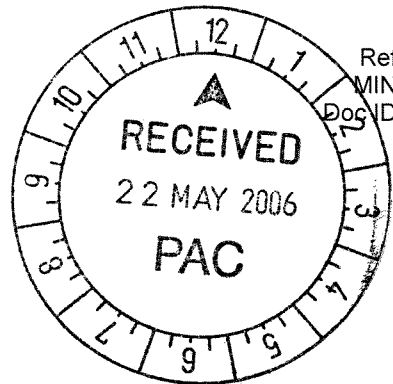




New South Wales

The Hon. Kerry Hickey MP
Minister for Local Government

Ms Noreen Hay MP
Chair, Public Accounts Committee
Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000



Noreen
Dear ~~Ms Hay~~ /

I am writing in reply to your letter of 3 April 2006 (your reference PAC 280) requesting a submission to the Committee's inquiry into managing animal and plant diseases and nomination of a contact officer.

By way of background, I advise that the role of the Department of Local Government is to provide a clear policy and legislative framework to local government in NSW so that councils are able to deliver quality services to their communities. Under the *Local Government Act 1993*, councils are largely independent public bodies that have wide powers to provide local government services and facilities. They are principally responsible to their residents and ratepayers, rather than to me as Minister, for the functions they choose to carry out and for the decisions they make in the carrying out of those functions.

In regard to the terms of reference for the inquiry, I note that only one of the recommendations of the Auditor General's report on managing animal disease emergencies appears to have implications for local government. This recommendation concerns filling the gap in the inspection of the use of food from restaurants in swill feeding by regulation.

As the report correctly points out, local councils can have a role in inspecting food premises. While many councils conduct inspections of food premises, there is currently no legislative requirement to do so. These inspections are carried out to ensure that food is safe for human consumption. I understand that the role of inspectors would not normally cover what happens to waste from food premises. Food safety is regulated by the *Food Act 1993*, which is administered by the Minister for Primary Industries, the Hon Ian Macdonald MLC.

It would seem that the recommendation is most relevant to the role of local councils in relation to waste collection and disposal. Under section 24 of the *Local Government Act 1993*, councils can provide waste management services, including to businesses, within their local government areas. How councils provide these services is a matter for each council to determine. I would be

concerned about any proposal to prescribe the role of councils in relation to waste management, particularly as the recommendation does not specify what the role of inspectors would be. It is also unclear how regulation would address the issue.

I would also be concerned about any proposal that has significant resource implications for local councils, which is not sufficiently justified. The Percy Allan report on the financial sustainability of councils that was released recently confirms that many are struggling financially, especially in rural areas where commercial pig operations are most likely to exist. Such councils are also less likely than their regional and urban counterparts to have staff with the expertise needed to deal with this issue.

The recommendations of the report on the Ovine Johne's Disease Program do not appear to have any implications for local government. Therefore, I do not have any comments on this part of the inquiry.

In regard to your request for a contact officer, Ms Karen Paterson, Manager Policy and Research, Department of Local Government will be the contact officer. Ms Paterson can be contacted by telephone on 02 4428 4180 or by email at karen.paterson@dlg.nsw.gov.au.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Hickey', with a stylized flourish at the end.

Kerry Hickey MP
Minister