point of order.

**The CHAIR:** I will address the point of order. The member has largely been asking questions in relation to women in local government, which is obviously within the Minister's remit. I remind the Minister that it is time for members to ask the questions. But I would suggest to the member to please contain her questions within the Local Government portfolio, and not Liberal Party politics and what the Minister may do as a political Liberal member.

**The Hon. ROSE JACKSON:** As Minister, you have raised the issue of wanting to see more women on local government, yet when pressed for examples you say that it is often a problem for the Liberal Party with local government elections, and you say that is Minister Harwin's responsibility.

**The Hon. CATHERINE CUSACK:** Point of order: This is outrageous.

**The Hon. ROSE JACKSON:** This is outrageous.

**The Hon. CATHERINE CUSACK:** She is disrespecting the ruling that you have just made. I ask that you call the member to order and bring her back to the portfolio of Local Government.

**The CHAIR:** Ms Jackson had not really got to her question. I urge members to listen to members to make sure that they are able to finish their questions. I will get back to Ms Jackson.



**The Hon. ROSE JACKSON:** For the member's benefit, this is my last question before I hand over to my colleague Mr Buttigieg. I was just trying to get a sense in terms of the Minister's responsibilities. If it is not women on local government, that is a Liberal Party problem; if it is not local government elections, that is Minister Harwin's problem; if it is not councils shooting puppies, that is Minister Marshall's problem. What actually are you responsible for as the Minister for Local Government?

**Mrs SHELLEY HANCOCK:** I decline to answer that question because it is inflammatory and all of the implications are completely untrue and typical of you.

**The Hon. ROSE JACKSON:** I am going to take that as a compliment.

**Mrs SHELLEY HANCOCK:** Yes, good. Angry little thing.

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

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

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

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

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

**Mrs SHELLEY HANCOCK:** I do not know.

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

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

**Mr DAVID SHOEBRIDGE:** Too many.

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

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

**Mrs SHELLEY HANCOCK:** I do not either.

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

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

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

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

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

**Mrs SHELLEY HANCOCK:** If we can have a general chat about all of those issues you are raising, including the protection of council workers, that would be of interest to me and to Ms Fishburn to roll it up into a further discussion with you.

**The Hon. MARK BUTTIGIEG:** That would be good. I know you are averse to hypotheticals, but sometimes they are necessary.

**Mrs SHELLEY HANCOCK:** Are they?

**Mr DAVID SHOEBRIDGE:** Do you agree that sometimes they may be necessary, Minister?

**Mrs SHELLEY HANCOCK:** On some occasions they might be necessary, but I will not answer them nevertheless.

**The Hon. MARK BUTTIGIEG:** In the event that there was no legislative framework to protect those wages and conditions, do you think it would be something you could consider doing?

**Mrs SHELLEY HANCOCK:** Again, we have a very good union in New South Wales, the United Services Union [USU], as you would know, who deal daily with the conditions of workers in the local government sector under the fantastic leadership of Graeme Kelly. He and I have had a lot to do with each other over the years directly in relation to workers in local government and their protection. If there are situations where workers are being exploited, to use a better word, then I am sure that Mr Kelly would be on my doorstep every day. We have certainly worked together on the splinter award during the COVID situation for a job retention allowance. We worked closely on that so that workers were not stood down during that period of time. In terms of what you are saying, and I guess it is all relating back to waste services, you clearly have an issue with that. That is something we would look at. I am sure you might have spoken to Mr Kelly about it too.

**The Hon. MARK BUTTIGIEG:** You correctly point out the good job that Mr Kelly does. I know that he has got an open dialogue with you as a Minister and respects you in your role. They are not the only union involved, by the way, because when it goes out to the private sector it is the Transport Workers' Union [TWU]. This is a situation we are talking about, though, and I experienced it in my former life as a union official, where generally what happens is the outsourced work—the contracted work—becomes a way to undercut the permanent workforce. Then you have this effect of the lowest common denominator, where both groups end up in a race to the bottom as opposed to lifting the minimum standard outside so that they both come up to the highest level. That is really what I am driving at. I want to know, as a Minister, whether or not you have the same philosophy in that highest common denominator as opposed to the lowest one?

**Mrs SHELLEY HANCOCK:** I am sure that we would share the same philosophy in terms of the highest common denominator and in protection for council workers. Having said that, in most cases—or in every case—council are the masters of their own destiny and they make the decisions about contracting out for waste services. Rightly or wrongly, whatever you might say or whatever I might say, that is their decision and, ultimately, the decision of voters as to whether they agree with the decisions that council is making. But they do make those decisions. I think my own council has contracted out their waste services. It is usually to find greater efficiencies within their budget. If the union was concerned about this, they would have come to see me by now about this. This is something that has not been raised with me at this stage. If Mr Kelly has raised it with you, we need to have those discussions.

**The Hon. MARK BUTTIGIEG:** I am suggesting there are two sides to the equation. One is the outsourced workforce and one is the permanent internal workforce. You can have a situation where someone might have worked for Sutherland council—I have just used Sutherland because I used to be on Sutherland, but it could be any council—for 20 years, and then the waste collection contract gets outsourced. All of a sudden, they are down on wages and conditions because there is no legislative framework to protect that. That is not a good situation, is it?

**Mrs SHELLEY HANCOCK:** No, I do not like that.

**The Hon. MARK BUTTIGIEG:** I am very pleased to hear that. There is a role for government to say, from a holistic perspective, that it does not want a situation where councils are trying to, with good intentions, keep rates down and all the rest of it, trying to provide a cheaper service. At the same time, they rob Peter to pay Paul and, as a society, we have a whole swathe of workers disenfranchised because there is no bigger picture there. A legislative framework to protect that is what I am driving at.

**Mrs SHELLEY HANCOCK:** When you talk about a legislative framework and legislation and a bill and an Act, then you are talking about more and more intervention from the State Government into what local government actually does. Local government, as we all know, are independent bodies. We expect them to undertake their own decisions and they do. If you start to intervene too much with State Government intervention policies or procedures and the like, then you run the risk of completely overwhelming your local government sector and taking away their independence. But there is a balance because what you quite rightly raised is that workers should not be disadvantaged in councils. I think, for the most part, councils do try to protect their workers. During COVID, we were looking at a job retention allowance because the Commonwealth Government did not cover council workers. It was amazing how council did not want to stand down workers for the most part. They pivoted and they found other forms of employment when the pools closed and the libraries closed. There were all sorts of other jobs that they took on and/or put them through training courses.

**The Hon. MARK BUTTIGIEG:** I appreciate that. I congratulate those efforts. I was privy to some of those decisions and they were laudable. I will finish that line of questioning on this point: It is all very well to have strong unions in the workplace, and they advocate very strongly on behalf of their members, but, if the

legislative framework does not support those unions, it becomes very difficult to maintain those conditions and pay. What I am hearing here is that you are open minded about going down that path, perhaps.

**Mrs SHELLEY HANCOCK:** About going down the legislative framework path?

**The Hon. MARK BUTTIGIEG:** Yes.

**Mrs SHELLEY HANCOCK:** I am not necessarily open minded about that. I am open minded about—

**The Hon. MARK BUTTIGIEG:** So you would not even consider it, Minister?

**Mrs SHELLEY HANCOCK:** If I have a discussion with Graeme Kelly and he suggests that is a good idea, that is something I would take on board. Again, he has not raised those issues with me. He may have with you. We have not seen each other for a while because of COVID and the other issues with councils in relation to jobs and possible loss of jobs. I am happy to talk to him and to you about that if we consider that is a problem.

**The Hon. MARK BUTTIGIEG:** We will take you up on that, along with the TWU as well.

**Mrs SHELLEY HANCOCK:** Absolutely. I am happy to do that.

**The Hon. MARK BUTTIGIEG:** I will flick back to mergers now. Specifically, I want to start off with the Local Government Boundaries Commission, who, on 23 February this year, issued a media release saying that it had handed down its findings in relation to Cootamundra-Gundagai Regional Council and the Snowy Valleys Council demergers. That was 23 February this year. It took another six months for you to hand down the decision. What was the drama there?

**Mrs SHELLEY HANCOCK:** I suppose it was the further consideration of the reports. What other reason, I cannot recall. That took some time. But the issues were complex. When I considered the reports in the context of my obligations under the Act, I do not believe that a case for a demerger or demergers had been made.

**The Hon. MARK BUTTIGIEG:** Just on that six months, Minister, given the angst in those communities, do you think it was fair on them to delay it by that much?

**Mrs SHELLEY HANCOCK:** I think it was fair that I was considering that matter properly. I was not trying to rush through a decision one way or the other but make a decision that was a result of consideration and deliberation. When I further considered those reports, I did not think there was a case that had been made for demergers.

**The Hon. MARK BUTTIGIEG:** Let us drill down into that a little bit. The Cootamundra-Gundagai proposal, the recommendation was that the commission recommends that the proposal not be implemented. While this is the commissioner's recommendation, it does not represent the unanimous view of the four commissioners. The recommendation was carried on the casting vote of the chairperson, and a dissenting report under clause 12 of schedule 2 to the Act is being submitted to the Minister by commissioners Lesley Furneaux-Cook and Rick Firman. Have you read that dissenting report, Minister?

**Mrs SHELLEY HANCOCK:** As I said to you when you asked me first about the six-month delay, it was because of the complexity of the reports.

