

**Supplementary Questions on Notice – 2013/14**  
**Local Government and the North Coast**

**Local Government**

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**QUESTION**

1. In relation to recommendation 1.1 and 1.2 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. will the Government accept this recommendation?
  - b. if so, how what are the details and will councils be provided with additional funding?

**ANSWER**

The Government has announced the intention to adopt most Taskforce recommendations, in full or in part, including those relating to managing dangerous dogs. Details are available on the Division of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

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**QUESTION**

2. In relation to recommendation 1.3 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. will the Government accept this recommendation?
  - b. if so, when will the new reporting framework be implemented?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

3. In relation to recommendation 1.4 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. will the Government accept this recommendation?
  - b. If so, what will those new powers for council officers be under the Companion Animals Act?
  - c. If so, when will the Government introduce the new powers?
  - d. Will the government provide additional powers to the councils?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

4. In relation to recommendation 1.5 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. Will the Government accept this recommendation?
  - b. If so, have you discussed this with the Attorney General?
  - c. Have you discussed this with any other Minister including the Premier?
  - d. If not, why not.

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

5. In relation to recommendation of 2.1 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
- a. Will the Government accept this recommendation?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

6. In relation to recommendation 2.2 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
- a. Will the Government accept this recommendation?
  - b. If so, what agencies have been consulted on this recommendation?
  - c. Have you discussed this with the Australian Veterinarians Association and any other animal behaviour professionals?
  - d. Will the Government provide additional resources to councils?
  - e. If not why not?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

7. In relation to recommendation 2.3 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
- a. Will the Government accept this recommendation?
  - b. If so, what funds will be made available?
  - c. Who will conduct the research?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

8. In relation to recommendation 2.4 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
- a. Will the Government accept this recommendation?
  - b. If so, how will this information be made public?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

9. In relation to recommendation 3.1 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
- a. Will the Government accept this recommendation?

- b. If so, what discussions have taken place between the Division of Local Government and NSW Police?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

- 10. In relation to recommendation 3.2 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. Will the Government accept this recommendation?
  - b. If so, what organisations have you discussed this with?
  - c. If not, why hasn't the Government developed this important MOU.

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

- 11. In relation to recommendation 3.3 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. Will the Government accept this recommendation?
  - b. If so, what agencies would be involved?
  - c. How would the information be made public to the community?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

- 12. In relation to recommendation 3.4 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013,
  - a. Will the Government accept this recommendation?
  - b. If so, have you or the NSW Attorney General written to the Federal Attorney General on this recommendation?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

- 13. In relation to recommendation 3.5 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013, will the Government accept this recommendation?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

- 14. In relation to recommendation 3.6 of the Companion Animals Taskforce on the

management of Dangerous Dogs report to the Government of February 2013

- a. Will the Government accept this recommendation?
- b. Have you discussed this with the NSW Minister for Health?
- c. Have you discussed this with the Federal Minister for Health or representatives of the Australian Divisions of General Practice?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

15. In relation to recommendation 4.1 of the Companion Animals Taskforce on the management of Dangerous Dogs report to the Government of February 2013
  - a. Will the Government accept this recommendation?
  - b. If so, has any decision been made about what agency will develop and implement a community-wide socially responsible pet education campaign?
  - c. Will the organisations represented on the Companion Animals Taskforce be consulted on what should be included in any such education program and will they have an ongoing role in the implementation stage of that program?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

16. I refer to the Responsible Pet Ownership Schools Education Program. Has the Minister discussed extending this program to include pre-schools and long day child care centres?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

17. Has the Minister or his office contacted the Minister for Education to discuss? If not why not?
  - If so,
    - a. Which agency would be responsible for the program?
    - b. How much additional funding would be required?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 1.

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**QUESTION**

18. Why has the Government deleted the result indicators "Reported dog attacks" and "Seized pets reunited with owners" from the 2012-13 and 2013-14 Budget papers?

**ANSWER**

"Reported dog attacks" and "Seized pets reunited with owners" data for 2012/13 is included (respectively) in the quarterly Council Dog Attack Reports and the forthcoming Annual Council

Pound Data report.

When finalised, these reports are made publicly available on the Division of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

Due to the significant variation in the number of dog attacks and impounded animals from year to year, it is not possible to provide forward estimates for the number of dog attacks and seized pets reunited with their owners.

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**QUESTION**

19. Can the Minister advise if the Division of Local Government investigated the termination of the General Manager of Camden Council? If not, why not?

