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LEGISLATION REVIEW
COMMITTEE

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Mr A Shearan MP
Chairman
Legislation Review Committee
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

09 JUN 2010

Dear Mr Shearan

I am writing in reply to your letter of 11 May 2010 inviting comment on the Legislation Review Committee's Discussion Paper on *Public Interest and the Rule of Law*.

In particular, you seek comment on the principles the Committee should apply when considering bills on personal rights and liberties in the context of issues which involve the public interest.

I have given careful consideration to the matters raised in the Discussion Paper.

Regarding legislation that falls within my portfolio responsibilities as Minister for Local Government, I note that Parliament has been traditionally circumspect in conferring powers on local councils which trespass on personal rights and liberties, particularly when compared to powers that it confers on agencies of the State.

While local government legislation creates offences and confers upon councils certain enforcement powers in relation to those offences, those powers are narrowly prescribed and highly circumscribed. For example, the powers of council officers to enter private property for enforcement purposes under the

- *Local Government Act 1993*
- *Companion Animals Act 1998*
- *Swimming Pools Act 1992*

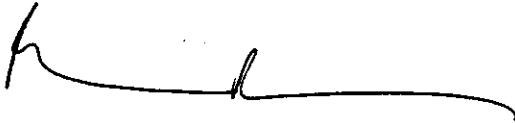
are all subject to the giving of prior notice where practicable and do not extend to entry into a private residence unless a search warrant has been obtained.

Such constraints are not confined to powers of a regulatory nature. They also extend to non-regulatory powers.

Consequently, it is considered that the subject of the discussion paper does not raise any significant concerns in regard to local government legislation within my portfolio responsibilities.

Thank you for the opportunity to comment on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Barbara Perry', written in a cursive style.

Barbara Perry MP
Minister