**The Hon. MARK BUTTIGIEG:** It took six months to read the report, did it?

**Mrs SHELLEY HANCOCK:** Excuse me?

**The Hon. MARK BUTTIGIEG:** I am being humorous. Sorry, Minister.

**Mrs SHELLEY HANCOCK:** I do not find it remotely humorous. It was not just the reading of the reports but the complexity of those reports, the understanding of those reports, the importance of the consideration of those local government areas, and, as you yourself just indicated, there were dissenting views, there was no consensus. I am not blaming the Boundaries Commission at all, not at all, but I am saying that this was a huge task for it to take on and one that it had not really considered before. So I could not see that it had made a case to me for demergers.

**The Hon. MARK BUTTIGIEG:** Okay. So given the clear lack of unanimity and that dissenting report, I think it was split fifty-fifty and the chair cast the vote. That was right for that one?

**Mrs SHELLEY HANCOCK:** I think so, yes. The Cootamundra-Gundagai?

**The Hon. MARK BUTTIGIEG:** Yes. What tipped you in favour of not demerging, Minister, given there is quite a bit of community angst down there and a big lobbying effort—



**Mrs SHELLEY HANCOCK:** Yes, I am aware of that. As I said, it was the reports themselves that did not present a case to me for demergers. That is it.

**The Hon. MARK BUTTIGIEG:** So you have a situation where two councillors, I think, were on that decision-making panel of four, the two councillors were the ones who wrote the dissenting report, and a community up in arms, but you defaulted back to the recommendation on the chair's casting vote that a demerger was not in their interests.

**Mrs SHELLEY HANCOCK:** Yes.

**The Hon. MARK BUTTIGIEG:** The dissenting report stated that the council's financial future was by no means guaranteed even with a permanent special rate variation of 53.5 per cent in place. What do you make of that comment?

**Mrs SHELLEY HANCOCK:** As I made of all of the other comments. There were some contradictions and, from memory—this is quite some time ago now that I made that decision, a very difficult decision—as I said, when you have dissenting reports and reports and dissenting reports there is no clear case to demerge either of those councils, and that is the decision I made, and I do not resile from that. That is the decision I made. There is no point in talking about it because I have made the decision.

**The Hon. MARK BUTTIGIEG:** No, but my questions go to you informing the Committee about the thought processes that led to that decision. I think that is more than a reasonable ask, is it not?

**Mrs SHELLEY HANCOCK:** Sure, absolutely, yes.

**The Hon. MARK BUTTIGIEG:** I want to take you to a comment in the dissenting report again, "The pervasive negative attitudes of residents and ratepayers, the lack of communities of interest, geographic barriers, internal disharmony and the detrimental impacts on staff emotional and mental health by community hostility has severely impeded Cootamundra-Gundagai Regional Council's ability to operate in an effective and efficient manner." So how do you plan to change those pervasive negative attitudes of residents and ratepayers and why have you not done that in the past five years?

**Mrs SHELLEY HANCOCK:** I have only been in this position for a couple of years, for a start, and it is not my role—

**The Hon. MARK BUTTIGIEG:** How long has it been now, Minister?

**Mrs SHELLEY HANCOCK:** How long? It seems longer.

**The Hon. MARK BUTTIGIEG:** It is 2019; it is almost three years, is it not?

**Mrs SHELLEY HANCOCK:** Two and a half, whatever. I do not see it as my role. If I am aware that there is internal dissension within a council, if there are concerns amongst the staff of bullying or concerns about the staff of bullying from the community towards staff, as I think was occurring in Snowy Valleys—in Tumut in particular, from memory—then I would be asking the Office of Local Government to continue to work with the councils, and I did do that. The Office of Local Government worked very closely with both those councils and will continue to work with those councils because they face challenges, not only financial challenges but in particular with Cootamundra-Gundagai I think they are still very disappointed about the decision and that is probably to the detriment of the community.

I guess Snowy Valleys Council is slightly different, but I just think we have to move on; I have made the decision. That is why I am saying to you I do not really want to continue to comment and speculate about why I made a decision or did I talk to the community or what about staff morale. The decision is made—it had to be made. Yes, it took a little too long—six months to contemplate all of the issues—but I made the decision: there was no case that was presented to me clearly to demerge the councils. That is the end of it.

**The Hon. MARK BUTTIGIEG:** Okay, I understand you want to move on, but we will pursue it after.

**The CHAIR:** We will go to questions from the crossbench. Mr David Shoebridge.

**Mr DAVID SHOEBRIDGE:** Thanks very much, Chair. Minister, what is the current status for the proposal for superannuation contributions for councillors?

**Mrs SHELLEY HANCOCK:** I think, as you would know with the last piece of legislation, it is now not compulsory superannuation, it is voluntary.

**Mr DAVID SHOEBRIDGE:** Compulsory by choice.

**Ms FISHBURN:** Councils can opt in to pay councillors superannuation.

**Mrs SHELLEY HANCOCK:** Indeed. So it is a voluntary system and councils, of course, I think they will be almost compelled morally to adopt a situation where superannuation is paid to its councillors. It has been long overdue. You and I have discussed this and I thank you for your counsel on this because when you have a number of competing priorities perhaps you do not think of everything, so I thank you in particular for raising that with me. We have progressed that; it is not mandatory, but I think that at the end of the day if councils do not take up the option of superannuation they will be named and shamed by you.

**Mr DAVID SHOEBRIDGE:** Maybe we can have a unity ticket on it.

**Mrs SHELLEY HANCOCK:** Maybe we will.

**Mr DAVID SHOEBRIDGE:** But rather than name and shame it would be really helpful if when the new councils are elected they had a clear briefing and a clear policy statement and a set of resources provided by the Office of Local Government to help them make that initial choice in their first few council meetings because—

**Mrs SHELLEY HANCOCK:** I am sure that will be the case, Mr Shoebridge, absolutely sure.

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

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

**Mr DAVID SHOEBRIDGE:** So if it is not, it will?

**Ms FISHBURN:** Yes, correct.

**Mrs SHELLEY HANCOCK:** And I think that this was identified, pertaining perhaps to Ms Jackson's earlier questions about encouraging women to run for local government, this was one of the disincentives for women to run for local government because there was no superannuation payable. This has been one of the outcomes in dealing with you, Mr Shoebridge, but also listening to the local community and women who saw that as a real barrier.

**Mr DAVID SHOEBRIDGE:** It is not bad enough the insulting amount that people are asked to receive—

**Mrs SHELLEY HANCOCK:** Correct.

**Mr DAVID SHOEBRIDGE:** —for often what can be a 30- or 40-hour job.

**Mrs SHELLEY HANCOCK:** Yes, or more.

**Mr DAVID SHOEBRIDGE:** Women are already economically disadvantaged and to then have the insult of not being paid superannuation on the tiny stipend is—

**Mrs SHELLEY HANCOCK:** Absolutely. Shocking.

**Mr DAVID SHOEBRIDGE:** Let us hopefully commit to work across, maybe with the Opposition as well, to get compulsory superannuation because that is where we should go, in my perspective.

**Mrs SHELLEY HANCOCK:** Sure. Thank you.

**Mr DAVID SHOEBRIDGE:** Minister, about the infrastructure contributions, I said I would give you the list of councils who have made representations to me. I will just see if they ring a bell for you. We have Cootamundra-Gundagai, Lockhart Shire Council, Broken Hill Shire Council, Port Macquarie-Hastings Council, Willoughby City Council, Coffs Harbour City Council, City of Parramatta, City of Sydney, Clarence Valley Council, Lane Cove Council, Hunter Joint Organisation, Local Government NSW, Bega Valley Council and Lismore City Council. When I say Hunter Joint Organisation, that is Newcastle, Muswellbrook, Cessnock, Dungog, Lake Macquarie, Maitland, MidCoast, Port Stephens, Singleton and Upper Hunter.

**Mrs SHELLEY HANCOCK:** Yes, it is a lot.

**Mr DAVID SHOEBRIDGE:** Given that local government is so close to unanimous on this, will you be pushing back—

**Mrs SHELLEY HANCOCK:** That was about 28 councils. There are 128 councils. So that is not quite unanimous.

**Mr DAVID SHOEBRIDGE:** Yes, as well as Local Government NSW. That was just the list I got in the time between now and then.

**Mrs SHELLEY HANCOCK:** Okay, and I have probably got that many as well.

**Mr DAVID SHOEBRIDGE:** There are probably others.

**Mrs SHELLEY HANCOCK:** I have probably received that many on the list.

**Mr DAVID SHOEBRIDGE:** That is a lot of councils.

**Mrs SHELLEY HANCOCK:** Yes, it is a lot of concern. And, as I said, I am sure that the Minister will be taking on board those concerns and endeavouring to continue to consult, as he indicated in this place that he would.

**Mr DAVID SHOEBRIDGE:** Have you asked for a briefing about how much collectively local councils are going to lose as a result of this legislation?

**Mrs SHELLEY HANCOCK:** No, I have not asked for a briefing at all, no.

**Mr DAVID SHOEBRIDGE:** Have you been given any numbers by the Minister for Planning?

**Mrs SHELLEY HANCOCK:** No.

**Mr DAVID SHOEBRIDGE:** Do you think that would be prudent though, to have that kind of information?

**Mrs SHELLEY HANCOCK:** I think there is further consultation following some of the concerns raised, and that would be prudent then for those matters to be raised by him to the councils and to me.