**ANSWER**

The Division of Local Government understands that the employment of the former General Manager of Camden Council was terminated under clause 10.3.5 of the standard contract for general managers. Under that clause, a council has a broad discretion to terminate the contract on any grounds with the payment of appropriate compensation.

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**QUESTION**

20. What advice did the Division provide to concerned ratepayers who wrote to the division about the dismissal of the General Manager?

**ANSWER**

I am advised that the Division of Local Government explained to concerned ratepayers that under the standard contract for general managers, a council has a broad discretion to terminate the contract on any grounds with the payment of appropriate compensation. The Division also advised that while councils are obliged to disclose decisions made in closed council meetings, councils are under no obligation to publicly disclose reasons for a decision to terminate a general manager's contract, and it would generally not be appropriate to do so.

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**QUESTION**

21. Can the Minister advise how many pecuniary interests declaration notifications have been made by councillors since the regulation was made?

**ANSWER**

It is assumed that this question relates to new provisions that allow councillors to make special disclosures of interests in relation to the making of a principal environmental planning instrument that applies to the whole or a significant part of a council's area or the amending, alteration or repealing of an environmental planning instrument where that amendment, alteration or repeal applies to the whole or a significant part of a council's area.

Councillors are required to make a disclosure before the commencement of the meeting where it is to be made and such disclosure is to be laid on the table at the meeting of the council. A record of the disclosure will be made in the minutes of the relevant meeting where it is made.

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**QUESTION**

22. Does the Division make that information publicly available? If not why not?

**ANSWER**

The Division of Local Government does not hold this information. Any disclosures should be recorded in a council's minutes, which are available to members of the public.

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**QUESTION**

23. What action have the authorities taken against the owner of the three pit bull dogs that mauled Rob Nelson at Ashcroft on Sunday, 26 May 2013? Can the Minister advise why the owner did not show up for court on the stated date and the matter adjourned for the end of May?

**ANSWER**

The attack in question was reported by Liverpool City Council on the Companion Animals Register, in line with legislative requirements. I understand that the investigation of this matter was coordinated by the Liverpool Local Area Command of NSW Police.

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**QUESTION**

24. I refer to the attack by a German Shepherd dog of Brittany Carter and her pet dog Lilly in Gregson Avenue, Mayfield in May 2013.

- a. Has that dog and its owner been identified?
- b. If so, what action has been taken?

**ANSWER**

This matter was investigated by Newcastle City Council. The Companion Animals Register indicates that the investigation has been finalised. Questions regarding this matter should be directed to the General Manager, Newcastle City Council.

It should be noted that information on the Companion Animals Register is protected from general disclosure and can only be used for the lawful exercise of functions under the *Companion Animals Act 1998*. Therefore, there may only be limited information that can be provided.

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**QUESTION**

25. Will the Minister consider introducing a new regulation that will restrict the number of dogs that can be kept at suburban homes?

**ANSWER**

The Government has announced the intention to adopt most Taskforce recommendations, in full or in part, including those relating to managing dangerous dogs. Details are available on the Division of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

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**QUESTION**

26. How many dog owners have been received the maximum penalty of \$55,000 or imprisonment for two years or both, for a dog attack by a restricted or dangerous dog in

- a.

-12  
b.  
2012  
-13

**ANSWER**

This information is not collected by the Division of Local Government. Penalties imposed by Courts are a matter for the judicial system.

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**QUESTION**

27. With regard to dog attacks involving restricted or dangerous dogs where the maximum penalty was imposed'
- a. was each one immediately destroyed?
  - b. if not, how many were immediately destroyed?
  - c. how many were subsequently destroyed?

**ANSWER**

This information is not collected by the Division of Local Government. Penalties imposed by Courts are a matter for the judicial system.

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**QUESTION**

28. How many owners have been fined the fixed penalty of \$550 for dog attacks not by restricted or dangerous dogs in
- a.
- 2011  
-12  
b.  
2012  
-13

**ANSWER**

This information is not collected by the Division of Local Government. Information about infringement notices issued by local councils is collected by the State Debt Recovery Office, which falls within the portfolio responsibilities of the Minister for Finance and Services.

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**QUESTION**

29. How many owners have received the maximum penalty of \$33,000 when their restricted or dangerous dogs have attacked, harassed or chased a person or another animal in
- a.
- 2011  
-12  
b.  
2012  
-13

**ANSWER**

This information is not collected by the Division of Local Government. Information about penalties imposed by Courts falls within the portfolio responsibilities of the Attorney General.

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**QUESTION**

30. Was the owner of the off leash dog that attacked the blind man Ian Waller and his dog Banjo in Belmont in July 2012 penalised?
- If so, what penalty was applied?
  - If not, why not?