**Mr DAVID SHOEBRIDGE:** Minister, in July your Government put through the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021, one part of which was regulation 256BA, which prohibited councils from charging for council compliance and enforcement functions. Does this ring a bell?

**Mrs SHELLEY HANCOCK:** No, that was I think Minister Stokes' legislation as well. Did you ask him about that?

**Mr DAVID SHOEBRIDGE:** He is playing in your patch a fair bit.

**Mrs SHELLEY HANCOCK:** He is what?

**Mr DAVID SHOEBRIDGE:** He took it on notice. He is playing in your patch a fair bit. Are you aware of the regulations?

**Mrs SHELLEY HANCOCK:** Vaguely, but again it is his legislation.

**Mr DAVID SHOEBRIDGE:** I might go to Ms Fishburn, who fortunately or unfortunately covers the field in this regard; local government and planning. Are you aware of representations from councils about what the financial impact of that will be?

**Ms FISHBURN:** The compliance levy regulation?

**Mr DAVID SHOEBRIDGE:** Yes.

**Ms FISHBURN:** Yes, I am.

**Mr DAVID SHOEBRIDGE:** If it assists, I might just show you some representations that we got from my local council.

**Ms FISHBURN:** Thank you.

**Mrs SHELLEY HANCOCK:** Which council is that?

**Mr DAVID SHOEBRIDGE:** This is Woollahra council.

**Mrs SHELLEY HANCOCK:** Woollahra.

**Mr DAVID SHOEBRIDGE:** If I can take you to the second page of that, Ms Fishburn. You will see there that council states at about point 5, halfway down:

The financial impact of this change to Woollahra Council is significant, resulting in an estimated loss of income this year of \$325,000 and ongoing future annual losses of \$650,000, representing about 50% of the operational costs of Council's Building & Compliance operations within our Compliance Department.

Had you been aware of what a significant impact that change in the regulation would have on councils at the time it was made?

**Ms FISHBURN:** Councils had drawn those matters to the department's attention.

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

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

**Ms FISHBURN:** I accept that, Ms Fishburn.

**The Hon. CATHERINE CUSACK:** Madam Chair, I am going to reluctantly take a point of order. I do understand where the member is going on this. Perhaps those questions could be directed to the planning Minister on notice. We are here today for the portfolio responsibilities of the Minister for Local Government. The Committee seems to be struggling to focus on local government issues.

**Mr DAVID SHOEBRIDGE:** To the point of order: These are changes that have a multiple hundred thousand dollar impact upon the finances of councils. It is clearly relevant.

**The CHAIR:** There is no point of order. Please continue questioning.

**Mr DAVID SHOEBRIDGE:** Ms Fishburn, that kind of income impact on Woollahra council—\$650,000—from memory, how does that compare with what other councils said that the cost of this regulation would be?

**Ms FISHBURN:** From my memory, it is quite variable. It really depends on a number of factors. Obviously the size and scale of the council, the amount of DAs submitted and the way that they were charging for the compliance levy. It is variable from council to council. In some it is a straight percentage of the capital improved value [CIV], and in others it is a fixed fee. It goes up and down.

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

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

**Mr DAVID SHOEBRIDGE:** Minister, were you aware of how big a financial impost that one regulation change was having on councils?

**Mrs SHELLEY HANCOCK:** No, I was not. That is the information that is being provided by councils to me and others. I was not aware that that was the case. I am still not aware. I am not sure that is the case. I mean not everything that is in a letter is the truth.

**Mr DAVID SHOEBRIDGE:** I accept the mayor's—

**Mrs SHELLEY HANCOCK:** Is this the mayor or the general manager?

**Mr DAVID SHOEBRIDGE:** This is the mayor.

**Mrs SHELLEY HANCOCK:** The mayor.

**Mr DAVID SHOEBRIDGE:** She is a Liberal Party mayor.

**Mrs SHELLEY HANCOCK:** I know her well. Well, not well.

**Mr DAVID SHOEBRIDGE:** I have known Councillor Wynne for some time; I accept that she is telling the truth.

**Mrs SHELLEY HANCOCK:** Yes.

**Mr DAVID SHOEBRIDGE:** She is saying that the annual cost to her council is \$650,000. That is going to be half of the operational costs of the compliance unit. I accept in good faith that the mayor is being honest.

**Mrs SHELLEY HANCOCK:** Yes, I do.

**Mr DAVID SHOEBRIDGE:** And telling us the accurate figures.

**Mrs SHELLEY HANCOCK:** I am not trying to suggest that they are not suggesting that. I just think that I do not have the answers that would provide clarity on these matters. I think that has really got to be answered by Minister Stokes, and he is going to want to take further consultation anyway.

**Mr DAVID SHOEBRIDGE:** Not on this.

**Mrs SHELLEY HANCOCK:** Not on this?

**Mr DAVID SHOEBRIDGE:** This is done and dusted.

**Mrs SHELLEY HANCOCK:** Is it? Sorry, we have moved on. This is the enforcement levy. I was not aware of that.

**Mr DAVID SHOEBRIDGE:** Minister, if councils want to raise this with you, will you undertake to talk with them?

**Mrs SHELLEY HANCOCK:** Yes.

**Mr DAVID SHOEBRIDGE:** If you are losing half your compliance team, what impact will that have on enforcement about unlawful development?

**Mrs SHELLEY HANCOCK:** Yes, indeed. I have not seen any of that. I have not received any correspondence, or seen it.

**Mrs FISHBURN:** It would have all gone to Minister Stokes, I think.

**Mrs SHELLEY HANCOCK:** Yes. That is why am not aware of it. That is no excuse, but I am not aware of it.

**Mr DAVID SHOEBRIDGE:** Part of the issue and one of the reasons we have budget estimates is to put these kinds of matters before you. Are you willing to speak with other mayors and councils if they want to raise with you their concerns? If you are losing that level of income, you would already know that local councils are strapped for cash and they do not have enough to do what they need to do already.

**Mrs SHELLEY HANCOCK:** Yes, I understand that.

**Mr DAVID SHOEBRIDGE:** This was a levy being paid for by developers, not ratepayers. This seems to be a very large financial gift to developers.

**Mrs SHELLEY HANCOCK:** Can I say that I am happy to talk to newly elected councillors. At the moment it is the decision of my office not to have any communication before the elections with councillors or mayors. I think that is appropriate.

**Mr DAVID SHOEBRIDGE:** What about we line up a bunch of general managers to come and have a yak with you about it?

**Mrs SHELLEY HANCOCK:** I will consider that. Let me consider that.

**The Hon. CATHERINE CUSACK:** Point of order: I take a point of order just to clarify because I am not clear.

**Mrs SHELLEY HANCOCK:** Can I see general managers?

**Ms FISHBURN:** Yes.

**The Hon. CATHERINE CUSACK:** The matter is a matter for the planning Minister, which has been explained very clearly. Is the member asking whether the Minister is willing to have a meeting? The information that he is seeking needs to be directed to the planning Minister.

**The CHAIR:** I have been listening very carefully and, in fact, the Minister was indeed responding I think quite freely to that last question. The question is very relevant to local government. I understand what you are trying to get at, but there is no point of order on this issue.

**The Hon. CATHERINE CUSACK:** The question is: Will you have a meeting? Is that the question? I am seeking clarity, if I can put it that way.

**The CHAIR:** Did you not hear?

**Mrs SHELLEY HANCOCK:** Maybe there is a difficulty here.

**The CHAIR:** I will go back to the Minister. You were answering the question and I think you are halfway through your response.

**Mr DAVID SHOEBRIDGE:** I think it has also given you the opportunity to have a chat with Ms Fishburn, and maybe clarify. Will you meet with CEOs and general managers?

**Mrs SHELLEY HANCOCK:** I think the general response to that is that I am not going to be meeting with councillors and mayors in the next month or so. I am happy to talk to general managers, but it is probably better to wait for a newly elected council to get on board with some of the issues. I am always happy to talk to councillors and mayors. Before COVID they were in and out of my office, upstairs all of the time, or I was out throughout the State listening to what they had to say and the concerns they raised. They were not always relevant to the Local Government Act or my portfolio. The answer to your question is, yes. Is that it?

**The Hon. SCOTT FARLOW:** It is a win.

**Mr DAVID SHOEBRIDGE:** I think that is good. I spoke to you about the urgency of it. If we wait until there is a new set of councillors elected we will not be able to do anything until early next year and by then councils will have already lost hundreds and hundreds of thousands of dollars. I stress again: This is income that was coming from developers, not from ratepayers. It seems to me that the winner here is unscrupulous developers who do not have to pay for compliance and the losers are residents who want to see lawful development.

**Mrs SHELLEY HANCOCK:** Did you ask the relevant Minister the question as to whether he would meet with them?

**Mr DAVID SHOEBRIDGE:** Now you are testing my recollection. Ms Fishburn might remember.

**Ms FISHBURN:** I do not recall that you did, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** I do not.

**Mrs SHELLEY HANCOCK:** That would have been the more sensible question, I would have thought.

**Mr DAVID SHOEBRIDGE:** Rest assured that I will.

**Mrs SHELLEY HANCOCK:** I think that is sensible, really. I think he is probably going to explain it much more appropriately than I would.

**Mr DAVID SHOEBRIDGE:** I do not think it is a question of explanation. I think councils know what the impact is. The question is: Will it be reversed, so that they can charge developers if they have lawful development.

**Mrs SHELLEY HANCOCK:** Only he can answer that. I cannot answer that on his behalf.

**Mr DAVID SHOEBRIDGE:** Minister, you were saying earlier that you had insufficient information before you to deal with the demerger proposal for Cootamundra-Gundagai Regional Council. Do you remember that?

**Mrs SHELLEY HANCOCK:** I do not think I used the terms "insufficient information"; I think the term that I used was that the case was not presented to me for demerger.

**Mr DAVID SHOEBRIDGE:** You know, don't you, that the response from the mayor has been that they waited 18 months for this report, they threw document after document to you and then to the Local Government Boundaries Commission, and their response has been one of extreme anger that at the end of the day they are told that the demerger is not going ahead because there was not sufficient information.

**Mrs SHELLEY HANCOCK:** I did not use that term.

**Mr DAVID SHOEBRIDGE:** If it simply was that there was not consensus, well there was not consensus one way or the other: There was not consensus to allow the council to continue and there was not consensus to demerge. The absence of consensus should not have determined your position, should it?

**Mrs SHELLEY HANCOCK:** I do not say that either. I said quite clearly that the case for demerger was not made in the reports. I made the decision and that is the decision I have made.

**Mr DAVID SHOEBRIDGE:** Do you accept the truth of the council's position—and this came from the council itself—that they have already lost \$28 million, that ratepayers are going to have a 53.5 per cent rate increase over four years and that their long-term assessment is that a further \$17.5 million will be lost unless they demerge? Do you accept the truth of that position?

**Mrs SHELLEY HANCOCK:** The truth of the position is that when two councils were merged they received \$10 million from the State Government; three councils, \$15 million. Councils were quite fully supported at the time when councils were merged in 2016. That is five years ago. So there was considerable support, including for other councils who have actually claimed they received nothing and in fact they did. So other



councils have really taken advantage, I suppose, of the assistance from the State Government. This council, if you are talking about Cootamundra-Gundagai, certainly had some financial challenges and still do. I am sure that OLG will continue to work with them to come to a situation where they are financially viable and have a future.

**Mr DAVID SHOEBRIDGE:** But, Minister, you would accept, would you not, that the \$10 million payment to this council did not even touch the sides. They have already lost \$28 million of collective ratepayers' money, so \$10 million does not even touch the sides of the costs to this community of your Government's forced amalgamations policy.

**Mrs SHELLEY HANCOCK:** I am not sure that there is a \$28 million loss that has been quantified clearly, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** That is the position of the mayor and the council; that is how they quantified it. You do not accept that figure?

**Mrs SHELLEY HANCOCK:** I am saying that I am not sure that that is the case.

**Mr DAVID SHOEBRIDGE:** Do you accept that they are hitting ratepayers with a 53.5 per cent rate increase over four years?

**Mrs SHELLEY HANCOCK:** Do I accept that or?

**Mr DAVID SHOEBRIDGE:** Do you accept that is the truth of the situation—that the amalgamated council is now hitting the poor old long-suffering ratepayers up with a 53.5 per cent rate increase over four years?

**Mrs SHELLEY HANCOCK:** I accept that they are doing that, yes. I do not necessarily agree with doing that, but they are doing it so that is their decision. It is a decision for council to make.

**Mr DAVID SHOEBRIDGE:** Well, they have to do it because of the costs of the amalgamation—the crippling costs of the forced amalgamation. Are you saying that you do not accept any responsibility for that? It is your Government that did the forced amalgamations.

**Mrs SHELLEY HANCOCK:** In response to what you are saying about the costs for amalgamation, there would be huge costs for de-amalgamation in particular—a huge cost to demerge those two councils. They would go into a period of something like two years in administration and then back to two smaller councils and they would continue to face severe financial challenges.

**Mr DAVID SHOEBRIDGE:** So you do not accept any responsibility—

**Mrs SHELLEY HANCOCK:** I made a decision.

**Mr DAVID SHOEBRIDGE:** —from your Government for a 53.5 per cent rate increase for this amalgamated council?

**Mrs SHELLEY HANCOCK:** No, I do not. That is a matter for council.

**Mr DAVID SHOEBRIDGE:** Is it just a coincidence, then, that the poor old Snowy Valleys Council—the combination of Tumbarumba and Tumut—is facing a 38 per cent special rate variation [SRV]? Is it just a coincidence that these two amalgamations are facing these eye-watering rate rises?

**Mrs SHELLEY HANCOCK:** A number of councils have decided to apply for special rate variations. That is up to them. It is not up to me to determine whether they receive those special rate variations. That is up to them and I guess if the ratepayers are concerned about those applications—and they would be aware of them because they will be publicised, as is Shoalhaven's—then ratepayers will vote on 4 December as to whether they return those councillors or not because ultimately the council decides whether to apply for an SRV.

**Mr DAVID SHOEBRIDGE:** Ultimately, Snowy Valleys and Cootamundra-Gundagai have had to apply for these special rate variations because of the appalling costs of the forced amalgamation. Unless they get them, they are literally going to either sack half their staff or go into liquidation.

**Mrs SHELLEY HANCOCK:** Well, you have to also look at—you are generalising about merged councils.

**Mr DAVID SHOEBRIDGE:** I am talking about those two.

**Mrs SHELLEY HANCOCK:** You are making generalised statements about merged councils.

**Mr DAVID SHOEBRIDGE:** No, I am not. Snowy Valleys is 38 per cent and Cootamundra-Gundagai is 53.5 per cent.

**Mrs SHELLEY HANCOCK:** So then you should look at some of the success stories of other merged councils who are performing extraordinarily well—Northern Beaches, for a start. I was out at Georges River Council last week to look at a huge project they are undertaking with the conversion of public space to parkland et cetera. The comment was made to me on the day—and it was a merger between, I think, Hurstville and—

**The Hon. ROSE JACKSON:** Kogarah.

**Mrs SHELLEY HANCOCK:** Kogarah.

**Mr DAVID SHOEBRIDGE:** Botany.

**Mrs SHELLEY HANCOCK:** What were the two councils merged?

**The Hon. MARK BUTTIGIEG:** Hurstville and Kogarah.

**Mrs SHELLEY HANCOCK:** Hurstville and Kogarah—I beg your pardon, yes. It is a huge project, a wonderful project, with State Government assistance. They never would have been able to undertake either of those projects had they still been smaller councils. That is their comment, Mr Shoebridge, not mine. The amalgamations presented those opportunities to that council.

**Mr DAVID SHOEBRIDGE:** We can talk further about the—

**Mrs SHELLEY HANCOCK:** You do not want to hear about that.

**Mr DAVID SHOEBRIDGE:** I am happy to present the billion-dollar hole.

**Mrs SHELLEY HANCOCK:** You do not want to hear about it.

**The CHAIR:** Order!

**The Hon. MARK BUTTIGIEG:** Minister, just on the Cootamundra-Gundagai merger again, it was a little bit dismissive, to be honest. You said, "Let's just move on."

**Mrs SHELLEY HANCOCK:** I certainly did not intend to be dismissive.

**The Hon. MARK BUTTIGIEG:** The response was, "I have made my decision. Let's just move on." You have a situation where the community clearly wanted a demerger. The Local Government Boundaries Commission's report was split and it relied on a casting vote. The two councils wanted a demerger and the financial woes have been outlined by myself and Mr Shoebridge. I think it is important we know what tipped you, because your instinct would be, I think, "In the absence of a clear case one way or the other, let us stay with the status quo." Why is the status quo the best solution in the absence of a clear direction from the report? It is counterintuitive if the community is so up in arms about it, isn't it?

**Mrs SHELLEY HANCOCK:** I think reflecting on the comments I just made to Mr Shoebridge, when you have two small councils who are merged and see they have financial difficulties, then ask for demergers, they do not always understand the cost to demerge as well. That would have been a very long process of administration and huge costs. The smaller councils left—whether it is Cootamundra, Gundagai, Tumut or Tumbarumba—would have been left with financial challenges way into the future. So some of the councils now that have merged have taken advantage of the efficiencies offered by the merger process. It is such a long time ago now—I think five years ago—and I was presented with a fairly difficult decision to make, knowing that there were two communities who were very concerned. I had to make a difficult decision and I made that decision. I certainly did not intend to be dismissive about how the community felt. I know they are angry. I feel their anger and I read their anger directed towards me. It is ongoing and is probably daily but that is what you do when you are the Minister—you have to make difficult decisions.

**The Hon. MARK BUTTIGIEG:** I understand it is difficult, Minister.

**Mrs SHELLEY HANCOCK:** And I understand you would not want to make that decision. You would make it difficult for them into the future, clearly.

**The Hon. MARK BUTTIGIEG:** I just want to take up your point about the financial stability going forward in the event of a demerger. The dissenting report stated Cootamundra residents would be financially better off as a result of the demerger while the Gundagai community would face a more difficult path—

**Mrs SHELLEY HANCOCK:** Sorry, whose report was that?

**The Hon. MARK BUTTIGIEG:** This is the dissenting report. The Gundagai community would face a more difficult path but they would still be better off than they are under the merged council. That is also the view of the council and communities. So that kind of belies what you just said about it being too expensive to demerge and that it is the wrong way to go based on the financial projection.