**ANSWER**

This matter was investigated by Lake Macquarie City Council. The Companion Animals Register indicates that the investigation has been finalised. Questions regarding this matter should be directed to the General Manager, Lake Macquarie City Council.

It should be noted that information on the Companion Animals Register is protected from general disclosure and can only be used for the lawful exercise of functions under the *Companion Animals Act 1998*. Therefore, there may only be limited information that can be provided.

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**QUESTION**

31. What funding has the Government provided for the financial years 2011-12, 2012-13 and is forecast for 2013-14 to assist animal rescue services which have "no-kill" policies and rehome companion animals rescued from pounds which euthanize such animals?

**ANSWER**

The Division of Local Government, Department of Premier and Cabinet, does not provide any direct funding to animal rescue services.

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**QUESTION**

32. Please provide a figure for each of the seven commercial consultant reports spent by the Independent Panel to date, including SGS Economics and Planning and Jeff Tate Consulting?

**ANSWER**

I am advised that information relating to the expenditure by the Independent Review Panel is to be released once the final report has been released.

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**QUESTION**

33. Was the work put out to tender, what was the criteria?

**ANSWER**

As all contracts were under \$150,000, tenders were not required and therefore not called.

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**QUESTION**

34. Minister, will you commit to publicly releasing the future directions final report, of Local Government due in September?



**ANSWER**

The Government will receive the Independent Panel's final report in October 2013, and Cabinet will give due consideration to the recommendations it contains and the release of the report.

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**QUESTION**

35. Please provide an explanations for the closure of Mt Druitt swimming pool?

**ANSWER**

The management of assets and decisions relating to the allocation of a council's resources are matters for each individual council to consider.

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**QUESTION**

36. Will you be seeking an explanation from Hawkesbury council regarding the increase in council rates above the IPART's determination and its impact on pensioners, families and small business?

**ANSWER**

Hawkesbury City Council has not increased its 2013/14 rates above the Independent Pricing and Regulatory Tribunal's determination. I am advised that Council adopted a new rating structure which has resulted in a shift in the rates burden mainly from the Rural Residential rating sub-category to the Residential rating category. These changes were outlined in Council's draft 2013/14 Operational Plan.

Councils have extensive discretionary powers to determine the appropriate rates and charges for their local areas. They are directly accountable to their local communities for the impact these policies have on individual ratepayers.

The *Local Government Act 2013* provides councils with a number of options to assist ratepayers that may be experiencing difficulty in paying their rates. These include agreeing to the periodic payment of rates other than by quarterly instalments and writing off interest on unpaid rates. In addition, ratepayers may apply to their council for relief where hardship has occurred due to changes in land valuations. Decisions to assist in these circumstances are made at the discretion of each council.

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**QUESTION**

37. Minister I refer you to the draft future directions paper released in April, will you commit to publicly releasing the final report, future directions of Local Government due in September?

**ANSWER**

The Government will receive the Independent Panel's final report in October 2013, and Cabinet will give due consideration to the recommendations it contains and the release of the report.

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**QUESTION**

38. Minister I refer you to the proposed amalgamations and county council model, can you advise if treasury has costed those proposed amalgamations?

**ANSWER**

The Independent Panel presented options for further public consultation in its most recent report *Future Directions for Local Government*. The Panel is due to report to Government in October 2013, at which time the Government will consider the recommendations.

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**QUESTION**

39. Has the Minister taken into consideration the concern by many councils affected by the proposed county council model?

**ANSWER**

The Panel has consulted with councils regarding the recommendations in its *Future Directions for Local Government* discussion paper, including the county council proposals. The results of this consultation will assist Panel members in refining their final recommendations regarding governance models and council structures, which I expect to receive in October 2013.

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**QUESTION**

40. Minister, I refer you to the future directions paper, which has proposed a number of mega council amalgamations including Sydney and county councils?

**ANSWER**

(It is assumed that Questions 40-43 comprise a single enquiry)

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**QUESTION**

41. Minister the statement has been made by the independent panel that bigger means better and provides strategic capacity.

**ANSWER**

(It is assumed that Questions 40-43 comprise a single enquiry)

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**QUESTION**

42. There is contrary evidence from Professor Brian Dollery an expert in Local Government economics from Armidale University that research done shows there is no relationship between council size and council financial sustainability (as measured by TCorp ratios) in Sydney councils.