**Mrs SHELLEY HANCOCK:** Well, it is a dissenting report.

**The Hon. MARK BUTTIGIEG:** With all due respect, the dissenting report was 50 per cent of the commission.

**Mrs SHELLEY HANCOCK:** Well, it is still a dissenting report. There are reports that say something quite different and my view is to come up with a balanced decision that is a reflection of all of those considerations and all of those reports and everything within them. That is probably why it took so long. I did not want to put off the decision.

**The Hon. MARK BUTTIGIEG:** I think the suggestion, Minister, from a lot of people would be that it is anything but balanced. But let us move on.

**Mrs SHELLEY HANCOCK:** That is fine, I understand their anger.

**The Hon. MARK BUTTIGIEG:** I want to take you to the spectre of iVoting in the upcoming council elections. Do we have any visibility on the increased ability for people to vote via iVote, given the aftermath of COVID and all the rest? Have you got any track on that?

**Mrs SHELLEY HANCOCK:** No. Perhaps if the Electoral Commissioner is coming this week you could ask him about iVoting. I think it is now going to be—well, it is going to be in place for the local government elections for the first time. I do not think the Electoral Commissioner has broadened the scope for iVoting; he has for pre-poll voting, so it is going to be quite simple for people to pre-poll this year and it will be over 13 days, so it will be a longer time. But iVote is not as easy as it sounds. But in regard to the overall controls or regulations around that, that is certainly up to the Electoral Commissioner and I think he is coming on Thursday.

**The Hon. MARK BUTTIGIEG:** So no discussions with you about the prospect of an increased take-up of iVoting given people's trepidation after—

**Mrs SHELLEY HANCOCK:** Increased take-up?

**The Hon. MARK BUTTIGIEG:** You would imagine people would have a degree of trepidation after COVID.

**Mrs SHELLEY HANCOCK:** Possibly, but, again, there is the possibility of postal voting as well. Postal voting will be much easier. People can apply for a postal vote and if they are reluctant to vote in person that will probably be the more popular option than iVoting where there is a little less, I guess, flexibility around iVoting as distinct from postal voting.

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

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

that is 2021—

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

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

Mr Wells then took up the questions and said:

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

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

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

**The Hon. MARK BUTTIGIEG:** Yes.

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

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

**Mr DAVID SHOEBRIDGE:** It was 22.

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

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

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

**Mr DAVID SHOEBRIDGE:** It was \$22 million.

**The Hon. CATHERINE CUSACK:** Point of order: There is so much flexibility around budget estimates these days but there has been a general requirement that you at least speak to the portfolio when you are directing your questions. The reason that we are having all this trouble is that the question is being directed to the wrong Minister and with the extensive process—we have got Hansard, we have got all the Committee here—people should at least be confined to asking the portfolio Minister the questions and stop bothering the Minister for Local Government with every—

**The Hon. MARK BUTTIGIEG:** Heaven forbid.

**Mrs SHELLEY HANCOCK:** Heaven forbid, indeed, Mr Buttigieg.

**The CHAIR:** Thank you, Ms Cusack. However, the question was related to the local government elections and the cybersecurity necessary to undertake those elections. So I think it is generally relevant to the portfolio even if the Minister has to take it on notice for another Minister.

**Mrs SHELLEY HANCOCK:** It is only because one person is saying \$122 million and somebody else is saying \$22 million and somebody else is saying \$2 million and I do not have any facts around that.

**The Hon. MARK BUTTIGIEG:** No, that is valid. Let us just settle on the \$22 million.

**Mrs SHELLEY HANCOCK:** Halfway between. Can we get some clarity on that from somewhere?

**The Hon. MARK BUTTIGIEG:** Mr Shoebridge, I understand, was on that committee and he clarified it as \$22 million.

**Mr DAVID SHOEBRIDGE:** It was \$22 million.

**The Hon. MARK BUTTIGIEG:** Here we are—this is of last week—five weeks out from a local government election and the business case has not even been reviewed and approved, the money has not even been allocated to beef up the cybersecurity to bring it up to the standards. As the Minister for Local Government, to the point of order earlier, are you concerned about that information?

**Mrs SHELLEY HANCOCK:** Sorry, I was not there during the discussion or the questioning of Mr Dominello and matters pertaining to cybersecurity are surely matters for him to answer—

**The Hon. MARK BUTTIGIEG:** Do you talk to your colleagues, Minister, about—

**Mrs SHELLEY HANCOCK:** —when we get our figures right.

**The Hon. MARK BUTTIGIEG:** Do you talk to your colleagues about issues that affect your portfolio?

**Mrs SHELLEY HANCOCK:** Of course, if I am bringing legislation in.

**The Hon. MARK BUTTIGIEG:** How could it be that you are not informed about a quantum that the commission has requested—

**Mrs SHELLEY HANCOCK:** You were not informed when you said it was \$122 million, Mr Buttigieg. You were not even informed and you want to ask the question.

**The Hon. MARK BUTTIGIEG:** Minister, I can table the *Hansard* if you would like to see the ways of my error.

**The Hon. CATHERINE CUSACK:** Point of order—

**Mrs SHELLEY HANCOCK:** No, I will answer you this far, Mr Buttigieg. When the Electoral Commissioner asked me for additional funds for COVID-safe elections I was able, obviously through an application to the Treasurer, to provide additional funding to the Electoral Commissioner because of the additional costs of COVID-safe polling places, additional workers—all those provisions that he was able to indicate to me were worthy of additional funding. I was able to deliver \$86 million to the Electoral Commissioner in additional funding so that there would not be any additional cost to ratepayers on 4 December.

**Mr DAVID SHOEBRIDGE:** The Treasurer just does whatever you ask, Minister.

**Mrs SHELLEY HANCOCK:** He does. Indeed he does not, Mr Shoebridge.

**The Hon. MARK BUTTIGIEG:** Given those stellar efforts, can I get an undertaking from you that you will try to ensure that this money is allocated prior to the elections to beef up the cybersecurity, given the possible increase in uptake of iVoting?

**Mrs SHELLEY HANCOCK:** You are missing the point that I am making. I made representations to the Treasurer and to Cabinet for additional money and I was successful. The questions you are asking—

**The Hon. MARK BUTTIGIEG:** This is \$22 million separate, Minister.

**Mrs SHELLEY HANCOCK:** I get that, but they should be directed to—

**The Hon. MARK BUTTIGIEG:** So you are not going to advocate for it?

**Mrs SHELLEY HANCOCK:** Can I just answer the question my own way without you interrupting?

**The CHAIR:** Please allow the Minister to answer the question. Continue, Minister.

**Mrs SHELLEY HANCOCK:** Thank you. I am going to reiterate that those questions should be directed to Minister Dominello

**The Hon. MARK BUTTIGIEG:** They were.

**Mrs SHELLEY HANCOCK:** And his answer is his answer. If he wants to change his mind and he wants to indicate that he will redirect that money or find that budgetary amount, that is up to Mr Dominello. I am responsible for what I see as my part in what the Electoral Commissioner asked me to do. He did not ask me about cybersecurity; he asked me about COVID-safe elections and mitigation measures that could be provided in the 4 December elections, and that money has been provided.

**The Hon. CATHERINE CUSACK:** Point of order: If Labor members have run out of questions in relation to the Local Government portfolio that is fine, but as Chair you should not allow the customer service Minister's questions to be directed to the Minister for Local Government.

**The CHAIR:** Thank you, Ms Cusack, you have made your point a number of times and I have continued to rule that the Opposition's questions are generally relevant to the Local Government portfolio. I will ask them to continue to be generally relevant, if not a little bit more relevant, but generally relevant.

**The Hon. MARK BUTTIGIEG:** Minister, I will try to be a little more surgical with respect to your portfolio. There is a thing called the Local Government (General) Regulation 2021, which falls under the Local Government Act 1993. Do you have responsibility for that or is that someone else's responsibility?

**Mrs SHELLEY HANCOCK:** The Local Government (General) Regulation 2021, whatever, is my responsibility.

**The Hon. SCOTT FARLOW:** Hear, hear!

**Mrs SHELLEY HANCOCK:** And that is the bill that I brought to the House.

**The Hon. MARK BUTTIGIEG:** How about I ask a question about that and you might want to answer it? Is that okay?

**Mrs SHELLEY HANCOCK:** You can ask me about pre-poll voting, you can ask me about polling places, COVID-safe elections, iVotes, et cetera.

**The Hon. SCOTT FARLOW:** Ready to go.

**Mrs SHELLEY HANCOCK:** That is it.

**The Hon. MARK BUTTIGIEG:** Let me take you to section 333G of the Act.

**Mrs SHELLEY HANCOCK:** I do not know what that is.

**The Hon. MARK BUTTIGIEG:** I will read it to you:

**Independent auditing of technology assisted voting**

- (1) The Electoral Commissioner is to engage an independent person (the *independent auditor*) to conduct audits of the information technology used under the approved procedures.
- (2) Audits under this section are to be conducted and the results of those audits are to be provided to the Electoral Commissioner—
  - (a) at least 7 days before voting commences in each ordinary election for councillors at which technology assisted voting is to be available.

Then it goes on to elaborate on the requirements. My question is: Have you ensured that that auditing system is going to happen? It is a regulation that falls directly under your responsibility under the Act.

**Mrs SHELLEY HANCOCK:** Of course if that is a requirement under the Act for audits, that will occur. But if the results of the audit are that the Electoral Commissioner requires more money, that is a matter for Minister Dominello not for me. The auditing is certainly under the Local Government Act, but the request for money for cybersecurity surely has to be directed to Minister Dominello.

**The Hon. MARK BUTTIGIEG:** Referring to the audit, presumably there would need to be resources dedicated towards the audit. Is there a budget for that?

**Ms FISHBURN:** I will have to take that specifically on notice. I am not sure, to be frank with you, whether that falls into my budget or the Electoral Commissioner's budget. I will bring that back. Sorry, it is the commissioner's responsibility.

**Mrs SHELLEY HANCOCK:** There you go.

**The Hon. SCOTT FARLOW:** Ask him on Thursday.

**Mrs SHELLEY HANCOCK:** After any audit, if he felt it might be deficient in funding then he would go to Minister Dominello not me.

**The Hon. MARK BUTTIGIEG:** I am concerned that they have the budget to do the audit as required under the Act. That is what I am asking.

**Mrs SHELLEY HANCOCK:** That is a matter for him and Minister Dominello.

**The Hon. MARK BUTTIGIEG:** You do not know if they have the money or not?

**Mrs SHELLEY HANCOCK:** No. I have provided him with an additional \$86.1 million.

**The Hon. MARK BUTTIGIEG:** You have said that numerous times, thank you, Minister.

**Mrs SHELLEY HANCOCK:** I just thought I would repeat it.

**Mr DAVID SHOEBRIDGE:** Whatever you ask.

**The Hon. ROSE JACKSON:** Minister, have you provided any financial support to local governments themselves to help manage the cost of the disruption of moving the election?

**Mrs SHELLEY HANCOCK:** Individual assistance? The actual assistance given to the Electoral Commissioner that I just recounted of more than \$86 million will result in the fact that councils that bear the responsibility for costs of local government elections will not have to bear the increased costs due to the COVID-safe elections having to be set up. So COVID-safe polling places, the safety of the workers inside, all of those kinds of additional issues, social distancing, additional period of pre-polling, that will mean that councils will not have to bear the increased cost of local government elections. That is the assistance that I gave to councils.

**The Hon. ROSE JACKSON:** It is just that a number of councils have raised with me that they had undertaken preparatory work for the local government elections, particularly on the September time frame, and when that was moved there were costs associated internally for them with having to recalibrate 4 December. Have you provide any assistance to councils?

**Mrs SHELLEY HANCOCK:** What kinds of costs would they be undertaking separate from the Electoral Commissioner's preparations? What kinds of costs are you referring to?

**The Hon. ROSE JACKSON:** A range of their internal processes.

**Mrs SHELLEY HANCOCK:** Such as? I cannot comment unless you give me some examples. What have they done?

**The Hon. ROSE JACKSON:** I did not ask Mayor Karen McKeown of Penrith exactly to spell it out for me.

**Mrs SHELLEY HANCOCK:** Right.

**The Hon. ROSE JACKSON:** But she asked me to inquire of you whether any support would be forthcoming to councils for the costs that they had to bear to reschedule their elections?

**Mrs SHELLEY HANCOCK:** I am not aware. I am incredulous that councils would have undertaken their own preparations before September or December for the local government elections, given that it is the

Electoral Commissioner's responsibility to set up all of the polling booths, book the offices, and pay for all of that. That is their responsibility.

**The Hon. ROSE JACKSON:** I hope, as you would know, Minister, that not all councils use the Electoral Commission to conduct their elections.

**Mrs SHELLEY HANCOCK:** What council?

**The Hon. ROSE JACKSON:** And in fact Fairfield and Penrith are some of those.

**Mrs SHELLEY HANCOCK:** Is this Fairfield and Penrith?

**Ms FISHBURN:** Yes, Fairfield and Penrith.

**Mrs SHELLEY HANCOCK:** Is this Fairfield, you are talking about?

**The Hon. ROSE JACKSON:** I was referring to Penrith, but I know that Fairfield also—

**Mrs SHELLEY HANCOCK:** Penrith is different.

**Ms FISHBURN:** Fairfield and Penrith are the two councils who retain a private electoral service and we have provided them with some financial support.

**Mrs SHELLEY HANCOCK:** Yes, we have; \$150,000 each.

**Ms FISHBURN:** Correct, to offset some of their costs.

**Mrs SHELLEY HANCOCK:** Until you got to Karen I did not realise. Yes, Fairfield and Penrith councils received an additional \$150,000. You can report back to Karen.

**The Hon. ROSE JACKSON:** What additional financial assistance was provided to the LGAs of concern to deal with the costs that they either had to bear or the revenue that was lost to them during the recent lockdown?

**Ms FISHBURN:** I cannot give you the exact figure. Are you referring to the activation of the splinter award?

**The Hon. ROSE JACKSON:** No, I am referring to the 12 LGAs of concern—

**Mrs SHELLEY HANCOCK:** Yes, we know that.

**The Hon. ROSE JACKSON:** —during the recent lockdown.

**Ms FISHBURN:** There was financial support that has been provided when they have had to activate into their splinter award. Those figures are being finalised, which is why I cannot give them to you now. Those 12 councils that were in that particular environment also received \$300,000 each, which was a joint funding program between Multicultural NSW and the Office of Local Government to enable them to assist with community support.

**The Hon. ROSE JACKSON:** That is useful that that money was provided. Although a number of those councils have talked about the cost of the lockdown on their operations. Liverpool suggested it will cost them half a million dollars a month; Penrith, \$5.8 million; Campbelltown, \$800,000. So these are substantial costs that those councils had to bear as a result of being LGAs of concern during the lockdown. What support has been given to them to manage those costs?

**Ms FISHBURN:** As I stated, they received support for community and at this point in time if they have made application to the Office of Local Government for support through our agreement through the splinter award, we will be considering those requests. Those applications have not yet been finalised, so I cannot give you the figures at this point.

**The Hon. ROSE JACKSON:** Minister, they are pretty substantial figures, are they not? That is quite a lot of money that those councils either expended or missed out on because of the extended lockdown and their status as LGAs of concern?

**Mrs SHELLEY HANCOCK:** Are you talking about the local government areas of concern only?

**The Hon. ROSE JACKSON:** I am starting with them.

**Mrs SHELLEY HANCOCK:** Are you concerned about other local government areas in the region that were also affected equally badly—everywhere?

**The Hon. ROSE JACKSON:** I am interested to hear you say—

**Mrs SHELLEY HANCOCK:** Everywhere.

**The Hon. ROSE JACKSON:** —that you think it was equally as bad in an LGA of concern and in an area—

**Mrs SHELLEY HANCOCK:** In some.

**The Hon. ROSE JACKSON:** —that were not classified. Is that your position, that it was equally as bad? There was no particular impact on those areas that were classified as LGAs of concern?

**Mrs SHELLEY HANCOCK:** Of course I am not saying that. I am saying that there are other areas that were also impacted and I was inquisitive as to why you would confine your comments to the local government areas of concern only, when there are other regional councils that were equally affected.

**The Hon. ROSE JACKSON:** I will start—

**Mrs SHELLEY HANCOCK:** And in lockdown and their businesses suffered.

**The Hon. ROSE JACKSON:** I am starting my questions there because it is my view that they were particularly badly impacted, and I think that is a good place to start. What did you make of the Premier's refusal to meet with the mayors of the LGAs of concern?

**Mrs SHELLEY HANCOCK:** The Premier did meet with the mayors of local government—the former Premier did. I also ensured that those local government areas of concern were properly briefed regularly on COVID issues. I met with them myself, along with police, senior police, and the Minister for Health to make sure that the lines of communication were as clear as they could be.

**The Hon. ROSE JACKSON:** Is it not true that the Premier refused to meet them and referred them to you? You previously had not sought meetings with them. You then, subsequent to the Premier's refusal to meet with them, met with them and Minister Ayres. Subsequently to that the Treasurer met with them and then the former Premier finally agreed to meet with them.

**Mrs SHELLEY HANCOCK:** Again, since the former Premier is not here to defend herself, I am saying that I agreed to meet with those mayors. Before that we had also initiated a number of online meetings with local government areas of concern to ensure that every assistance that could be given to those local government areas of concern was given to them. I am not going to answer for the former Premier at all. She is no longer here to defend herself as to why she may not have or may have agreed to meet with the mayors. But I did.

**The CHAIR:** Thank you, Minister.

**Mrs SHELLEY HANCOCK:** And I had previously.

**Mr DAVID SHOEBRIDGE:** Minister, you would be aware a series of very disturbing allegations were made about the conduct, including the conduct as a councillor and mayor, of the former Dubbo Mayor Ben Shields. A lot of those allegations came out in the first half of this year. Do you remember that?

**Mrs SHELLEY HANCOCK:** I do remember that. I do remember some allegations were made against him.

**Mr DAVID SHOEBRIDGE:** Including, and they were not limited to, concerns about his conduct involving Taronga Park zoo and their close involvement with Dubbo Regional Council.

**Mrs SHELLEY HANCOCK:** Yes, I do recall.

**Mr DAVID SHOEBRIDGE:** And concerns about involvement on Blueridge estate, the industrial park.

**Mrs SHELLEY HANCOCK:** Yes. Western Plains Zoo. I am with you now. I am just dredging the memory.

**Mr DAVID SHOEBRIDGE:** Again, when I say Taronga Zoo I am including their western plains facility. But also about involvement on the Blueridge estate, the industrial park in Dubbo. Do you remember those concerns?

**Mrs SHELLEY HANCOCK:** I do not recall that.

**Mr DAVID SHOEBRIDGE:** In response, you issued a performance improvement order on the council. Do remember doing that? I think it was in early June or late May.