**ANSWER**

(It is assumed that Questions 40-43 comprise a single enquiry)

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**QUESTION**

43. Do you agree? Has this evidence been taken into consideration?

**ANSWER**

(It is assumed that Questions 40-43 comprise a single enquiry)

There is a wide variety of academic opinion regarding the subject of council amalgamation and the Panel has assessed these various, and often conflicting, views within the course of its work. I am advised that it has also commissioned further research in this regard.

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**QUESTION**

44. Minister, did you, your staff or Division of Local Government officials attend any of the Independent Local Government community consultation meetings, if so who attended and location?

**ANSWER**

The Panel's work is independent of the Government and, as such, it is responsible for managing the consultation process that supports its work.

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**QUESTION**

45. Minister, the community of Lachlan Shire are against any form of amalgamations, will this community be forced against their will.

**ANSWER**

The Terms of Reference of the Panel require it to take into account the Government's 2011 election policy of no forced amalgamations. The Government has repeatedly reaffirmed this position.

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**QUESTION**

46. Minister on the 20 May 2013, in the Daily Telegraph, Barry O'Farrell called for the GST to be raised and challenged Tony Abbott to consider broadening the goods it covers.

**ANSWER**

This question should be directed to the Premier.

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**QUESTION**

47. Minister, do you agree with broadening the base and goods?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 46.

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**QUESTION**

48. If so, would that include extending GST to council rates?

**ANSWER**

Please refer to the answer to Supplementary Questions on Notice 46.

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**QUESTION**

49. What consultation have you undertaken directly with councils regarding the proposed changes to the NSW Planning System – particularly as they involve restricting council ability to decide development applications on merit?

**ANSWER**

The proposed changes to the Planning System in NSW are the responsibility of the Minister for Planning and Infrastructure.

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**QUESTION**

50. Has the Department of Local Government made representations to the Minister for Planning regarding the proposed changes?

**ANSWER**

The Division of Local Government has provided input and comments to the Department of Planning and Infrastructure throughout the course of developing both the Planning Green Paper and the White Paper. The Division is also providing direct input through working group membership.

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**QUESTION**

51. Regarding dangerous dogs, what consideration has been given to providing guidance to councils about their responsibilities?

**ANSWER**

The Division of Local Government provides guidance to councils on these matters by way of the *Guideline on the Exercise of Functions under the Companion Animals Act*.

Sections 9, 11 and 12 of the Guideline contain information about dangerous dogs, including the use of discretionary powers by councils. Sections 10, 11 and 12 of the Guideline contain information about restricted dogs. The Guideline will be updated to reflect any changes to legislation arising from the Government response to the Companion Animals Taskforce reports.

The Division also routinely issues circulars to councils providing information on specific issues. Where a circular contains information about council enforcement powers under the Companion Animals Act, this is generally incorporated into subsequent versions of the Guidelines.

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**QUESTION**

52. Regarding the status of special constables and council rangers – what consultation was undertaken with the Minister for Police and his department regarding the proposed changes?

**ANSWER**

The proposed changes were initiated by the Minister for Police and Emergency Services and his department.

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**QUESTION**

53. Has there been any progress on getting rid of undemocratic one and two member wards across NSW?

**ANSWER**

Under section 285 of the *Local Government Act 1993*, the optional preferential voting system is used where only one councillor is to be elected. Preferential voting systems are generally used across all levels of government in single-member electorates. The Division of Local Government is not aware of any concerns with the use of the optional preferential voting system in single vacancy elections.

In the case of two councillor wards, section 285 was amended in April 2012 to provide that the proportional voting system is to be used in any local government election where two or more

councillors are to be elected. The amendment was made in response to concerns about the use of the optional preferential voting system in two councillor wards. Proportional voting systems are generally used for multi vacancy elections at other levels of government

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**QUESTION**

54. How many Code of Conduct complaints were made in 2012-2013?

**ANSWER**

The Division of Local Government does not currently hold this data. Councils were not required to report complaint statistics to the Division under the previous version of the Model Code of Conduct.

The current Model Code framework, which commenced on 1 March 2013, now requires councils to report certain code of conduct complaint statistics to the Division annually. Councils are required to do so within three months of the end of September, (i.e. by the end of December).

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**QUESTION**

55. Have any steps been made towards the creation of a centralised comprehensive record of Code of Conduct complaints?
- a. If so, what has happened?
  - b. If not, what changes are proposed to address this?

**ANSWER**

The current Model Code framework, which commenced on 1 March 2013, now requires councils to report certain code of conduct complaint statistics to the Division annually. Councils are required to do so within three months of the end of September, (i.e. by the end of December).

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