**Mrs SHELLEY HANCOCK:** Yes.



**Mr DAVID SHOEBRIDGE:** That performance improvement order was expressed to extend to what was then the date of the local government elections in September. Do you remember that?

**Mrs SHELLEY HANCOCK:** I guess. If you are telling me that, I trust you.

**Mr DAVID SHOEBRIDGE:** I will double-check with Ms Fishburn.

**Ms FISHBURN:** That is correct.

**Mrs SHELLEY HANCOCK:** It seems a long time ago.

**Mr DAVID SHOEBRIDGE:** It all does seem a long time ago. They were very concerning allegations. Do you think that was appropriate, issuing what effectively was a gag order on the councillors about raising concerns about former mayor Shields' behaviour in the lead-up to the council election? Many people saw that as effectively a gag order, stopping critique of a former Liberal mayor. Reflecting back on it, do you think that was appropriate?

**Mrs SHELLEY HANCOCK:** I do not think it was undertaken with the intention of being a gag order on former mayor Shields at all. This was a PIO which was for the whole council to realise that their behaviour at the time—and I am not talking about any one particular individual here—was not acceptable in the community. There was a great deal of concern within the Dubbo community.

**Mr DAVID SHOEBRIDGE:** There was a great deal of concern about the substance of the allegations about what former mayor Shields was alleged to have been involved in. I want to be clear—maybe I misexpressed myself—but the gag order was directed against all the councillors to prevent them from raising in public concerns about former mayor Shields' conduct. That was the gag order. I am sure Ms Fishburn will correct me if I am wrong.

**Mrs SHELLEY HANCOCK:** Can you correct him if he is wrong?

**Ms FISHBURN:** What I can do, as a public servant, is give you the details of the performance improvement order. I cannot speak to it further than that. The performance improvement order included that each councillor entered into a written undertaking, so it was a performance improvement order put upon the whole of the elected officials to conduct themselves in a manner that does not constitute bullying or harassment of council staff—it was materially towards council staff—and refrain from any action of reprisal against any council staff member for performing their duties. Here we go into the council officials area—refrain from making public allegations of wrongdoing against other councillor officials and instead use the proper processes for making allegations of wrongdoing against other councillor officials, which is through the code of conduct, as you would be familiar, and, finally, to refrain from interfering in code of conduct matters. There are two material areas there—one around behaviour towards staff and one around code of conduct in relation to councillors.

**Mr DAVID SHOEBRIDGE:** Council officials included councillors, so there was a prohibition on publicly raising concerns about the behaviour of other councillors.

**Ms FISHBURN:** The PIO directed council officials to use the proper processes for making allegations of wrongdoing.

**Mr DAVID SHOEBRIDGE:** Ms Fishburn, what it prevented was councillors who were concerned about the behaviour of other councillors from raising that in the public debate, requiring it to all go down a code of conduct process. That was the effect of it, wasn't it?

**Ms FISHBURN:** The PIO detailed that councillors should use the proper processes for making allegations of wrongdoing against council officials.

**Mr DAVID SHOEBRIDGE:** The effect of putting everything down the code of conduct path was to put a blanket over any public discussion because, once a matter was the subject of a code of conduct complaint, it was a breach of the code of conduct from a councillor then to talk about it in public. That is true, isn't it?

**Ms FISHBURN:** There are very sound reasons why code of conduct is brought into play to protect council officials and council staff. The PIO reflects the position of OLG, which is that councillors and council staff should use the proper processes for making allegations of wrongdoing.

**Mr DAVID SHOEBRIDGE:** Minister, knowing that was the effect of it, I will ask you again. Do you think it was appropriate to issue a performance improvement order that had the effect of preventing any public discussion about the allegations of former Liberal mayor of Dubbo council Ben Shields in the lead-up to the council election? Reflecting, do you think it was appropriate?

**Mrs SHELLEY HANCOCK:** I reiterate what Ms Fishburn has just said that councillors and/or officials needed to be aware of the fact that if they wanted to make complaints, they should have done it through the official channels, whether that is through the Office of Local Government or ICAC or whatever path they wanted to go down. The intention was never to actually shackle councillors but to actually direct them to the appropriate pathway to make complaints. I would have done that whether it was a Liberal mayor or anybody else. The situation was pretty well out of hand in Dubbo, and it was not going to get any better. Councillors needed to realise that they needed to direct their frustration to the Office of Local Government.

**Mr DAVID SHOEBRIDGE:** There is no statutory requirement that all complaints about a councillor's conduct has to go to either ICAC or to the Office of Local Government.

**Mrs SHELLEY HANCOCK:** Do you think it should though?

**Mr DAVID SHOEBRIDGE:** That is not a statutory requirement. There is a—

**Mrs SHELLEY HANCOCK:** You do not.

**Mr DAVID SHOEBRIDGE:** Let me finish, and then I will let you answer. There is a perfectly appropriate place for a public discussion about the behaviour of councillors in the lead-up to a local council election. Your performance improvement order had the effect of stifling that and forcing the councillors to sign an undertaking that if they breached it would see them whacked by the Office of Local Government.

**Mrs SHELLEY HANCOCK:** That is not an unusual condition of a performance improvement order.

**Mr DAVID SHOEBRIDGE:** In the lead-up to an election, it is. A gag order in the lead-up to an election surely is, Minister.

**Mrs SHELLEY HANCOCK:** It was not my intention to take this action specifically in relation to a Liberal mayor in Dubbo. It was the appropriate action to take, and it has been taken elsewhere.

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

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

**Mr DAVID SHOEBRIDGE:** But this was in the lead-up to what was then going to be a September election. Surely you accept—perhaps it is fairer that I put it to the Minister. Surely you accept that voters have a right to have a public discussion about serious allegations about a former mayor's conduct. You would think that is one of the essential things you can do in the lead-up to an election.

**Mrs SHELLEY HANCOCK:** Until an investigation is concluded, many of the allegations, in a general sense, would most likely be unfounded until the conclusion of that investigation. Whether you want to postulate about in the lead-up to a local government election or not, I do not think the public domain is always the best place to actually, I guess, fly the flag on some of these issues. If there are—

**Mr DAVID SHOEBRIDGE:** Minister—

**Mrs SHELLEY HANCOCK:** Wait a minute.

**Mr DAVID SHOEBRIDGE:** Sorry, I thought you had finished.

**Mrs SHELLEY HANCOCK:** If there are serious issues that needed to be raised and investigated and that seemed the case, then they should have been raised with the Office of Local Government and/or ICAC and/or the police. Whatever the allegations were, do not fly the flag in the public domain because they are unfounded. I do not think that is fair.

**Ms FISHBURN:** Referring code of conducts through the Office of Local Government is the prescribed process for making complaints under the model procedures.

**Mr DAVID SHOEBRIDGE:** But not mandatory. There is nothing in the code of conduct or the Local Government Act that says that if you have got a concern you have to go down the code of conduct process.

**Mrs SHELLEY HANCOCK:** Wouldn't you think that was the appropriate avenue though?

**Mr DAVID SHOEBRIDGE:** There is nothing yet to prevent you raising those issues in the media.

**Mrs SHELLEY HANCOCK:** You would not think that was the appropriate way, to listen to the model code?

**Mr DAVID SHOEBRIDGE:** Sometimes it might be, but sometimes the matter may be so timely and so concerning, including in the lead-up to an election, where The Greens firmly believe that ratepayers and residents have a right to know. Your order was designed or had the effect of preventing—

**Mrs SHELLEY HANCOCK:** No, I take offence to that.

**Mr DAVID SHOEBRIDGE:** I withdraw "designed".

**Mrs SHELLEY HANCOCK:** I take offence to that.

**Mr DAVID SHOEBRIDGE:** I accept that. Your order had the effect of preventing the voters from knowing in the lead-up to an election. I am surprised you cannot recognise that was wrong.

**Mrs SHELLEY HANCOCK:** No, I do not recognise that was wrong. That was the appropriate action. I have taken it. There is a PIO at Georges River Council at the moment for very similar reasons.

**Mr DAVID SHOEBRIDGE:** If it prevents councillors—

**Mrs SHELLEY HANCOCK:** From making unfounded allegations—

**Mr DAVID SHOEBRIDGE:** —being paid to travel overseas at the cost of developers, then I would support that performance improvement order.

**Mrs SHELLEY HANCOCK:** This is unfounded allegations made in public and in council meetings against each other going down the wrong path and going to the press rather than having those investigations properly investigated by OLG or other agencies.

**Mr JUSTIN FIELD:** I would like to come back to Shoalhaven City Council, if I could. At the start of the first session, I asked questions about whether or not you were aware of any formal investigations into Shoalhaven City Council in regards to Tomerong Quarry. I do not have the transcript in front of me right now. I just want to make clear that you said you were not aware and it would be inappropriate for you to be aware of any formal investigations. Is that correct?

**Mrs SHELLEY HANCOCK:** Ms Fishburn can answer that.

**Mr JUSTIN FIELD:** Sorry, Minister. I was asking if you were aware.

**Mrs SHELLEY HANCOCK:** I said before that I was not aware.

**Mr JUSTIN FIELD:** That is fine. I just wanted to be clear about that because on 7 October you wrote to Mr Peter Allison:

Thank you for your correspondence of 18 July and 5 August 2021 regarding your ongoing concerns about the Tomerong Quarry and how matters relating to the Quarry have been managed by Shoalhaven City Council.

...

Please be advised that my office has referred your correspondence of 18 July 2021 to the Office of Local Government (OLG) and I understand that you recently received an acknowledgement email from OLG's Investigations team.

That referred to correspondence from 18 July and 5 August from Mr Allison. So you were at least aware complaints had been made and a referral had been made to the investigations unit, correct?

**Mrs SHELLEY HANCOCK:** Yes, but I was not aware of the substance of the allegation or even where the investigation was up to. It had been referred—I was not aware of, I guess, the status of the investigation or if there was one even ongoing. I just referred it momentarily.

**Mr JUSTIN FIELD:** You said that you were aware that it had been referred to the investigations team and that "the Office of Local Government is also aware of the information you provided to me on 5 August 2021 and I understand your concerns are now under review".

**Mrs SHELLEY HANCOCK:** True.

**Mr JUSTIN FIELD:** So you were aware that an investigation was happening.

**Mrs SHELLEY HANCOCK:** Now you remind me, yes.

**Mr JUSTIN FIELD:** Okay.

**Mrs SHELLEY HANCOCK:** Bingo!

**Mr JUSTIN FIELD:** On 27 August 2020 the former member for the South Coast, Mr John Hatton, AO, wrote to you about these exact same issues, encouraging you as Minister to intervene and investigate potential breaches of legislation by Shoalhaven City Council with regard to its management of Tomerong Quarry. Do you recall receiving that correspondence from the former member of the South Coast Mr John Hatton?

**Mrs SHELLEY HANCOCK:** No, I do not remember receiving that correspondence from Mr Hatton, asking me to intervene.

**Mr JUSTIN FIELD:** So you have never raised concerns with the department or made specific requests or referrals with regard to the Tomerong Quarry in your department?

**Mrs SHELLEY HANCOCK:** That is probably outside the remit of my department. Mr Field, you may or may not be aware of my relationship with Mr Peter Allison in regard to this issue and the fact that I have been to a number of public meetings in Tomerong, which you were not there.

**Mr JUSTIN FIELD:** I am very aware.

**Mrs SHELLEY HANCOCK:** You were not there.

**Mr JUSTIN FIELD:** I am very aware.

**Mrs SHELLEY HANCOCK:** You were not there. I understand the long history of Tomerong Quarry and I certainly listened very carefully to the community that night. It was very clear that some of the issues that were raised were council responsibilities—not my responsibilities as Minister but council responsibilities in terms of past actions.

**Mr JUSTIN FIELD:** What happens if council does not act responsibly, Minister? It then somewhat becomes a problem for you, right?

**Mrs SHELLEY HANCOCK:** No. Again, if councils—I retract that. Sometimes councils do not always act responsibly, and I am not making an allegation that they did act responsibly or irresponsibly. I am not making those allegations. I am saying that many of the issues raised in the public meetings—where you were not present—were actually related to past actions of past councils and council members. I do not know the truth or veracity of those allegations but certainly the community had some very serious concerns about water quality in the area as a result of coal ash or fly-ash being deposited at Tomerong Quarry, and council endeavoured to test water and try to do the right thing about that.

**Mr JUSTIN FIELD:** Minister, I—

**Mrs SHELLEY HANCOCK:** I am not going to make allegations about council, but most of those matters were related to council so why would I intervene?

**Mr JUSTIN FIELD:** I think we have just heard that there have been some calls for you to intervene and use your powers as Minister. There were clearly formal complaints to the department about council's actions. Just to step back, before you became Minister for Local Government and you were just member for South Coast—and I appreciate you were Speaker for much of that time—did you receive letters of concern or complaint about council's management of the Tomerong Quarry issues?

**Mrs SHELLEY HANCOCK:** Yes, that is why I attended regularly either meetings with Mr Peter Allison and colleagues and members of the Tomerong community and/or public meetings in Tomerong about the Tomerong Quarry for quite some time.

**Mr JUSTIN FIELD:** Did you yourself ever make any representations to the Office of Local Government or your predecessor [disorder]—

**Mrs SHELLEY HANCOCK:** No, this was not a matter for the Office of Local Government; it was a matter for Shoalhaven City Council.

**Mr JUSTIN FIELD:** Some of the concerns that have been raised in the complaints that I have seen go to the ability of council to manage the issues here and the actions of the council with regard to the rehabilitation liabilities, which go directly to their financial management. So at what point would it become an issue that should be investigated by the Office of Local Government? I have made a complaint under the relevant section that seems to be designed to raise these exact issues.

**Mrs SHELLEY HANCOCK:** I will refer that question to Ms Fishburn because I think she can talk about whether a matter is relevant or not for her department to investigate. It has been referred and that decision will be made by OLG. Do you have anything to add?

**Ms FISHBURN:** Yes, thank you, Minister. As you have detailed, this is obviously a matter which is under investigation on the basis of your referral, Mr Field. I obviously, therefore, cannot comment on the outcome of that at this point in time. Just to stress as well that it is not my role as the secretary with delegation for Local Government investigations to ever discuss these matters with the Minister prior to having made a determination and so in this instance I have not had a conversation with the Minister about this particular matter.

**Mr JUSTIN FIELD:** The Minister's letter to Mr Allison says:

... my office has referred your correspondence ... to the Office of Local Government (OLG) and I understand that you recently received an acknowledgement email from OLG's Investigations team.

How then did she become aware of that if you do not—you must have at least informed her that an investigation was underway?

**Ms FISHBURN:** No. Can I clarify, Mr Field, that the Minister's office regularly sends correspondence—

**Mrs SHELLEY HANCOCK:** He hasn't been listening.

**Ms FISHBURN:** —to the Office of Local Government. If it is under review, it is under review to determine whether it is a matter which warrants investigation. I had not corresponded back on any matter since I have had this particular delegation to advise the Minister's office whether we are undertaking an investigation or not. My practice, as I have detailed to you, and the practice I think is the most appropriate is that it is not until I have made a determination that I will advise the Minister on what the outcome of that is. I stress as well that occasionally there are things that are out in the public domain where it is unavoidable for the Minister to know that an investigation is occurring. I wish that was not the case because I do not think it is fair on all the parties but, in this particular instance, I have never discussed Tomerong Quarry with the Minister.

**Mr JUSTIN FIELD:** I am not suggesting that you did. I simply asked—Minister, you might like to say how. It might have been that you picked this up from public discussion. You say in your letter to Mr Allison:

I understand that you recently received an acknowledgement email from OLG's Investigations team. OLG is also aware of the information you provided to me on 5 August 2021 and I understand your concerns are now under review.

How were you aware of that information if you do not get provided information by the Office of Local Government [disorder]—

**Mrs SHELLEY HANCOCK:** That is a fairly clear answer. The matter is under review, which does not mean to say that I understand or know anything about the nature of the investigations. If it is referred—

**Mr JUSTIN FIELD:** [Disorder].

**Mrs SHELLEY HANCOCK:** Wait a minute. No, Justin, if a matter is referred to the Office of Local Government, one can assume that it is under review. But that does not mean to say I have knowledge of the nature of the investigation and whether there is an investigation, simply that the material forwarded is being reviewed. Does that make it clear?

**Mr JUSTIN FIELD:** But you knew that the Office of Local Government had sent an email to Mr Allison—

**Mrs SHELLEY HANCOCK:** Yes.

**Mr JUSTIN FIELD:** —acknowledging from the investigation team. That is more than just making an assumption a review has commenced. You are saying that you received an email from the investigations team—

**Mrs SHELLEY HANCOCK:** Well, yes. If something is sent or conveyed to the Office of Local Government, they will review the information. That is patently clear. However, the nature of the investigation will not be conveyed to me until the completion of the investigation—one way or the other.

**Mr JUSTIN FIELD:** Right. Ms Fishburn, is it appropriate that allegations with regard to financial mismanagement by council be referred to the Office of Local Government for investigation?

**Ms FISHBURN:** Yes, that is entirely appropriate. That is one of the roles of the Office of Local Government.

**Mr JUSTIN FIELD:** Is it appropriate that potential breaches of the law by local governments would be referred to the Office of Local Government for investigation and consideration of action?

**Ms FISHBURN:** Breaches of the law? That would not be—

**Mrs SHELLEY HANCOCK:** That would be police.

**Ms FISHBURN:** —something which we would be able to undertake an investigation into. However, if it was referred to the Office of Local Government, we would refer it to New South Wales police or the ICAC, depending on the nature of the matter. We regularly refer.

**Mr JUSTIN FIELD:** Yes, okay. I am not necessarily talking about crimes. The Local Government Act—

**Mrs SHELLEY HANCOCK:** Well, you said breaches of the law. You said—your words.

**Mr JUSTIN FIELD:** There are lots of laws. They are not all crimes.

**Mrs SHELLEY HANCOCK:** You need to clarify your question.

**The CHAIR:** Thank you, Mr Field, it is 5.15 p.m. and your time has just expired. I will now move to questions from the Government, if you have got any.

**The Hon. SCOTT FARLOW:** No, I think the Minister has to go to Cabinet and I do not want to delay her.

**Mrs SHELLEY HANCOCK:** I do. Thank you very much, Madam Chair.

**The CHAIR:** Thank you very much, Minister, and accompanying officials. I am sorry that some of you did not get asked questions today, but the secretariat will be in touch in relation to questions taken on notice.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**